

MAYOR

ROBERT E. SMITH, SR.

CITY COUNCIL

GENE A. TAYLOR
JOSEPH W. MICKENS, SR.
CHARLIE BOX
FREDRICK JACKSON
STEPHEN JONES
BILL GAVIN

CHIEF OPERATIONS OFFICER
DAVID ARMSTRONG

CITY OF COLUMBUS

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CFO/SECRETARY-TREASURER

POLICE CHIEF
FREDERICK SHELTON

FIRE CHIEF
MARTIN L. ANDREWS

HUMAN RESOURCES DIRECTOR
PATRICIA S. MITCHELL

**INTERIM DIRECTOR OF PLANNING
AND COMMUNITY DEVELOPMENT**
GEORGE IRBY

**SPECIAL MEETING
THE MAYOR AND CITY COUNCIL
CITY OF COLUMBUS, MS**

APRIL 23, 2019

9:00 A. M.

PLEASE TAKE NOTICE that the Mayor and City Council of the City of Columbus will have a special meeting.

The meeting will be held at 9:00 A.M., Tuesday, April 23, 2019, in the City Hall Public Reception Room, located at 523 Main Street, Columbus, MS, as Ordered by the Mayor and City Council.

The following will be discussed:

- A. Discuss/Approve Resolution for Storm Debris Removal from Private Property.**

So Ordered, on this the 22nd day of April 2019.

As Determined by the Mayor and City Council

**SPECIAL CALLED MEETING
THE MAYOR AND CITY COUNCIL
CITY OF COLUMBUS, MS**

**APRIL 23, 2019
9:00 A.M.**

The Mayor and City Council met in a Special Called Meeting on Tuesday, April 23, 2019 at 9:00 a.m., proper notice being posted, after having recessed from their last regular meeting of April 16, 2019. The meeting was held in the City Hall Public Reception Room. Mayor Robert E. Smith, Sr. presided over the meeting and all Council Members were present, with the exception of Council Member Box, who participated via telephone. Also present were the COO, the General Counsel, the Police Chief, and the HR Director.

I. CALL MEETING TO ORDER AND INVOCATION

Mayor Smith called the meeting to order and called upon Council Member Box to offer the Invocation.

II. DISCUSS/APPROVE RESOLUTION FOR STORM DEBRIS REMOVAL FROM PRIVATE PROPERTY.

THE RESOLUTION FOLLOWS:

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RESOLUTION

Council Member **JONES** moved for the adoption of the below and foregoing Resolution:

WHEREAS, on February 23, 2019, a tornado struck the City of Columbus, causing widespread damage within the City of Columbus, Lowndes County, Mississippi; and

WHEREAS Section 33-15-1 of the Mississippi Code and the sections that follow, as amended, and Section 33-15-5 includes the power of counties to declare a state of emergency as follows:

(m) “Disaster” means any natural, technological or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor or the President of the United States; and

WHEREAS, in addition, Section 33-15-17 of the Code requires that counties and municipalities establish a local organization for emergency management and provides that “Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized. . .”; and

WHEREAS, “Emergency management” is defined under Section 35-15-5(c)(iv) to include the responsibility for “Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons or property affected by emergencies. . .”; and

WHEREAS, each county is required to develop an emergency management program that is coordinated and consistent with the state program by the 1995 amendments to Section 33-15-17; and

WHEREAS, Section 33-15-49 of the Mississippi Code contains specific provisions of the Emergency Management Law regarding work on private property stating that “In the event. . . [a] natural disaster occurs within the state or within a portion of it and a proclamation is issued by the governing authorities of the municipality, the Office of the Governor of the state or the President of the United States declaring such affected areas to be disaster areas, the governing authorities of any county or municipality adversely affected by such disaster may:

- (a) Use county or municipality owned equipment and such public employees as necessary to venture onto private property to aid in removing debris and to prevent further damage to such property at the request of the property owners;
- (b) Use county or municipality owned equipment and such public employees as necessary to venture onto private property to remove debris and to perform

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any other necessary and needed services to prevent the spread of disease or any other health hazard to the community at large”; and

WHEREAS, the severe weather that struck Columbus on February 23, 2019 caused severe damage to many parcels of private property, including, but not limited to the following:

Homes, structures, residential structures, yards, fields, lots, parcels and other privately owned property and left on such parcels uprooted trees and other vegetative debris, dangerously leaning trees, construction debris, dangerous structures, holes from tree root balls, standing water, cesspools, cisterns, rubbish and other storm debris; and

WHEREAS, if left unabated and without municipal assistance, the aforesaid conditions are likely to cause the spread of disease or create other health hazards to the owners of the properties in question and also to the community at large;

NOW THEREFORE, the Mayor and City Council of the City of Columbus hereby finds, determines and adjudicated that the above and foregoing provisions of this Resolution are bona fide, true and existing and that the described conditions create a clear and obvious danger to the health, safety and wellbeing of the citizens of the City and to the community at large and that, in order to eliminate or minimize such danger, the City, conditioned upon the request and consent of the owners of such properties and the continuing declaration that the disaster continues to exist, shall enter private property and remediate such hazardous conditions as are necessary to preserve the health safety and welfare of the community.

Council Member TAYLOR seconded the Motion. The Mayor called for discussion on the issue and after the merits of the Resolution were thoroughly discussed, the Mayor called on the members of the Council to cast their votes and 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> (VIA TELEPHONE)
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 motion carried and that the resolution was approved and adopted and ordered that it be spread upon the minutes of the meeting of the Mayor and City Council.

This the 23rd day of April, 2019.

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Robert E. Smith, Sr.

Attest:

Deputy City Clerk/Secretary-Treasurer

ADJOURNMENT

Mayor Smith then asked if there was any other business to come before the Mayor and City Council. There being none, Council Member Mickens made a motion that the meeting adjourn. Upon second by Council Member Gavin and unanimous vote, the Mayor announced that the meeting was ADJOURNED.

APPROVED BY:

Robert E. Smith, Sr., Mayor

Patricia Mitchell
Deputy CFO/Secretary-Treasurer

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