

MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS OCTOBER 18, 2016

The Mayor and City Council met in Regular Session on Tuesday, October 18, 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 exception of Council Member Turner, who was absent.** 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 upon Council Member Box to offer the Invocation.

II. APPROVE MINUTES FOR THE MEETING OF OCTOBER 4, 2016.

Council Member Taylor made a motion to approve the Minutes for the Meeting of October 4, 2016. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

III. APPROVE DOCKET OF CLAIMS FOR OCTOBER 18, 2016.

Council Member Taylor made a motion to approve the Claims Docket for October 18, 2016 in the amount of \$385,967.29. 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:

Add Item "J" - *Ratify permit request submitted by Ernesto Ball to hold a march that was held on Saturday, October 15, 2016 from 12:00 p.m. until 1:30 p.m. for the Anniversary of Ricky Ball's death. The march started at Mt. Zion Church on 14th Avenue North and continued to 20th Street North to Union Cemetery.*

Add Item "K" – *Approval to pay wages to former employee, Selvain McQueen, for testifying in Court in the amount of \$572.05.*

POLICY AGENDA:

Change Item "A" to Item "A1" - *Discuss/Approve promotion of one (1) Firefighter to Engineer.*

Add Item "A" - *Discuss/Approve recommendation for CPD Pay Scale.*

Delete Item "E".

Add Item "N" - *Consider/Approve Resolution for Issuance of General Obligation Refunding Bond not to exceed \$1,000,000 for sale to Mississippi Development Bank for the Purpose of Refinancing Certain Debt of the City and for Related Purposes.*

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 Maria Balestrino the sum of \$270.00 and MS School for Math and Science the sum of \$485.00 for cancellation of Trotter Convention Center Rental.
- B. Approve request for Fire and Rescue personnel Duane Hughes to attend the "CPM with Excellence Training" to be held in Jackson, MS, and approve payment Of \$384.00 for lodging, \$75.00 for travel and \$255.00 for meal expenses.
- C. Approve request for Fire and Rescue personnel Mike Chandler to attend the "MSFA/MS Department of EMT" to be held in Jackson, MS, and approve payment of \$75.00 for travel and \$25.50 for meal expenses.
- D. Ratify permit request from Scott Ferguson on behalf of the United Way of Lowndes County to host "Little Hands, Big Trucks" that was held on Saturday, October 15, 2016 from 7:00 a.m. until 12:30 p.m. with 3rd Street North from 4th Avenue North to 6th Avenue North blocked off.
- E. Approve request for the Columbus Police Department to host the "Glow Run and Haunted House" from October 27-31, 2016 and to block off 2nd Avenue and 5th Street North and 2nd Avenue North and 4th Street North. This is a fundraising event to help an Officer in need and to benefit the Firemen's Scholarship Fund.
- F. Accept letter of resignation from CPD Officer Greg Finney, effective October 10, 2016.
- G. Approve request for CFO Milton Rawle, Jr. to attend the "MDB Board Meeting" to be held in Jackson, MS, and approve payment for travel expenses.

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- H. Approve request for Mayor's Youth Council Officers, Hannah Sanders, Cameron Wilson, Christopher Weems, and Taylor Ellis, plus Advisor Brandy Gardner, to attend the MML 2016 Mayor's Youth Council Leadership Retreat to be held in Brandon, MS, and approve payment of travel and meal expenses.
- I. Accept letter of resignation from CPD Investigator, Christopher VanHouten, effective October 27, 2016, and approve request to be compensated for any unused vacation leave and transfer unused sick days to PERS.
- J. Ratify permit request submitted by Ernesto Ball to hold a march that was held on Saturday, October 15, 2016 from 12:00 p.m. until 1:30 p.m. for the Anniversary Ricky Ball's death. The march started at Mt. Zion Church on 14th Avenue North and continued to 20th Street North to Union Cemetery.
- K. Approval to pay wages to former employee, Selvain McQueen, for testifying in Court in the amount of \$572.05.

Council Member Jones made a motion to approve the Agenda as presented, with the above amendments. Council Member Gavin seconded the motion. The Mayor called for discussion, and there being none, the Council voted unanimously in favor of the 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. Swearing In of one (1) Fire & Rescue Personnel

Mayor Smith swore in Firefighter Brent Younger and read the Oath of Office.

C. Monthly Report from the Columbus Fire & Rescue Department for September 2016

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

D. Monthly Report from the City Planning and Community Development Department for September 2016

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

E. Monthly Report from the Municipal Court Division for September 2016

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

F. Monthly Report from the Public Works Department for September 2016

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

G Monthly Report from the Code Enforcement Division for September 2016

The Monthly Report from the Code Enforcement Division for September 2016 was presented. No action was taken.

H. Monthly Report from the Columbus Police Department for September 2016

The Monthly Report from the Columbus Police Department for September 2016 was presented. Council Member Gavin asked Chief Lewis about ratification of requests to hold marches or block off streets. Chief Lewis responded by stating that he hopes that the public would make such requests prior to the event. No action was taken.

I. Monthly Report from the Building Inspection Department for September 2016

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

J. Monthly Financial Report

Milton Rawle, Jr. reported that the sales taxes increased by \$303.30 for the month of October, compared to the same time last year.

K. No Board Vacancies

David Armstrong, COO, reported that there are no Board appointments scheduled for this meeting.

VII. CITIZENS INPUT AGENDA

Johnny Johnson – Alpha Phi Alpha Fraternity Fundraiser

Mr. Johnny Johnson came forward and requested permission for the brothers of the Eta Phi Lambda Chapter of the Alpha Phi Alpha Fraternity to hold a road fund-raising collection on December 12, 2016 at the intersection of Highway 45 North and 18th Avenue (Walgreens and McDonalds intersection) from 8:00 a.m. – 2:00 p.m. to aid the UNCF fund to be donated to Rust College. Council Member Taylor made a motion to approve the afore mentioned request. Council Member Box seconded the motion. Mayor Smith asked if the collection efforts would block traffic and Mr. Johnson confirmed that it would not.

All Council Members voted in favor of the motion.

The motion carried.

VIII. POLICY AGENDA:

A. Discuss/Approve recommendation for CPD Pay Scale.

Mayor Smith presented the proposed Pay Scale for the Columbus Police Department and remarked that all City employees are important, but the City is in a crisis with the alarming number of Police Officers that are leaving.

Council Member Taylor made a motion to approve the proposed Pay Scale for the Police Department, in the amount of \$160,000 with fringe benefits to be effective immediately. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

THE PROPOSED PAY SCALE FOLLOWS:

Columbus Police Department Proposed Pay Scale

	Current	0 – 1 year	1 – 5 years	5 – 10 years	10 – 15 years	15 – 20 years
Entry Level	\$31,915.80 \$13.41/HR	\$34,986.00 \$14.70/HR	\$37,485.00 \$15.75/HR			
Certified		\$37,485.00 \$15.75/HR	\$37,485.00 \$15.75/HR			
Patrolman	\$35,700.00 \$15.00/HR	\$37,485.00 \$15.75/HR	\$37,485.00 \$15.75/HR	\$38,609.00 \$16.22/HR	\$39,767.29 \$16.70/HR	\$40,960.31 \$17.21/HR
Corporal	\$39,222.40 \$16.48/HR	\$41,183.52 \$17.30/HR	\$41,183.52 \$17.30/HR	\$42,419.03 \$17.82/HR	\$43,691.60 \$18.35/HR	\$45,002.34 \$18.90/HR
Sergeant	\$44,839.20 \$18.84/HR	\$47,081.16 \$19.78/HR	\$47,081.16 \$19.78/HR	\$48,493.59 \$20.37/HR	\$49,948.40 \$20.98/HR	\$51,446.85 \$21.61/HR
Lieutenant	\$49,956.20 \$20.99/HR	\$52,454.01 \$22.03/HR	\$52,454.01 \$22.03/HR	\$54,027.63 \$22.70/HR	\$55,648.46 \$23.38/HR	\$57,317.91 \$24.08/HR
Captain	\$53,560.00 \$25.75/HR	\$59,037.45 \$28.38/HR	\$59,037.45 \$28.38/HR	\$59,037.45 \$28.38/HR	\$59,037.45 \$28.38/HR	\$59,037.45 \$28.38/HR

*Entry level officers will start at the above rate from day one.

*Certified officer will start at the above rate from day one.

*The base rate of each rank, except Captain, was calculated by taking the current annual salary and adding 5 percent.

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***For example, the current annual salary of a patrolman after 1 year is \$35,700 x 5% = \$37,485.00. A 3 percent increase was added to each column afterwards up to 20 years.**

***For example, the current annual salary of a Corporal was \$39,222.40 x 5% = \$41,183.52. A 3 percent increase was added to each column afterwards up to 20 years.**

***For example, the current annual salary of a Sergeant was \$44,839.20 x 5% = \$46,184.38. A 3 percent increase was added to each column afterwards up to 20 years.**

***For example, the current annual salary of a Lieutenant was \$49,956.20 x 5% = \$52,454.01. A 3 percent increase was added to each column afterwards up to 20 years.**

***Captain was calculated by taking \$57,317.91 from the highest paid Lieutenant column and adding 3 percent.**

A1. Discuss/Approve promotion of one (1) Firefighter to Engineer.

Council Member Taylor made a motion to promote Firefighter George Brock to the position of Fire Engineer with an increase to \$12.12 per hour, effective October 24, 2016. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

B. Discuss/Approve promotion of one Fire & Rescue Engineer to Captain

Council Member Taylor made a motion to promote Engineer Stephen Loden to the position of Fire Captain with an increase to \$14.20 per hour, effective October 24, 2016. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

C. Discuss/Approve promotion of five (5) CPD Officers to the rank of Corporal and promotion of one (1) Lieutenant to the rank of Captain.

Council Member Box made a motion to promote Police Officers Amanda Burrell, Tabertha Hardin, Timothy B. Jenkins, Donald Richardson, and Joshua Vandiver to the position of Corporal with an increase to \$17.30 per hour/\$41,183.52 annually, and promote Lieutenant Donald Elkin to the position of Captain with an increase to \$28.38 per hour/\$59,037.45 annually. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

D. Discuss/Approve hiring of two (2) certified CPD Officers, contingent upon a successful pre-employment medical exam and drug screen.

Council Member Mickens made a motion to hire Reginal Adams and Benny Bush as certified police officers, contingent on successful completion of a pre-employment medical exam and drug screen. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

E. DELETED

F. Discuss/Approve request to hire one (1) Landfill Operator, contingent upon a successful pre-employment medical exam and drug screen.

Council Member Jones made a motion to hire Edward Kyser as a Landfill Operator at an hourly rate of \$14.00, contingent on successful completion of a pre-employment medical exam and drug screen. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

G. Discuss/Approve Traffic Calming Improvements on 17th Street North and 8th Avenue North.

Kevin Stafford, with Neel-Schaffer, came forward and stated that the Council Member of this Ward request Traffic Calming Improvement on 17th Street North and 8th Avenue North and requested approval. Council Member Jones made a motion to approve Traffic Calming Improvement on 17th Street North and 8th Avenue North. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

H. Discuss/Approve Bids for 2016 Paving Contract.

Kevin Stafford discussed the Bids for the 2016 Paving Contract and requested that that the Council award the bid to Falcon Contracting Co., Inc. Council Member Mickens made a motion to award the Bid (Part A – Asphalt Overlay) for the 2016 Paving Contract to Falcon Contracting Co., Inc., in the amount of \$3,515,251.25 and Part B (Street Improvements) in the amount of \$244,516.00 to Falcon Contracting Co., Inc. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion and the motion carried.

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THE BID TABULATION FOLLOWS

I. Discuss/Approve Resolution and Easements for Drainage Improvements along Hwy. 69.

Council Member Taylor made a motion to accept the Easements for Drainage Improvements along Hwy. 69 South and adopt the Resolution authorizing the City to alter, by improvement of water courses, channels of streams, drainage Ditches, creeks or channels, in order to promote the health, comfort and convenience of the inhabitants of the municipality and to incur costs and pay necessary expenses in providing labor, materials and supplies necessary to clean and clear ditches, creeks or channels, whether on public or private property. Council Member Gavin 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>ABSENT</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 18th Day of October, 2016.

THE RESOLUTION FOLLOWS:

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**RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF COLUMBUS
AUTHORIZING THE CITY TO ALTER BY IMPROVEMENT
OF WATER COURSES, CHANNELS OF STREAMS, DRAINAGE DITCHES, CREEKS
OR CHANNELS IN ORDER TO PROMOTE THE
HEALTH, COMFORT AND CONVENIENCE OF
THE INHABITANTS OF THE MUNICIPALITY AND TO INCUR
COSTS AND PAY NECESSARY EXPENSES IN PROVIDING LABOR, MATERIALS
AND SUPPLIES NECESSARY TO CLEAN AND CLEAR DITCHES, CREEKS OR
CHANNELS, WHETHER ON PUBLIC OR PRIVATE PROPERTY**

WHEREAS, there exist in the City of Columbus certain drainage ditches, creeks, water courses and channels described below that are in significant need of clearing, alteration and improvement; and

WHEREAS, the failure of such clearing, alteration and improvement will result erosion of private property as well as damage to municipal roads and other infrastructure; and

WHEREAS, the City of Columbus is empowered by Section 21-19-13 of the Mississippi Code of 1972 to alter and change channels of streams or other water courses and to incur costs and pay necessary expenses in providing labor, materials and supplies to clean or clear drainage ditches, creeks or channels, whether on public or private property, and to incur costs and pay necessary expenses in providing labor, materials and supplies in order to prevent erosion where such erosion has been caused or will be caused by such drainage ditches, creeks or channels, among other things; and

WHEREAS, those ditches, water courses and channels of streams in need of such repairs for the reasons stated above are located generally as follows:

Approximately 11,640 linear feet of municipal ditch that meanders between various public and privately owned properties, carrying various waters from throughout the City drainage system. More specifically, beginning at the upstream end, this cleaning will begin at the western edge of the Dean Acres Subdivision, then commence west-southwest, crossing Highway 69, Chandler Road, Gregory Road, Nashville Ferry Road East, South Pickensville Road, and the Burlington Northern Railroad, along and through various privately owned parcels, thence west northwest and end at the Luxapalila Creak.

NOW THEREFORE, BE IT RESOLVED that the City of Columbus finds that the facts set forth above are true and correct and that improvements to, and the alteration, change of the channels of streams and other water courses described above are necessary, and further, that it is right, property and justified for the city to incur costs and pay necessary expenses in providing labor materials and supplies in order to prevent erosion where such erosion has been caused or

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will be caused by such drainages ditches, creeks or channels in order to promote the health, comfort and convenience of the inhabitants of the municipality;

RESOLVED FURTHER, that before any such work is performed or costs incurred or paid on private property where no easement has been heretofore been granted, that permission shall be first obtained by the City or its agents or assigns from the owners of such privately owned property through which flows said ditches, creeks, water courses and channels of streams.

The above resolution was introduced by motion for passage by Council Member TAYLOR. The Motion was seconded by Council Member GAVIN. After careful deliberation upon passage of the same by the Mayor and City Council, the Mayor called for a vote on the motion and the votes were recorded as follows:

	Yes	No
Council Member Gene Taylor	<u>X</u>	_____
Council Member Joseph W. Mickens, Jr.	<u>X</u>	_____
Council Member Charlie Box	<u>X</u>	_____
Council Member Marty Turner	<u>ABSENT</u>	_____
Council Member Stephen Jones	<u>X</u>	_____
Council Member Bill Gavin	<u>X</u>	_____

The Mayor then announced that the above and foregoing resolution passed on a vote of 5 to 0 and that the resolution of the City of Columbus was duly adopted and would be spread upon the minutes of the Meeting of the Mayor and City Council.

This the 18th day of **October, 2015**.

Robert E. Smith, Sr., Mayor

Attested:

Milton Rawle, Secretary Treasurer

J. Discuss/Approve Submitting Application for Federal Lands Access Program (FLAP) Grant.

Council Member Gavin made a motion to approve the request to submit an Application for Federal Lands Access Program (FLAP) Grant to repave Wilkins-Wise Road in the amount of \$408,211,320. The Grant requires 20% matching funds, causing the City's portion to cost \$81,642.24 to be expended in the FY 2017-2018 budget. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

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The motion carried.

K. Discuss/Approve Derelict Property Docket.

**MARGARET H. ROSS
214 – 14th Street North
Case Number 16-0051 Structure**

The General Counsel called cause number **16-0051**. No one appeared. Code Enforcement Officer Tomarris Jones stated that the property has been **remediated** by the owner, and it is his recommendation to enter the proposed order under included in your Council packet, under Section 21-19-11 of the Mississippi Code, finding that this property was in such a state of uncleanliness as to be a menace to the public health and safety of the community. Council Member Jones made a motion in accordance with Section 21-19-11, and for an Order stating the City may remediate the property with respect to removal of 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 Box seconded the motion

All Council Members voted in favor of the motion.

**SAM AND ELLA HARRIS
704 Moss Street
Case Number 16-0307 Vegetation**

The General Counsel called cause number **16-0307**. No one appeared. Code Enforcement Officer Tomarris Jones stated the property has been **remediated** by the owner, and it is his recommendation to enter the proposed Order under Section 21-19-11 of the Mississippi Code, finding that this property was in such a state of uncleanliness as to be a menace to the public health and safety of the community. This Order should provide for such re-entry as the Statute allows. Council Member Jones made a motion 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 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.

ARTHUR LEE MURRAY AND MARIO MURRAY
300 Block of 10th Avenue South
Case Number 16-0328 Vegetation

The General Counsel called cause number **16-0328**. No one appeared. Code Enforcement Officer Tomarris Jones stated the property has been **remediated** by the owner, and it is his recommendation to enter the proposed Order under Section 21-19-11 of the Mississippi Code, finding that this property was in such a state of uncleanness as to be a menace to the public health and safety of the community. This Order should provide for such re-entry as the Statute allows. Council Member Jones made a motion 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 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.

WILLIE TURNER
200 Block of 10th Avenue South
Case Number 16-0329 Vegetation

The General Counsel called cause number **16-0329**. No one appeared. Code Enforcement Officer Tomarris Jones stated the property has been **remediated** by the owner, and it is his recommendation to enter the proposed Order under Section 21-19-11 of the Mississippi Code, finding that this property was in such a state of uncleanness as to be a menace to the public health and safety of the community. This Order should provide for such re-entry as the Statute allows. Council Member Jones made a motion 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 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.

- L. Discuss/Approve recommendations from the Planning Commission Meeting of October 10, 2016.**

Permitted Use Request P/U 16-13

GAIL C. GUYNUP, TRUSTEE
1302 Main Street
Zoned: C-3 Highway Commercial District

The Planning Commission recommends approval to allow second floor apartments.

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 allow a Second floor apartments Road as a Permitted Use be approved. Council Member Gavin seconded the motion. The Mayor asked if anyone in the audience objected to the permitted use application. No one 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.

Planning Commission Request 16-14

Mary M. Sisson
Laurelwood S/D – Phase 3
Zoned: R-1 Single-Family Residential District

The Planning Commission recommends approval to accept and maintain a road.

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 to accept and maintain a road be approved. Council Member Gavin seconded the motion. The Mayor asked if anyone in the audience objected to the Planning Commission request. No one 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.

Planning Commission Request 16-15

AMERICAN LEGION POST 69
@ Chubby Drive/Lane
Zoned: C-3 Highway Commercial District.

The Planning Commission recommends approval to name a road. Change “Chubby Lane to Legion Drive.

Council Member Jones 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 change a four hundred foot span beginning Easterly off Chubby Drive to “Legion Drive” be approved. Council Member Gavin seconded the motion. The Mayor asked if anyone in the audience objected to the Planning Commission request. No one 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.

M. Discuss/Approve Affordable Housing Program Agreement.

Council Member Jones made a motion to approve the Affordable Housing Program Agreement/Resolution and schedule a Public meeting for **November 7, 2016 @ 5:30 p.m.** Council Member Taylor seconded the motion to approve the Affordable Housing Program Agreement in substantially the form as appears below, and 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>ABSENT</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 18th Day of October, 2016.

THE AGREEMENT/RESOLUTION FOLLOWS:

N. Consider/Approve Resolution for Issuance of General Obligation Refunding Bond not to exceed \$1,000,000 for sale to Mississippi Development Bank for the Purpose of Refinancing Certain Debt of the City and for Related Purposes.

Council Member Gavin made a motion to approve the Resolution for Issuance of General Obligation Refunding Bond, not to exceed \$1,000,000, in substantially the form provided below, for sale to Mississippi Development Bank for the Purpose of Refinancing Certain Debt of the City and for related purposes. Council Member Box seconded the motion, 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>ABSENT</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 18th Day of October, 2016.

THE RESOLUTION FOLLOWS:

The City Council of the City of Columbus, Mississippi (the "City"), took up for consideration the matter of refinancing certain prior debt of the City.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBUS, MISSISSIPPI AUTHORIZING AND DIRECTING PREPARATIONS FOR THE ISSUANCE OF A GENERAL OBLIGATION REFUNDING BOND OF SAID CITY IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000 FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF REFINANCING CERTAIN OUTSTANDING DEBT OF SAID CITY; AND FOR RELATED PURPOSES.

WHEREAS, the City Council (the "Governing Body") of the City of Columbus, Mississippi (the "City"), acting for and on behalf of the City, is authorized by Sections 31-15-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented (the "Restructuring Act"), to issue a

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general obligation refunding bond or bonds of the City for the purpose of refinancing and restructuring certain outstanding prior obligations of the City; and

WHEREAS, the City, acting by and through the Governing Body, has previously incurred the following obligations (the "Prior City Debt"):

- (a) Lease Agreement with Trustmark National Bank, dated May 16, 2016, in the original principal amount of \$368,680.64 for the purpose of financing the lease/purchase of a Caterpillar Dozer,
- (b) Lease Agreement with Trustmark National Bank, dated February 10, 2016, in the original principal amount of \$207,912,37 for the purpose of financing the lease/purchase of a Caterpillar Excavator and Shovel, and
- (c) Loan with the Mississippi Development Authority under the Local Governments Capital Improvements Revolving Loan Program, dated June 6, 2007, in the original principal amount of \$156,000 for the purpose of financing the renovation of the Trotter Convention Center in the City; and

WHEREAS, the Governing Body, acting for and on behalf of the City, is authorized under the provisions of Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented (the "Bank Act" and, together with the Restructuring Act, the "Act"), and other applicable laws of the State of Mississippi (the "State"), to issue a general obligation refunding bond for sale to the Mississippi Development Bank (the "Bank") in such amount as it may find necessary and proper in order to provide funds for the current refunding and restructuring of all of the outstanding Prior City Debt (the "Refunding Project") and to secure such general obligation refunding bond with the full faith, credit and taxing power of the City; and

WHEREAS, the City is a "local governmental unit" under the Bank Act; and

WHEREAS, because of the current interest rate environment, the Governing Body, acting for and on behalf of the City, has determined that it is in the best interest of the citizens of the City for the City to issue its general obligation refunding bond in an amount not to exceed One Million Dollars (\$1,000,000) (the "City Bond") for sale to the Bank for the purpose of financing the Refunding Project; and

WHEREAS, the City Bond shall be a general obligation of the City payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate or amount upon all the taxable property within the geographical limits of the City; and

WHEREAS, the Bank will purchase the City Bond with the proceeds of special obligation bonds to be issued by the Bank (the "Bank Bonds"); and

WHEREAS, after careful study and investigation, it appears to be in the best interest of the citizens of the City and in furtherance of the Act for the City to proceed with the issuance of the City Bond in order to finance the Refunding Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CITY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. This resolution is adopted pursuant to the Act and other applicable laws of the State.

SECTION 2. The Governing Body hereby declares its intention to issue a general obligation refunding bond of the City in a total principal amount not to exceed One Million Dollars (\$1,000,000) for the purpose of currently refunding and restructuring all of the outstanding Prior City Debt in accordance with the terms and provisions of this resolution and the Act.

SECTION 3. The City Bond will be a general obligation of the City payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate or amount upon all the taxable property within the geographical limits of the City.

SECTION 4. The Mayor of the City is hereby appointed as representative (the "Representative") for the purpose of preparing, on behalf of the City, for the issuance of the City Bond and the Bank Bonds.

SECTION 5. Butler Snow LLP, Ridgeland, Mississippi, is hereby selected to serve as bond counsel ("Bond Counsel") in connection with the City Bond and the Bank Bonds.

SECTION 6. Government Consultants, Inc., Ridgeland, Mississippi, is hereby selected to serve as Independent Registered Municipal Advisor (the "Municipal Advisor") in connection with the City Bond and the Bank Bonds.

SECTION 7. Mitchell, McNutt & Sams, P.A., Columbus, Mississippi, is hereby selected to serve as counsel to the City ("City Counsel") in connection with in connection with the City Bond and the Bank Bonds.

SECTION 8. The sale and issuance of the City Bond may be combined with the sale and issuance of any other general obligation bond or bonds of the City being sold to the Bank.

SECTION 9. The Representative, Bond Counsel, the Municipal Advisor and City Counsel are each hereby authorized and directed to carry out their respective responsibilities as set forth in this resolution; provided that none of the actions of the Representative, Bond Counsel, the Municipal Advisor or City Counsel shall be binding on the Governing Body unless and until approved and ratified by the Governing Body at a subsequent meeting duly called and held.

SECTION 10. Bond Counsel and City Counsel are hereby authorized and directed to prepare the form of all legal documents necessary or appropriate for the sale and issuance of the Bank Bonds and the City Bond, to provide for the disposition of the proceeds thereof and to effect the current refunding and restructuring of all of the outstanding Prior City Debt.

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SECTION 11. Bond Counsel, the Municipal Advisor and City Counsel are hereby authorized and directed to provide such advice and assistance as shall be requested by the Representative in connection with the Representative fulfilling his duties under this resolution.

SECTION 12. All orders, resolutions or proceedings of the Governing Body in conflict with the provisions of this resolution shall be and are hereby repealed, rescinded and set aside, but only to the extent of such conflict.

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:

Councilman Gene Taylor voted:	<u>YES</u>
Councilman Joseph W. Mickens, Sr. voted:	<u>YES</u>
Councilman Charlie Box voted:	<u>YES</u>
Councilman Marty Turner voted:	<u>ABSENT</u>
Councilman Stephen Jones voted:	<u>YES</u>
Councilman Bill Gavin voted:	<u>YES</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 the 18th day of October, 2016.

By _____
Robert E. Smith, Sr., Mayor

ATTEST:

By _____
Milton Rawle, Secretary-Treasurer

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 Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

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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 a pending litigation matter involving employee, I. D. number 972 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 pending litigation matter. 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 one (1) personnel matter.

IX. EXECUTIVE SESSION:

PENDING LITIGATION MATTER (1):

The General Counsel apprised the Mayor and Council of a pending litigation matter involving employee, I. D. number 972. The City has received a Petition for Preliminary Injunction in Chancery Court of Lowndes County. The City's insurance will not cover this matter, and therefore, I request outside legal representation. Council Member Taylor made a motion to hire Attorney Corky Smith to represent Mayor Smith and the City of Columbus in this matter at \$165.00 per hour. Council Member Gavin seconded the motion.

Council Members Taylor, Box, Jones and Gavin voted in favor of the motion. Council Member Mickens abstained from voting. The abstention is recorded with the prevailing vote, and therefore, the motion carried.

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 a report on a matter of pending litigation and voted to hire outside Counsel to represent the City.

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ADJOURNMENT:

The Mayor then asked if there was any other business to come before the Mayor and City Council. There being none, Council Member Taylor 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**

(THIS SPACE LEFT BLANK INTENTIONALLY)