

**MEETING OF
THE MAYOR AND CITY COUNCIL
CITY OF COLUMBUS, MS
AUGUST 20, 2018 (DATE CHANGED)**

The Mayor and City Council met in Regular Session on Monday, August 20, 2018, at 5:00 p.m. in the Court Chambers of the Municipal Complex. Mayor Robert 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 Smith called the meeting to order and called upon Council Member Box to offer the Invocation.

II. APPROVE MINUTES FOR THE MEETINGS OF AUGUST 6, 7, 14, 15, & 16, 2018.

Council Member Taylor made a motion to approve the Minutes for the Meetings of August 6, 7, 14, 15, & 16, 2018. Council Member Jackson seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

III. APPROVE DOCKET OF CLAIMS FOR AUGUST 20, 2018.

Council Member Box made a motion to approve the Docket of Claims for August 20, 2018, in the amount of \$425,785.16. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

IV. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA

POLICY AGENDA:

Delete Item "E."

EXECUTIVE SESSION:

Add two (2) Personnel Matters.

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(Rescheduled from the 8/21/18 meeting)

Council Member Jackson made a motion to approve the Agenda as presented, with the above amendments. Council Member Taylor seconded the motion. The Mayor called for discussion, and their being none, All Council Members voted in favor of the motion, with the exception of Council Member Gavin, who opposed.

The motion carried.

V. CONSENT AGENDA:

- A. Approve request for three (3) Fire and Rescue Personnel: David Tousley, Onterrio Lowery and Harrison Branch, to attend the CPAT EXAM, to be held in Jackson, MS and approve \$120.00 each for registration, \$273.00 for lodging, \$50.00 for travel and reimbursement for meal expenses.
- B. Approve request for Fire and Rescue Personnel, Josh Reynolds, to attend the "Confined Space Rescue Technician" training to be held in Jackson, MS, and approve payment of \$50.00 for travel and reimbursement for meal expenses.
- C. Approve request for Fire and Rescue Training Chief, Mike Chandler, to attend the "2018 Fire Department Training Chiefs Conference" to be held in Tupelo, MS, and approve payment of \$135.00 for registration, \$50.00 for travel and reimbursement for meal expenses.
- D. Approve request for Municipal Court Administrator, Wendy Blunt, to attend the Annual Municipal Court Clerks Conference, to be held in Jackson, MS at no cost to the City.
- E. Approve request for Public Works Director, Casey Bush, to attend the "2018 Mississippi APWA Fall Conference" to be held in Gulfport, MS, and approve payment of \$200.00 for registration, \$327.00 for lodging, \$98.00 for travel, and reimbursement for meal expenses.
- F. Approve request for Interim Planner, George H. Irby, to attend the "Mississippi Local Leaders White House Conference" to be held in Washington, D. C>, and approve payment of \$450.00 for lodging, \$400.00 for travel and reimbursement for meal expenses.
- G. Approve request to refund Gail Wilson, Betty Henry, Dwana Hinton, Walter Little, and Jeanna Sanders the sum of \$150.00 each for deposits for rental of community centers.
- H. Approve request for Mayor Robert E. Smith, Sr. to attend the "MML Annual Legislative Meeting" hosted by the Golden Triangle Planning and Development District, Inc., to be held in Starkville, MS, at no cost to the City.

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Council Member Taylor made a motion to approve the Consent Agenda as presented. Council Member Gavin seconded the motion. The Mayor called for discussion, and their being none, All Council Members voted in favor of the motion, with the exception of Council Member Mickens, who opposed.

The motion carried.

VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:

A. General Comments from the Mayor and Council Members

There were no comments from the Mayor and Council Members.

B. Swearing in of three (3) CPD Officers

- Jemarco Harris
- Ra'Heem Clemons
- Jameson Holder

Mayor Smith swore in one (1) Fire and Rescue Firefighter, Justin Martin, as he recited the Oath of Office. Assistant Chief Duane Hughes and the Fire and Rescue Command Staff presented him his helmet.

C. Swearing in of two (2) CPD Officers

Mayor Smith swore in one (1) Police Officer, James C. Tubbs II, as he recited the Oath of Office. Chief Fred Shelton and Captain Ric Higgins pinned on the badge.

D. Monthly Report from the Columbus Fire & Rescue Department for July 2018

The Monthly Report from the Columbus Fire & Rescue Department for July 2018 was presented. No action was taken.

E. Monthly Report from the Municipal Court Division for July 2018

The Monthly Report from the Municipal Court Division for July 2018 was presented. No action was taken.

F. Monthly Report from the Public Works Department for July 2018

The Monthly Report from the Public Works Department for July 2018 was presented. No action was taken.

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G. Monthly Report from the City Planning and Community Development Department for July 2018

The Monthly Report from the City Planning and Community Development for July 2018 was presented. No action was taken.

H. Monthly Report from the Code Enforcement Division for July 2018

The Monthly Report from the Code Enforcement Division for July 2018 was presented. No action was taken.

I. Monthly Report from the Columbus Recreation Department for July 2018

The Monthly Report from the Columbus Recreation Department for July 2018 was presented. No action was taken.

J. Monthly Report from the Columbus Police Department for July 2018

The Monthly Report from the Columbus Police Department for July 2018 was presented. No action was taken.

K. Monthly Financial Report

Milton Rawle, Jr. CFO, distributed the Monthly Financial Report and remarked that the sales taxes decreased by \$590.72, compared to the same time last year.

L. Board Vacancies

David Armstrong, COO, remarked that no appoints will be made tonight.

Columbus Historic Preservation Commission

- 1 Vacancy, Unexpired 4-Year Term
- Carolyn B. Kaye resigned July 24, 2018.
- Term will expire 9/20/2020
- Appointment will be made September 4, 2018

Applicants:

- Kenny Frye
- Kristi DiClemente

Redevelopment Authority Board

- 1 Vacancy, 5-Year Term
- Robert Rhett's Term will expire 9/1/2018.
- Appointment can be made September 4, 2018.

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Applicant:

- Robert A. Rhett, II

Board of Adjustments & Appeals of Development Codes

- 1 Vacancy, 2-Year Term (Electrical Engineer or Contractor)
- Ralph McLain's term will expire 9/21/2018.
- Appointment will be made September 18, 2018
- No applicants at this time

Columbus-Lowndes Library Board

- 1 Vacancy , 5-Year Term
- Michael James' Term will expire 9/30/2018.
- Appointment will be made September 18, 2018.
- No applicants at this time

VII. CITIZENS INPUT AGENDA

Pierre Forest – Trotter Center Refund

The Mayor and Council heard from Pierre Forest, who had rented the Convention Center for an event that was scheduled to convene August 25, 2018. Mr. Forest stated that he and his fiancée` experienced some financial difficulties due to loss of employment, which prevented them from holding the event at the scheduled day and time. Mike Anderson, Director of the Convention Center, remarked that the contract was signed and they were given a copy of the policy regarding refunds. Council Member Jones made a motion permit Mr. Forest to apply the amount he had paid toward the cost of the rescheduled event and not issue a refund. The rescheduled event must be within a six (6) month period or forfeit of the funds. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Casey Kidd - NaviRetail

Mr. Casey Kidd came before the Mayor and Council and made a presentation regarding NaviRetail. Mr. Kidd stated that he had performed several research methods utilizing Retail Analytics, Recruitment Strategy & Workshop, and Trade Show Representation, to include cell phone data and surveying car tags to determine in a given area where people live in relationship to where they shop. This information is then taken and added to a comprehensive report. Mr. Kidd also stated that he only request twelve months to perform the study at a cost of \$36,000.00. This information was taken under advisement and no action was taken.

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VIII. POLICY AGENDA:

- A. Consider/Approve expenditure of \$46,000 to construct Trotter Center Lower Level Privacy Wall. Funding is available from the Hotel/Motel Tax Fund.**

Council Member Box Gavin made a motion to approve the expenditure of \$46,000.00 to construct a Privacy Wall at the Trotter Center, Lower Level and take funding from the Hotel/Motel Tax Fund. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

- B. Discuss/Approve proposed changes to Garbage Ordinance.**

Legal Counsel, Jeff Turnage, apprised the Mayor and Council of a request to Amend the Garbage Ordinance by requiring citizens to remove garbage collection bin from the front of their yards by 7:00 p.m. after they have been emptied. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

GARBAGE ORDINANCE FOLLOWS:

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**Amendments to Section 14-4 of the
Code of Ordinances of the
City of Columbus, MS**

Be it ordained, by the Mayor and the City Council of the City of Columbus, Mississippi that Chapter 14 Section 4 of the Code of Ordinances of the City of Columbus, Mississippi is hereby amended as follows:

Sec. 14-4. Owners, occupants responsible for placing in containers.

(a) *Occupants or owners responsible.*

(i) All occupants, including tenants or owners as the case may be, of any premises within the city shall be responsible for picking up and placing in garbage containers any garbage, rubbish, trash, litter, and all other waste material which may accumulate on such premises. Persons placing such materials in containers shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. Except on the days for Curbside Pickup, containers shall not be placed on or near the curbside or within the right of way of any public street, highway, roadway or alleyway.

(b) *Containers are required; specifications.* It shall be the duty of every person owning, managing, leasing, occupying or operating any premises to provide at least one plastic or galvanized metal or other solid container or tied garbage sack or bag for the deposit therein of all garbage, refuse, rubbish and trash of not less than ten gallons nor more than thirty gallons capacity, with a tightfitting lid or cover, which cover shall remain in place on the container at all times, except during the collection or deposit of such garbage, rubbish or trash. The containers should have two handles upon the sides or a bail by which the container may be lifted, sufficiently strong for workers to empty conveniently or alternatively, every person may provide a plastic bag or sack of quality and quantity commercially sold to the public designed for such purposes.

(c) *Curbside pickup.* All such containers or bags shall be placed on the curbside adjacent to the residence at a designated place three feet from the street, and not in the street, by 7:00 a.m. on the date designated for pickup for same as publicized by the sanitation department. Solid plastic or galvanized metal containers shall be removed from the road Right of Way and secured by such Occupants on their property by 7:00 p.m. on the date designated for pickup.

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(d) *Punishment for violation.* Violations of Section 14-4 shall be deemed to be a misdemeanor and violators shall be subject to citation under the City's Municipal Offense Ticket provisions.

The above ordinance, having been reviewed and considered by the Mayor and City Council, was then moved for adoption of the proposed amendments by Council Member _____ with an effective date of September 15, 2018. The motion to adopt the ordinance was then seconded by Council Member _____. After a thorough discussion about the merits for the Ordinance, and the need for same, the Mayor called for a vote on the adoption of the Ordinance and he then recorded the votes as follows:

Council Member Taylor	voted:	<u>YES</u>
Council Member Mickens	voted:	<u>YES</u>
Council Member Box	voted:	<u>YES</u>
Council Member Jackson	voted:	<u>YES</u>
Council Member Jones	voted:	<u>YES</u>
Council Member Gavin	voted:	<u>YES</u>

The Mayor then announced that the Ordinance was passed and effective on the 20TH day of August, 2018.

Robert E. Smith, Sr., Mayor

Attest:

Milton Rawle, Secretary/Treasurer

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C. Discuss/Approve request to order one (1) Undercover auto tag.

Council Member Taylor made a motion to approve the request to order one (1) Undercover auto tag. Council Member Jackson seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

D. Discuss/Approve recommendations from the August 13, 2018 Planning Commission meeting.

Permitted Use Request P/U 18-08

**On Behalf of Renee Walls
1013 – 20th Street North**

The Planning Commission recommends approval of request for allow a daycare.

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 daycare be approved as a Permitted Use. Council Member Mickens 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.

P/C Plat Review 18-00

Columbus-Lowndes Habitat for Humanity, Inc.
Summertree Subdivision – Phase 1
@ Hemlock Drive

The Planning Commission recommended approval of the preliminary proposal of Habitat for Humanity to re-plat a subdivision.

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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 re-plate Phase 1 of a subdivision, Summertree Subdivision, @ Hemlock Drive be approved for Plat Review. Council Member Box 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.

E. DELETE

F. Consider/Approve Intent Resolution for Special or Local Improvements to Signalization on Highway 45 at 31st Avenue

Legal Counsel, Jeff Turnage, apprised the Mayor and Council of the Intent Resolution for Special or Local Improvements to Signalization on Highway 45 at 31st Avenue, involving a parcel of property with a 3-Way intersection. The developer will pay \$20,000 and the City will pay up to \$40,000. Council Member Box made a motion to approve the Intent Resolution. Council Member Gavin seconded the motion and after a thorough discussion and careful deliberation, was brought to a vote as follows:

COUNCIL MEMBER TAYLOR	voted:	<u>YES</u>
COUNCIL MEMBER MICKENS	voted:	<u>YES</u>
COUNCIL MEMBER BOX	voted:	<u>YES</u>
COUNCIL MEMBER JACKSON	voted:	<u>YES</u>
COUNCIL MEMBER JONES	voted:	<u>YES</u>
COUNCIL MEMBER GAVIN	voted:	<u>YES</u>

Having received a majority vote, the Mayor declared that the Resolution passed as set forth above and was so Resolved and Ordered by the Mayor and City Council of the City of Columbus, Mississippi on this the 20th day of August, 2018.

THE RESOLUTION FOLLOWS:

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There came on for consideration the matter of the City of Columbus, Mississippi's intention to make special or local improvements to the intersection of Highway 45 and 31st Avenue North, within the City of Columbus and after a discussion of the subject matter, _____ **BOX** _____ offered and moved the adoption of the following resolution:

RESOLUTION DECLARING THE INTENTION OF THE CITY OF COLUMBUS, MISSISSIPPI, TO MAKE SPECIAL IMPROVEMENTS TO THE INTERSECTION OF HIGHWAY 45 AND 31ST AVENUE NORTH, WITHIN THE CITY OF COLUMBUS, MISSISSIPPI THE COST OF WHICH IS ESTIMATED NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000) AND TO CHARGE A PART OF THE COST OF INSTALLING AND CONSTRUCTING SUCH IMPROVEMENTS DESCRIBED BELOW TO THE PROSPECTIVE BUYER OF COMMERCIAL PROPERTY ON THE EAST SIDE OF HIGHWAY 45 AT SAID LOCATION AS AN INDUCEMENT FOR COMMERCIAL DEVELOPMENT THEREON BY SUCH BUYER

WHEREAS, the City Council of the City of Columbus, Mississippi (the "Governing Body"), acting for and on behalf of the City of Columbus Mississippi (the "City"), is authorized by Sections 21-41-1 et seq., Mississippi Code of 1972, as amended (the "Act"), to undertake projects making special or local improvements, including, but not limited to making improvements to streets, highways, boulevards, and avenues within the City, including the installation and construction of utilities and site improvements on such project areas and/or preparatory and other work incidental thereto to encourage private redevelopment within the City; and

WHEREAS, it is anticipated that a prospective buyer (the "Developer") will request that the City expend whatever sums are required, above the sum of Twenty Thousand Dollars (\$20,000), which the Developer shall pay, but not exceeding Sixty Thousand Dollars (\$60,000), in furtherance of such improvements described herein, and for the City to pay such costs, if any, above the said \$20,000 sum up to the limit of the said \$60,000 sum, as might be required and that the City's cost and expense to be a charge upon the property of the Developer abutting upon the improvement (the "Improvements"); and

WHEREAS, the said special and local improvements shall include, but not necessarily limited to, a traffic impact study, design of signalization, securing a permit from MDOT for installation of signalization at the said location, construction of traffic signalization to deal with traffic flow into and out of the Developer's property, and intersectional modifications or upgrades that might necessary as a result of said added signalization at the said site (the "Project"); and

WHEREAS, the City desires to be able to recover from the Developer all of such expenses incurred by it for the Improvements from the charge against the property of the Developer which shall be benefited; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY, ACTING FOR AND ON BEHALF OF THE CITY, IN REGULAR SESSION ASSEMBLED ON THIS THE 6th DAY OF SEPTEMBER, 2016, AS FOLLOWS:

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Pursuant to the Act, the Governing Body, acting for and on behalf of the City, does hereby declare its intention to pay all sums above \$20,000 but not to exceed \$60,000 on the Project.

The Governing Body also declares its intention to charge all such costs incurred by the City for the Project to the Developer's property to be repaid to the City over a period of years and at an annual interest rate agreed upon by the Governing Body and the Developer, but not to exceed ten (10) years nor at a rate of less than four percent (4%) per year.

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:

Councilman Gene A. Taylor voted:	Voted: <u>YES</u>
Councilman Joseph W. Mickens, Sr:	Voted: <u>YES</u>
Councilman Charlie Box voted:	Voted: <u>YES</u>
Councilman Stephen Jones voted:	Voted: <u>YES</u>
Councilman Fred Jackson voted:	Voted: <u>YES</u>
Councilman Bill Gavin voted:	Voted: <u>YES</u>

The motion having received the affirmative vote of a majority of the members of the City Council present, being a quorum of said City Council, the Mayor declared the motion carried and the resolution adopted this 20TH day of August, 2018.

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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 Jones moved that the meeting be adjourned. Upon second by Council Member Gavin and unanimous vote, the Mayor announced that the meeting was ADJOURNED.

APPROVED BY: _____
Robert E. Smith, Sr., Mayor

Milton Rawle, Jr.,
CFO – Secretary-Treasurer

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