

**MEETING OF  
THE MAYOR AND CITY COUNCIL  
CITY OF COLUMBUS, MS  
FEBRUARY 5, 2019**

The Mayor and City Council met in Regular Session on Tuesday, February 5, 2019 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, with the exception of Council Member Jackson, who was absent. Also present were the COO, 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 Pastor Leonardo Dismukes, pastor of Agape Love International Church, to give the Invocation.

**II. APPROVE MINUTES FOR THE MEETING OF JANUARY 15, 2019.**

Council Member Gavin made a motion to approve the Minutes for the Meeting of January 15, 2019. Council Member Taylor seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**III. APPROVE DOCKET OF CLAIMS FOR FEBRUARY 5, 2019.**

Council Member Taylor made a motion to approve the Docket of Claims for February 5, 2019 in the amount of \$747,253.80. 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**

**CONSENT AGENDA:**

Add item "O" – *Approve request for the Mayor to travel to Jackson, MS, to meet with the legislators at no cost to the City.*

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Council Member Gavin made a motion to move Items A, B, C, D, E, G, H, J, L, & M to the Policy Agenda. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**CITIZENS INPUT AGENDA:**

Delete: *Lee Roy Lollar – Resolution Banning Sale of Kratom*

Delete: *Diane Sherrod & Patti Coggins – Families First for Mississippi*

**POLICY AGENDA:**

Add Item "K" – *Discuss/Approve recommendations from the January 14, 2019 Planning Commission meeting.*

Add Item "L" – *Consider/Approve Resolution to Levy Tourism Tax.*

**EXECUTIVE SESSION:**

Change Personnel Matters to two (2).

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, all Council Members present voted in favor of same, with a unanimous vote.

The motion carried.

**V. CONSENT AGENDA:**

- F. Approve request to refund Shameka Triplett, Janet Wells, and Simone Dancer the sum of \$15.00 each for sports registrations and Carolyn Perriman, Dennis Erby and Brittany Murphy \$150.00 each for clean-up deposits.
- I. Approve request for the Columbus Police Explorers Organization to solicit donations, per City Policy, for uniforms, scholarships and other necessities for the Columbus Police Explorers Program.
- K. Approve request to purchase a tag for an unmarked CPD vehicle.
- N. Approve request to refund Scott Swain the sum of \$396.00 for an over payment for a building permit fee and Chris Atkins the sum of \$760.00 for a building permit fee for construction that is outside the City limits.
- O. Approve request for the Mayor to travel to Jackson, MS, to meet with the legislators at no cost to City.

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Council Member Taylor made a motion to approve the Consent Agenda as presented, with the above amendments. Council Member Gavin seconded the motion. The Mayor called for discussion, and there being none, all Council Members present voted in favor of same, with a unanimous vote.

The motion carried.

**VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:**

**A. General Comments from the Mayor and Council Members**

City Recreation Department Director, Greg Lewis, and Lowndes County Recreation Department Director, Roger Short, came before the Mayor and Council, discussed the Admiral Cup Tournament, which will come to Columbus May 1 – 3, 2020. They stated that they would be working together to ensure that the Soccer Fields are prepared for this event, which will have a positive Economic impact on Columbus.

**B. Swearing In of four (4) CPD Officers**

- Nicholas T. Hairston
- Mecca A. Shabazz
- Quartez Temple
- Joseph C. Williams

Mayor Smith swore in four (4) new Police Officers: Nicholas T. Hairston, Mecca A. Shabazz, Quartez Temple and Joseph C. Williams as they recited the Oath of Office. Chief Shelton and the Police Department Command Staff were present to affix pin and badge to the employees.

**C. Board Vacancies**

David Armstrong, COO, announced vacancies on various Boards and remarked that no appointment can be made tonight.

**CONVENTION & VISITORS BUREAU**

- 1 Vacancy, 3-Year Term
- Dewitt Hicks' Term will expire 3/1/2019.
- Appointment will be made on 3/5/2019.
- No applicants at this time

**COLUMBUS MUNICIPAL SCHOOL DISTRICT BOARD**

- 1 Vacancy, 5-Year Term
- Fredrick Sparks' Term will expire 3/2/2019.
- Fredrick Sparks was appointed to fill the remainder of Stephen Jones' term.
- Appointment will be made on 3/5/2019.
- No applicants at this time

**BOARD OF ADJUSTMENT & APPEALS OF DEVELOPMENT CODES**

- 1 Vacancy, 1-Year Term
- Kevin Stafford's Term will expire 3/6/2019.
- Appointment will be made on 3/5/2019.

**APPLICANT**

- Kevin Stafford

**TREE BOARD**

- 1 Vacancy, 3-Year Term
- Reid Nevins' Term will expire 4/19/2019.
- Appointment will be made on 4/16/2019.
- No applicants at this time

**VII. CITIZENS INPUT AGENDA:**

- **Donna Chatman – CableOne Rebranding and Rate Changes**

Ms. Donna Chatman, general manager of Cable One, came before the Mayor and Council to give an overview of its "Rebranding as Sparklight" plan that will encompass streamlining residential internet service plans and pricing, offering faster speeds, added value, and the ability to include unlimited data on any plan, beginning summer of 2019. No action was taken.

- **Glenn Lautzenhiser – Crime & Addiction Task Force of Lowndes Community Foundation Presentation**

Mr. Glenn Lautzenhiser, Chairman of Crime & Addiction Task Force of Lowndes Community Foundation, along with Lt. Eddie Hawkins of Mississippi Bureau of Narcotics and others, made a presentation detailing the effects of Kratom and asked the Council to adopt an ordinance prohibiting the sale of the drug. Council Member Box made a motion to adopt an Ordinance prohibiting the Use, Purchase,

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Possession, Distribution, Sale or Offering for Sale of Synthetic Cannabinoids and other Synthetic products. Council Member Taylor seconded the motion, and after a thorough discussion of the merits of the motion, the Mayor called for a vote that was recorded as follows:

Council Member Gene Taylor	voted:	<u>YES</u>
Council Member Joseph Mickens	voted:	<u>YES</u>
Council Member Charlie Box	voted:	<u>YES</u>
Council Member Fredrick Jackson	voted:	<u>ABSENT</u>
Council Member Stephen Jones	voted:	<u>YES</u>
Council Member Bill Gavin	voted:	<u>YES</u>

Whereupon, the foregoing Ordinance Prohibiting the Use, Purchase, Possession, Distribution, Sale or Offering for Sale of Synthetic Cannabinoids or other Synthetic Products passed by a unanimous vote of all of the governing body present, was declared Adopted and shall become effective immediately on this the 5<sup>th</sup> day of February, 2019.

**THE ORDINANCE FOLLOWS:**

(THIS SPACE LEFT BLANK INTENTIONALLY)

**ORDINANCE PROHIBITING THE USE, PURCHASE, POSSESSION,  
DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC  
CANNABINOIDS AND OTHER SYNTHETIC PRODUCTS**

**WHEREAS**, the Mayor and City Council of the City of Columbus, Mississippi have determined that certain substances are being sold within the municipal boundaries of the City of Columbus, Mississippi, that, when ingested, product intoxicating effects similar to THCA, marijuana, Methcathinone, opioids and/or prescription pain relieving medication; and

**WHEREAS**, not all of the substances described below are yet categorized as illegal controlled substances under Mississippi or the laws of the United States; and

**WHEREAS**, the substances described below are often used as an alternative to marijuana, opioids and other controlled substances and are dangerous to the health, safety and welfare of individuals who ingest such substances and dangerous as well to the general welfare of their families and the citizens of this City; and

**WHEREAS**, it has determined that the effects of these substances are a health concern to the citizens of Columbus, Mississippi; and

**WHEREAS**, the Mayor and City Council of Columbus, Mississippi, have determined the need to establish an ordinance preventing the use, possession, purchase, distribution, sale or attempt to use, possess, purchase, distribute or sale or publicly display for sale any one or more of the following chemicals or substances within the municipal boundaries of the City of Columbus, Mississippi; and therefore adopt the following ordinance and penalties; and

**WHEREAS**, pursuant to Section 21-13-1 et. seq. of Mississippi Code Annotated of 1972 as may be amended from time to time, this Ordinance Prohibiting The Use, Purchase, Possession, Distribution, Sale or Offering For Sale of Synthetic Cannabinoids or Other Synthetic Products is for the immediate and temporary preservation of the public peace, health and safety and welfare and for other good causes described herein, pursuant to Section 21-13-11, this Ordinance shall become effective immediately upon its unanimous adoption, prior to being recorded and published, as being in the best interest of the public to become immediately effective.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Columbus, Mississippi, that the following be added and made a part of the Columbus, Mississippi Code of Ordinances, to wit:

1. No person shall use, possess, purchase, distribute, sale or attempt to use, possess, purchase, distribute or sell or publicly display for sale any one or more of the following chemicals within the limits of City of Columbus, Mississippi.
  - Salviadivinatorum or salvinatorum A: all parts of the plant presently classified botanically as salvia divinatorum, whether growing or not, the seeds thereof an

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extract from any part of such plant, and every compound, manufacture salts derivative, mixture or preparation of such plant, its seeds or extracts;

- (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c] chromen-1-ol. Some trade or other names, including, but not limited to: HU-210;
  - 1-Pentyl-3-(1-naphthyl) indole. Some trade or other names, including, but not limited to: JWH-018/ spice;
  - 1-Butyl-3-(1-naphthyl) indole. Some trade or other names, including, but not limited to: JWH-073;
  - 1-(3-(trifluoromethyl)phenyl) piperazine. Some trade or other names, including, but not limited to: TFMIP;
  - 4-methoxymethcathinone and Ethylcathinone;
  - *Mitragyna speciosa* korth, *Mitragyna speciosa* leaf extract, *Mitragyna speciosa* extract, and *M. speciosa* alkaloids, including ajmalicine, mitraphylline, rhynchophylline and mitragynine pseudoindoxyl, raubasine, pausinystalia johimbe and corynantheidine, 7-acetoxymitragynine, Corynoxin, Corinnoxin, 3-Dehydromitragynin, (-)-Epicatechin, 3-Isocorynantheidin, 3-Isopaynanthein, Isomitraphyllin, Isospeciofolin, Isospecionoxein, Mitraciliatin, Mitrafolin, Mitragynalin, Mitraphyllin, Mitraspecin, Mitraversin, Paynanthein, Speciociliatin, Speciofolin, Speciogynin, Specionoxein, Speciogynin, Speciofolin, Stipulatin. Some trade or other names, including, but not limited to: Kratom, krathom, kakuam, ketum, ithang, thom, biak-biak, kratum, mambog, Super K, Life Force K, K-Chill, K-shot;
  - Or any similar structural analogs.
2. If any of the aforementioned substances shall be found in the possession of any person, unless specifically excluded herein, the substances shall be confiscated and destroyed by law enforcement officials.
  3. It shall not be an offense under Section 1 above of this Ordinance if a person shall be acting at the direction of an authorized agent of Columbus, Mississippi, to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale of the aforementioned substance.
  4. This Ordinance shall not apply to any person who shall commit any act described in this Ordinance pursuant to the lawful direction or prescription of a duly-licensed physician or dentist authorized to direct or prescribe such act. This Ordinance shall not apply to the inhalation of anesthesia for a medical or dental purpose which inhalation of anesthesia shall be administered by or under the supervision of a duly licensed physician or dentist.

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5. Any person found to be guilty of violating this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and no/100 Dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both.
6. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinance as a whole.
7. This Ordinance shall become effective immediately. The Clerk shall cause the Ordinance to be published in a local newspaper with a general circulation.

**WHEREAS**, the Ordinance prohibiting the use, purchase, possession, distribution, sale or offering for sale of synthetic cannabinoids or other synthetic products was read, discussed or voted upon in a public meeting, and whereas a motion was duly made by Council Member **BOX**, seconded by Council Member **TAYLOR**, and after a thorough discussion of the merits of the motion, the Mayor called for a vote that was recorded with the following results, to wit:

Council Member Gene Taylor	voted:	<u>YES</u>
Council Member Joseph Mickens	voted:	<u>YES</u>
Council Member Charlie Box	voted:	<u>YES</u>
Council Member Fredrick Jackson	voted:	<u>ABSENT</u>
Council Member Stephen Jones	voted:	<u>YES</u>
Council Member Bill Gavin	voted:	<u>YES</u>

Whereupon, the foregoing Ordinance Prohibiting the Use, Purchase, Possession, Distribution, Sale or Offering for Sale of Synthetic Cannabinoids or Other Synthetic Products passed by a unanimous vote of all of the governing body, was declared Adopted and shall become effective immediately on this the 5<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
ROBERT E. SMITH, SR., MAYOR

ATTEST:

\_\_\_\_\_  
MILTON E. RAWLE, JR.,  
CFO/SECRETARY-TREASURER

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- ~~DELETED - Lee Roy Lollar – Resolution Banning Sale of Kratom~~

- **Donna Hankee – Forrest Blvd. Speed Hump**

Ms. Donna Hankee came before the Mayor and Council to request speed humps on Forrest Blvd. This request was made and approved by the Council on July 17, 2018, but they were never installed. Ms. Hankee expressed concern for the safety and welfare of the citizens on this street. Mayor Smith asked Ms. Hankee to be patient for a couple more months and stated that he will ensure that there is more police presence in the area beginning immediately. No action was taken.

- **Stanley Taggart – Request to remove Liens and Judgements at 1419 20<sup>th</sup> St. North**

Mr. Stanley Taggart came before the Mayor and Council and request that the City remove Liens and Judgments on property located at 1419 – 20<sup>th</sup> Street North. Legal Counsel Turnage discussed the process, stating that when a property owner fails to maintain property and following the court process, the City is required to place a lien on the property if the City is not reimbursed the cost to clean up the lot. The property then goes through the tax sale process. No action was taken.

- ~~DELETED - Diane Sherrod & Patti Coggins – Families First for Mississippi~~

## **VIII. POLICY AGENDA:**

- A. Discuss/Approve donation of \$750.00 to the Lowndes County Chapter of the MUW Alumni Association's Welcome Home Reception to be paid from Advertising City Resources.**

Council Member Jones moved to approve the expenditure of \$750.00 from 001-004-703 (Advertising City Resources) 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 Gavin seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried.

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**B. Discuss/Approve Adoption of HOME Policies and Procedures.**

Council Member Taylor made a motion to approve the City of Columbus Homeowner Rehabilitation Policies, Procedures and Guidelines. Council Member Gavin seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried.

**THE HOME POLICIES AND PROCEDURES FOLLOWS:**

**(SPACE LEFT BLANK INTENTIONALLY)**

**THE CITY OF COLUMBUS  
HOMEOWNER REHABILITATION POLICIES PROCEDURES  
AND GUIDELINES**

**1. PURPOSE AND INTENT**

With this adopted policy state, the City of Columbus hereby sets forth the homeowner rehabilitation policies, procedures and guidelines. The purpose of this document is to establish guidelines by which persons may obtain homeowner rehabilitation assistance. These policies apply to the HOME Investment Partnership Programs (HOME) Grant funded by the Mississippi Home Corporation (MHC).

The City of Columbus Office of Planning and Community Development will provide homeowner rehabilitation administrative services to include, but not limited to the following:

- a. Determine household eligibility once funded by MHC
- b. Develop work write-ups
- c. Assist in securing contract bids
- d. Assist in bid process and make recommendations for contracts
- e. Develop necessary forms for carrying out the project
- f. Maintain program records and documentation
- g. Develop a report on program performance and reports on grant funds as required
- h. Obtain all warranty papers and termite certificates

The City of Columbus shall confer with the City of Columbus Inspection Department (CID) to provide the following:

- a. Housing inspections
- b. Review work write-ups
- c. Certify that constructions meet standards
- d. Assure that asbestos and lead based paint procedures are followed
- e. Provide required forms for inspections and certifications with appropriate signatures to the Office of Planning and Community Development

It is the intent of the City of Columbus through the HOME Investment Partnerships Program to serve low income homeowners and to utilize other resources that may be available.

## **2.0 APPLICANT ELIGIBILITY**

### **2.1 General**

The City of Columbus must comply with 24 CFR Part 92.36 (b) stating that no persons who is an employee, agent consultant, officer, or elected official or appointed official of the participating jurisdiction, State recipient, or sub-recipient receiving HOME funds who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure of for one year thereafter.

### **2.2 Household Eligibility**

All household members must be determined eligible for HOME funds. Household members must be legal residents.

The unit must be owned and occupied by applicant(s) at least one (1) year prior to the date of application to MHC. Documentation is required to indicate the household is the principal residence (e.g., utility bills in the homeowner's name).

### **2.3 Income Eligibility**

To be eligible for assistance, families must meet the income limits and criteria. Meeting the income criteria does not automatically mean that a family will receive assistance. Income eligibility limits for rehabilitation assistance are the same as those income limits established by HUD for low-income persons. The household must be low income with an annual (gross) income that does not exceed eighty percent (80%) of median income for the area. Part 5 of the

annual income definition has been adopted by the City of Columbus as the method in which income should be calculated. If six (6) months have lapsed since the income has been verified without assistance being provided (time assistance is provided is the date in which the City of Columbus and the homeowner sign a contract) the income must be re-verified. Proof of annual income will be calculated by verifying a minimum of three (3) consecutive months of source documents, (e.g. wage statements, interest statements, and unemployment compensation statement). The total gross income amount of all adult household members that anticipate receiving HOME funds must be included to determine if the household meets the income limit.

#### **2.4 Ownership Eligibility**

Homeowner ownership consists of a fee simple title, 99-year leasehold interest (50-year leasehold on trust). A copy of the Deed must be provided. A title search will be required to prove ownership.

#### **2.5 Application Processing**

Applications will be selected continuously throughout the jurisdiction for the City of Columbus. Applicant's files shall contain an application for assistance, verification of ownership, verification of income, contract between the City of Columbus and homeowner, contract between homeowner and contractor, lead-based paint hazard notices, work write-ups, contractor bid contracts, proof of payment, IDIS voucher forms and other HUD required forms, inspection reports, warranty information and required family characteristics. Only one (1) application will be authorized per household.

## **2.6 Work Write-ups**

Work write-ups shall be prepared for applicants determined to be eligible for assistance. The work write-ups shall set forth the scope of work to be performed, description of materials to be used and the estimated cost of the materials and labor to complete the work.

## **3.0 PROPERTY ELIGIBILITY**

### **3.1 Unit Characteristics**

Owner occupied units located within the incorporated limits of the City of Columbus shall be eligible for rehabilitation assistance (single family units only) as indicated in the application to MHC. The units must be located in the designated project areas as shown on the project map.

### **3.2 Conditions**

It is the intent of this program to upgrade housing within the jurisdiction of the City of Columbus. All work shall at a minimum conform to the 2015 International Code Council International Residential Code for One-Family and Two-Family Dwellings, and workmanship shall conform to acceptable standards of quality of the respective trades involved.

### **3.3 Types of Improvements**

For a unit to qualify for rehabilitation, (1) at least two (2) of the health and safety hazards must be addressed, (2) unit must have been constructed after 1978 and (3) cost of rehabilitation, must not exceed \$40,000. The activity submitted in the HOME application is the activity which must be undertaken during the implementation process.

### **3.4 Flooding**

Dwellings located within floodways or flood plains as determined by the National Flood Insurance Program are eligible for assistance if Environmental Regulations are met. Please contact the Audit & Compliance Bureau for guidance.

### **3.5 Historic Buildings**

Buildings of historic significance must be rehabilitated according to the requirement set forth by the Department of Archives and History

## **4.0 GRANT AMOUNT/AGREEMENTS**

The maximum assistance under the program shall be based upon HUD's published 221(d) (3) elevator type limits at the time the assistance is received. The minimum of HOME Investment funds to be used in \$1,000 per unit; however, if the assistance does not result in a beneficiary, the City of Columbus will be required to repay the funds spent to MHC using non-federal funds.

Grant agreements must be executed between the City of Columbus and the homeowner to include, but not limited to, the following specific information:

- a. size of the household
- b. names and ages of all house hold members
- c. income of all adult household members
- d. eligibility requirements