

MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS FEBRUARY 21, 2017

The Mayor and City Council met in Regular Session on Tuesday, February 21, 2017 at 5:00 p.m. in the Court Chambers of the Municipal Complex. Mayor Robert E. Smith, Sr. 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 Robert E. Smith, Sr. called the meeting to order and called upon Council Member Box to offer the Invocation.

II. APPROVE MINUTES FOR THE MEETING OF FEBRUARY 7, 2017.

Council Member Taylor made a motion to approve the Minutes for the Meeting of February 7, 2017. 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 21, 2017.

Council Member Mickens made a motion to approve the Docket of Claims for February 21, 2017, in the amount of \$307,430.86. 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:

There were no changes to the Consent Agenda.

Add Jay Patel as an applicant to the Convention & Visitors Bureau Board.

POLICY AGENDA:

Add Item "H" – *Discuss/Approve request to apply for Wildlife, Fisheries and Parks Rails-to-Trails Grant.*

Add Item "I" – *Award Legal Publications Bid.*

Add Item "J" – *Discuss/Approve request to purchase equipment for two (2) officers being transferred to the Lowndes County Narcotics Task Force.*

Add Item "K" – *Consider/Approve sale of blighted property in a blighted area acquired by reason of a tax sale.*

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

V. CONSENT AGENDA:

- A. Approve request for Fire and Rescue Chief of Training Mike Chandler to attend "R0491: NFIRS Program Manager" to be held in Emmitsburg, MD, and approve payment of 400.00 for for travel and reimbursement of meal expenses.
- B. Approve request for Fire and Rescue Administrative Assistant to attend "Certification Program for Municipal Clerks, Tax Collectors and Deputies" to be held in Jackson, MS, and approve payment of \$200.00 for registration, \$319.00 for lodging, \$50.00 for travel and reimbursement of meal expenses.
- C. Approve request for Fire and Rescue Fire Marshall Brett Thompson to attend "Water-based Fire Protection System Plans and Review" to be held in Jackson, MS, and approve payment of \$408.00 for lodging, \$75.00 for travel and reimbursement of meal expenses.
- D. Approve request for Fire and Rescue personnel Josh Boyer and Marco Rodriguez to attend "Hazardous Materials Technician - II" to be held in Jackson, MS, and approve payment of \$85.00 for travel and reimbursement of meal expenses.
- E. Approve request for Interim City Planner George Irby to attend the "2017 MAPDD Conference" to be held in Biloxi, MS, and approve payment of \$275.00 for registration, \$\$447.00 for lodging and reimbursement of meal expenses.
- F. Approve permit request submitted by Brad Atkins to host the "Pilgrimage Half Marathon and 5K Run" to be held on April 1, 2017 from 7:00 a.m. until 10:30 a.m. See attached route map.
- G. Approve permit request submitted by Barbara Bigelow, Main Street Columbus Director, to host the "Annual Market Street Festival" to be held on May 5, 2017, beginning at 5:00 a.m. until May 7, 2017 ending at noon. The Festival will be held in downtown Columbus, the Riverwalk Park, stage and bridge.
- H. Approve request for Mayor's Youth Council Advisor Brandy Gardner and one (1) Chaperone, one (1) Bus Driver and twenty-eight (28) MYC members to attend the "2017 MML Mayor's Youth Council Leadership Summit" to be held at Delta State University in Cleveland, MS, and approve payment for registration, lodging, travel and meal expenses.

Council Member Taylor made a motion to approve the Consent Agenda as presented Council Member Jones seconded the motion. Mayor Smith 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

Council Member Jones moved to approve the expenditure of **\$600.00** from 001-004-695 (Advertising City Resources) for MUW Welcome Home Reception, and find that said amount is a legitimate expense that will advertise and bring into favorable notice the opportunities, possibilities and resources of the City of Columbus. Council Member Taylor seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Council Member Mickens announced that a CPD Meeting will be held at the East Columbus Gym on Thursday, February 23, 2017, beginning at 6:00 p.m.

Council Member Turner announced that a CPD Meeting will be held at Hunt Museum on Tuesday, February 28, 2017 at 6:00 p.m.

B. Monthly Report from the Columbus Fire & Rescue Department for January 2017

The Monthly Report from the Columbus Fire & Rescue Department for January 2017 was presented. No action was taken.

C. Monthly Report from the City Planning and Community Development Department for January 2017

The Monthly Report from the City Planning and Community Development Department for January 2017 was presented. No action was taken.

D. Monthly Report from the Municipal Court Division for January 2017

The Monthly Report from the Municipal Court Division for January 2017 was presented. No action was taken.

E. Monthly Report from the Public Works Department for January 2017

The Monthly Report from the Public Works Department for January 2017 was presented. No action was taken.

F. Monthly Report from the Code Enforcement Division for January 2017

The Monthly Report from the Code Enforcement Division for January 2017 was presented. No action was taken.

G. Monthly Report from the Columbus Police Department for January 2017

The Monthly Report from the Columbus Police Department for January 2017 was presented. No action was taken.

H. Monthly Report from the Building Inspection Department for January 2017

The Monthly Report from the Building Inspection Department for January 2017 was presented. No action was taken.

I. Monthly Financial Report

Milton Rawle, Jr., CFO, reported that the sales taxes decreased by \$29,771.06 compared to the same time last year.

J. Board Vacancies

Tree Board

- 1 Vacancy
- 3-Year Term
- Term expired for Christina Berry on 12/5/2016.
- Appointment can be made immediately.
- No applicants at this time

Zoning Board of Adjustment & Appeals

- 2 Vacancies
- 3-Year Terms
- Terms for Chris Chain and Rob Graham will expire 2/1/2017.
- Rob Graham was appointed on 10/4/2016 to fill remainder of Fred Kinder's unexpired term.
- Appointments can be made on 2/21/2017.

Applicants

- Rob Graham
- Chris Chain

Council Member Taylor made a motion to appoint Rob Graham and Chris Chain to the Zoning Board of Adjustment & Appeals Board for three (3) Year terms each, until 2/21/2020. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Convention & Visitors Bureau

- Two Vacancies
- 3-Year Terms
- At-Large Appointments for Whirlie Byrd and Nadia Dale Colom will expire on 3/1/2017.
- Appointments can be made on 2/21/2017.

Applicants

- Whirlie Byrd
- Garthia Elena Halbert
- Nadia D. Colom
- Jay Patel

Council Member Mickens made a motion to appoint Whirlie Byrd to the Convention & Visitors Bureau Board for a 3-Year Term, until March 1, 2020. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Council Member Gavin made a motion to appoint Jay Patel to the Convention & Visitors Bureau Board for a 3-Year Term, until March 1, 2020. Council Member Turner seconded the motion.

SUBSTITUTE MOTION:

Council Member Jones made a substitute motion to appoint Nadia D. Colom to the Convention & Visitors Bureau Board for a 3-Year Term, Until March 1, 2020. Council Member Taylor seconded the motion.

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

A tie vote occurred. Mayor Smith voted in favor of Nadia D. Colom.

Columbus Municipal School District

- One Vacancy
- 5-Year Term
- Jason Spears' term will expire on 3/1/2017.
- Appointments can be made on 2/21/2017.

Applicants

- Jason Spears
- Yvonne Cox
- Garthia Elena Halbert

Council Member Gavin made a motion to reappoint Jason Spears to the Columbus Municipal School District Board for a 5-Year Term, until March 1, 2022. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Board of Adjustment & Appeal of Development Codes

- One Vacancy
- 1-Year Term
- Kevin Stafford's term will expire on 3/15/2017.
- Appointments can be made on 3/14/2017.

Applicant

- Kevin Stafford

VII. CITIZENS INPUT AGENDA

DOT HENDRIX – STREET CONDITIONS

Ms. Hendrix came before the Mayor and Council with concerns about the conditions of North Browder Street, north of Rebecca Lane. Council Members Mickens and Turner offered an explanation for the condition of the street. No further action was Taken.

VIII. POLICY AGENDA:

A. Discuss/Approve the hiring of four (4) CPD Officers, contingent upon a successful pre-employment medical examination and drug screen.

Council Member Taylor made a motion to approve the require to hire four (4) Entry-Level Police Officers, **Eugene Betts, Aaron Conley, Haley Lucas, and Erica Moody**, 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.

B. Discuss/Approve grant amount modification approved by Department of Public Safety to purchase equipment and travel to conference.

Council Member Taylor made a motion to Grant Modification amount of \$48,621.00 for the Victims' Advocate Coordinator that was approved by the Department of Public Safety to purchase equipment and travel to an upcoming conference. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

C. Discuss/Approve Resolution of Intent for Certain Real Property Transactions.

Council Member **Mickens** made a motion to accept the recommendation for the General Counsel to approve a Resolution of Intent of the City Council to approve and Carry out various Real Property Transactions with a Manufacturing Enterprise. 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:

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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>NAY</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 21st Day of February, 2017.

THE RESOLUTION FOLLOWS ON THE NEXT PAGE:

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VIII. C.

A RESOLUTION OF INTENT OF THE CITY COUNCIL TO APPROVE AND CARRY-OUT VARIOUS REAL PROPERTY TRANSACTIONS WITH A MANUFACTURING ENTERPRISE.

WHEREAS, the Mayor and City Council of the City of Columbus, Mississippi (the "Governing Body" of the "City"), acting for and on behalf of the City, hereby finds, determines, adjudicates and declares as follows:

1. That certain building and related real property located 826 S. 17th Ave, Columbus, MS 39701, which property, together with the building and other improvements thereon, is currently reflected on the Lowndes County, Mississippi (the "County") tax rolls as PPIN 24004 and PPIN 24007 (the "Property") was donated, at no cost, to the City on September 5th, 2003, by the Columbus-Lowndes Economic Development Association, Inc., and recorded in the land records of Lowndes County Mississippi at book 2003, Page 9841, said Association having received it from Red Kap Industries, Inc. at no cost to the Columbus-Lowndes Economic Development Association, Inc.;
2. The City applied for and received various State-provided grants to fund improvements and repairs to the Property in order to encourage American Power Source, Inc. ("APSI"), a Massachusetts corporation, to lease the Property and operate an apparel manufacturing facility therein and create new job opportunities for the residents of the City; On or about June 1, 2003, the City and APSI entered into a lease agreement pursuant to which APSI was granted the right to lease the Property for an initial term of five (5) years, and the right to extent such initial lease term for an additional five (5) year period (the "Lease Agreement")
3. In February, 2008, the City and APSI amended the Lease Agreement to modify certain provisions thereof;
4. For a period of approximately six (6) years, APSI leased the Property from the City pursuant to the Lease Agreement, as amended, and paid rent thereto in consideration of such lease;
5. On or about September 22, 2009, to continue to encourage APSI to use the Property as an apparel manufacturing facility, the City conveyed the Property to APSI for a purchase price of \$198,000 in consideration of a promissory note for \$198,000, plus \$5,000 in cash granted by APSI to the City on the same date (the "Note");
6. To secure its obligations to make the principal and interest payments required by the Note, APSI granted a deed of trust on the Property in favor the City, as the sole beneficiary (the "Deed of Trust");
7. Since the conveyance of the Property to APSI in 2009, APSI has continued to operate its manufacturing operation at the Property at varying employment levels; however, no specific job creation or maintenance obligations were imposed on APSI as a condition of the conveyance of the Property thereto by the City;
8. In the past 3-4 years, APSI has unfortunately experienced a substantial reduction in orders and sales volume for U.S. military uniforms that it produces due, at least in part, to a

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shift in the production of such uniforms to U.S. prisons., and a result, APSI has missed several payments due under the Note and has not paid its ad valorem taxes for tax years 2014 through 2016;

9. As of February 20, 2017, the outstanding and past due amount payable by APSI to the City pursuant to the Note (e.g., any outstanding payment of principal and/or interest) and Deed of Trust totals \$29,218.20, provided that such amount will continue to increase over time as interest accrues and if additional payments are missed;

10. As of February 10, 2017, APSI further owed \$\$47,373.09 in County, City and local school district ad valorem taxes for the tax years 2014 through 2016; however, APSI has since paid all County, City and local school district ad valorem taxes, penalties and interest which are currently due;

11. APSI has informed the City that, due to its substantial losses of orders and sales, it will be unable to continue making further monthly payments under the Note and may have to cease operations resulting in losses of jobs in the City;

12. The Property was acquired by the City as a donation at no cost to the City and the City has financially benefitted from the Lease payments, and then the Note payments that were made received thereby from APSI, and has otherwise benefitted from the new job opportunities created by APSI for residents of the City;

13. The Property has not been nor is it needed for airport purposes or for other governmental purposes; instead such Property, if owned by the City, would be surplus property and best set aside and used for such industrial and commercial purposes as the apparel manufacturing facility operated by APSI;

14. Subject to the conditions set forth in this Resolution, the Governing Body now desires to reach with APSI as compromise as the future amounts due under the Note and to provide a means for APSI to continue its manufacturing operations in the City and in connection therewith create and/or maintain jobs in the City at the Property and APSI desires to make, and then satisfy, such job commitment, each in compromise of the current Property financing arrangement which is substantially doubtful to be repaid by APSI;

15. Recognizing the substantial likelihood that APSI will fail to make the remaining payments due under the Note, and in order to induce APSI to continue its manufacturing operations in the City and commit to the creation and/or maintenance of not less than thirty (30) jobs in the City during each month for the five (5) year period commencing upon the first day of the month following the date the Property is reconveyed to APSI as contemplated in this Resolution, the Governing Body now finds and determines that it would be in the best interest of the City and its citizens for the Governing Body to:

- (i) accept the conveyance of the Property from APSI to City, free and clear of all liens and encumbrances, other than the required payment by APSI of all past due payments due on the Note secured by the aforesaid Deed of Trust and public or utility easements or rights-of-way of record, in lieu of the performance by APSI of its remaining obligations under the Note and Deed of Trust;
- (ii) Cancel the Note and Deed of Trust; and
- (iii) As authorized by Code Section 57-7-1, re-convey the Property to APSI in consideration of APSI agreement to, for each month during the five (5) year period immediately following such reconveyance of the Property to APSI (the "Commitment Period"), either (a) create and/or maintain not less than thirty (30) jobs in the City at the Property, or (b) pay to the City not later than the last day of each such month the sum of One Thousand Dollars (\$1,000.00); provided, that the Governing Body's desire to approve and carry out such transactions with APSI are conditioned upon APSI first satisfying each of the following:
 - (1) To the extent that any ad valorem taxes or special assessments for 2016 or any prior year are owed by APSI or were otherwise levied on the Property or any personal property located thereon or therein, APSI must first pay any and all such outstanding ad valorem taxes or special assessment, together with all legal penalties and interest associated therewith; and
 - (2) To the extent that there are any outstanding amounts payable by APSI to the City pursuant to the Note and the Deed of Trust (*e.g.*, any outstanding payment of principal and/or interest), APSI must first pay any and all such outstanding amounts currently due to the City¹;

provided, further, that the Governing Body's desire to approve and carry out such transactions with APSI are additionally conditioned upon the City retaining a reversionary interest (either a reverter or a right of re-entry at the discretion of the City Council) which will allow the City to reclaim title to, and sole possession of, the Property if APSI fails to both (x) create and/or maintain at least than thirty (30) jobs in the City at the Property during any month of the Commitment Period, and (y) fails to remit to the City no later than the last day of such month the sum of One Thousand Dollars (\$1,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL AS FOLLOWS:

SECTION 1. Surplus Property. The Property is not now, nor shall it become conveyance thereof by APSI to the City, needed for airport purposes or for other governmental

¹ As of February 21, 2017, the total past due amount under the Note and Deed of Trust equals \$29,218.20; provided that such amount may be greater if the Property transfer transactions close at a later date (due to incremental interest accrued on the Note)

purposes; instead such Property is best set aside used for such industrial and commercial purposes as the apparel manufacturing facility operating by APSI.

SECTION 2. Intent of the Governing Body. Recognizing the substantial likelihood that APSI will fail to make the remaining payments due under the Note, and in order to induce APSI to continue its manufacturing operations in the City and commit to, and thereafter, create and/or maintain not less than thirty (30) jobs in the City at the Property for a five (5) year period, this Governing Body, acting for and on behalf of the City, does hereby declare its intention to approve and carry out the following:

- (i) accept the conveyance of the Property from APSI to City, free and clear of all liens and encumbrances others than public or utility easements or rights-of-way of record, in lieu of the performance by APSO of its remaining obligations under the Note and Deed of Trust;
- (ii) Cancel the Note and Deed of Trust; and
- (iii) as authorized by Code Section 57-7-1, convey the Property to APSI in consideration of APSI's agreement to, for each month during the five (5) year period immediately following such reconveyance of the Property to APSI (the "Commitment Period"), either (a) create and/or maintain not less than thirty (30) jobs in the City at the Property, or (b) pay to the City not later than the last day of each such month the sum of One Thousand Dollars (\$1,000.00); provided, that the Governing Body's intent stated herein to approve such transactions and carry out with APSI are conditioned upon APSI first satisfying each of the following:
 - (1) To the extent that any ad valorem taxes or special assessments for 2016 or any prior year are owed by APSI or were otherwise levied on the Property or any personal property located thereon or therein, APSI must first pay any and all such outstanding ad valorem taxes or special assessment, together with all legal penalties and interest associated therewith; and
 - (2) To the extent that there are any outstanding amounts payable by APSI to the City pursuant to the Note and the Deed of Trust (*e.g.*, any outstanding payment of principal and/or interest), APSI must first pay any and all such outstanding amounts currently due to the City;

provided, further, that the Governing Body's intent stated herein to approve and carry out such transactions with APSI are additionally conditioned upon the City retaining a reversionary interest (either a reverter or a right of re-entry at the discretion of the City Attorney) which will allow the City to reclaim title to, and sole possession of, the Property if APSI fails to both (x) create and/or maintain at least than thirty (30) jobs in the City at the Property during any month of the Commitment Period, and (y) fails to remit to the City no later than the last day of such month the sum of One Thousand Dollars (\$1,000.00)

SECTION 3. Other Authorizations. The Mayor and City Attorney are each hereby authorized to negotiate and prepare with APSI such agreements, including the terms of the deed

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conveying the Property from the City to APSI, and the reversionary interest in the Property to be retained by the City, in accordance with this this Resolution and the conditions and terms set forth herein for presentation and approval by this Governing Body.

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D. Discuss/Approve request to fill vacant position for Public Works Equipment Operator.

Council Member Taylor made a motion to hire **James M. Perkins** to fill the vacant Public Works Department Equipment Operator, 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.

E. Discuss/Approve request to fill vacant position of Collection Clerk.

Council Member Taylor made a motion to promote Tameka Smith to the vacant position of Collection Clerk. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

F. Discuss/Approve Advertisement for Bids for Deer Run Bridge and College Street Box Culvert Replacement Projects and Acquire Necessary Easements for construction.

Kevin Stafford came forward and remarked that the first phase of monies has been set aside and advertisements for Bids for Deer Run Bridge and College Street Box culvert Replacement will be made. Both projects will require easements. Council Member Gavin made a motion to approve the request to advertise for Bids for Deer Run Bridge and College Street Box Culvert Replacement and acquire necessary Easements for construction. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

G. Discuss/Approve recommendations from the February 13, 2017 Planning Commission meeting.

-Permitted Use Request P/U 17-01

**CMSD, BOARD OF TRUSTEES
On Behalf of Recruitment & Training Program of MS, Inc.
1425 - 10th Avenue North**

The Planning Commission recommends approval a request to allow a child day care.

Council Member Taylor moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to allow a child day care as a Permitted Use be approved. Council Member Turner seconded the motion. The Mayor asked if anyone in the audience objected to the permitted use application. 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.

-Permitted Use Request P/U 17-02

**COMMUNITY COUNSELING SERVICES
1004 – 2ND Avenue North**

The Planning Commission recommends denial a request to allow a sober-living residence.

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 deny a request to allow a sober-living residence be accepted. Council Member Gavin seconded the motion. The Mayor asked if anyone in the audience objected to the denial of the permitted use application. Mr. Richard Duggin came forward and spoke on behalf of Community Counseling Services 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 to accept the Planning

Commission's recommendation to deny the request.

The motion carried

-Permitted Use Request P/U 17-03

**JEFF NAGY
On Behalf of Sabrina Williams
3267 – Highway 45 North**

The Planning Commission recommends approval a request to allow a food concession.

Council Member Taylor moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to allow a food concession as a Permitted Use be approved. Council Member Jones 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.

Amend Chart of Permitted Uses

The Planning Commission recommended approval to amend Chart of Permitted Uses to allow MINING in A-1 (General Agricultural), C-3 (Highway Commercial), C-3(R) (Highway Commercial-Restricted, and, I-2) (Light Industrial) Districts – after filing of an application and Planning Commission’s review and recommendation.

Council Member Turner made a motion to approve the request to amend the Chart of Permitted Uses to allow MINING in A-1 (General Agricultural), C-3 (Highway Commercial), C-3(R) (Highway Commercial-Restricted, and, I-2) (Light Industrial) Districts – after Planning Commission’s review and recommendation. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

H. Discuss/Approve request to apply for Wildlife, Fisheries and Parks Rails to Trails Grant.

Council Member Turner made a motion to approve the request to apply for Wildlife, Fisheries and Parks Rails-to-Trails Grant, which will require a 20% match. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

I. Award Legal Publications Bid.

Pat Mitchell, Deputy City Clerk, reported that she advertised for Legal Publications Bids according to State statute and received two responses. She recommends awarding the bid to The Columbus Packet. Council Member Taylor made a motion to award the Legal Publications Bids to The Columbus Packet. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

BID RESULTS:

The Columbus Packet:

1st Run 1.2 cents per word
2nd Run 1.1 cents per word

The Commercial Dispatch:

1st Run .015 or 1.5 cents per word
2nd Run .014 or 1.4 cents per word

J. Discuss/Approve to purchase equipment for two (2) officers being transferred to the Lowndes County Narcotics Task Force.

Council Member Taylor made a motion to approve the request to purchase equipment for two (2) officers that are being transferred to the Lowndes County Narcotics Task Force. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

K. Consider/Approve sale of blighted property in a blighted area acquired by reason of a tax sale.

Council Member Turner made a motion to approve the sale of blighted property to Irvin and Jessica McCoy for the cost of \$200.00. Council Member Mickens seconded the motion. Following discussion, Mayor Smith called for a voice vote:

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 Stephen Jones	voted: <u> YEA </u>
Council Member Bill Gavin	voted: <u> YEA </u>

The resolution follows:

There came on for consideration the matter of deeding certain property, described in the attachments to this Resolution to Mr. and Mrs. Irvin and Jessica McCoy, located in the City of Columbus, Mississippi, and after a discussion of the subject matter, Council Member **TURNER** offered and moved for the adoption of the following resolution:

RESOLUTION DECLARING THAT THE CITY OF COLUMBUS, MISSISSIPPI, GIVE QUITCLAIM DEEDS TO THE PROPERTY DESCRIBED HEREIN TO MR. AND MRS. IRVIN AND JESSICA MCCOY, FOR \$200.00; AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and City Council of the City of Columbus, Mississippi, acting for and on behalf of the City of Columbus, Mississippi (the "City"), is authorized by Section 21-17-1(11), Mississippi Code of 1972, as amended to sell and convey et al without public notice or advertisement and on such terms and conditions as the parties agree; and

WHEREAS, it would be in the best interest of the City to sell and convey such property; and

WHEREAS, the City is authorized and empowered to sell said property for the purposes herein set forth.

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

The property is real property acquired by the City by reason of a tax sale.

The property is blighted and is located in a blighted area.

The subject property is not needed for governmental or related purposes and is not to be used in the operation of the City.

That the sale of the property in the manner otherwise provide by law is not necessary or desirable for the financial welfare of the City.

That the use of the property for the purpose for which it is to be conveyed will promote and foster the development and improvement of the community in which it is located and the property shall be put back on the tax roll.

The deeds executed pursuant to the authority granted shall contain a clause of reverter providing that title to the property will revert to the City if the persons to whom the property is conveyed does not fulfill the purpose for which the property was conveyed and satisfy all conditions imposed on the conveyance within two (2) years of the date of the conveyance. The conditions of the conveyance are that the grantee shall maintain the property in all respects in compliance with all codes and ordinances of the City of Columbus and shall pay such taxes, fees and assessments that might be due in a timely fashion.

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In such deed the City shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same.

The City has agreed to accept \$200.00_ from Mr. and Mrs. Irvin and Jessica McCoy in exchange for a Quitclaim Deed with the provisions stated herein above.

Council Member MICKENS 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 Charlie Box voted:	<u>YES</u>
Councilman Joseph Mickens voted:	<u>YES</u>
Councilman Marty Turner voted:	<u>YES</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 21st day of February, 2017.

By _____
Robert E. Smith, Sr., Mayor

ATTEST:

By _____
Milton Rawle, Secretary-Treasurer

REQUEST TO AMEND THE AGENDA TO ADD A POLICY ITEM:

Council Member Jones made a motion to amend the Policy Agenda to permit a request from Jerome Nettles regarding 1016 – 3rd Avenue South, to be discussed. Ms. Debbie Mahoney Nettles came forward and asked the Council to rescind its recent action for Immediate Abatement at the property aforementioned and owned by Mr. Riley Moore. Council Member Mickens made a motion to rescind the Immediate Abatement Order for the property located at 1016 – 3rd South. subject to the following conditions:

After 45 days from this meeting, if the present owner has not conveyed the property and a building permit issued for its renovation, then the City abate the nuisance immediately.

Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

CLOSED DETERMINATION:

Council Member Turner 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 CFO, the Police Chief, and the HR Director, exited the Council Chambers.

Mayor Smith apprised the Council of a Personnel Matter and the Prospective Purchase of Land, and remarked that these matters warrant being heard in Executive Session.

Council Member Jones made a motion to go into Executive Session to discuss one (1) personnel matter and one (1) Prospective Purchase of Land. 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 and one (1) Prospective Purchase of Land.

IX. EXECUTIVE SESSION:

PERSONNEL MATTER (1)

The first matter to come before the Mayor and Council involves an employee of the Fire and Rescue Department. The Fire Chief, Assistant Fire Chief and Employee, I.D. Number 833. This employee has been employed with the department for six (6) years. He is in a dating relationship with a Battalion Chief's daughter and plans to marry her in June. He stated that he was aware of the policy and signed for it when he was employed. He asked to Council to revise the policy. The Council asked the employee a series of questions and then asked all parties involved to exit the Court Chambers. The Council then deliberated. In their deliberation, the Council decided to adhere to current policy and took no action. All parties were invited back in the Court Chambers and Mayor Smith apprised Employee, I.D. Number 833 of their decision.

PROSPECTIVE PURCHASE OF LAND (2)

The Council invited Mr. John Acker, representing the Redevelopment Authority Board, in the Court Chambers. Mr. Acker began by stating that the Redevelopment Authority Board are at a standstill and are in need of additional funds for the Burns Bottom project. There are ten (10) properties, eight (8) houses, and two (2) lots. We

need \$346,000.00 and then asked the Council about floating a bond. There are fifty (50) total parcels. The Council engaged in a lengthy discussion of the Burns Bottom Project and took no action.

OPEN SESSION:

Council Member Jones made a motion to end the discussion and 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 considered one (1) matter of personnel and took no action and discussed the Prospective purchase of Land and 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 Box moved that the meeting be adjourned. Upon second by Council Member Jones and unanimous vote, the Mayor announced that the meeting was ADJOURNED.

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

Milton Rawle, Jr.,
CFO- Secretary-Treasurer

MINUTES
February 21, 2017