

**MEETING OF
THE MAYOR AND CITY COUNCIL
CITY OF COLUMBUS, MS
NOVEMBER 19, 2019**

The Mayor and City Council met in Regular Session on Tuesday, November 19, 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. Also present were the COO, CFO, General Counsel, Police Chief, HR Director and all other Department Heads.

I. CALL TO ORDER AND INVOCATION

Mayor Smith called the meeting to order and called upon Rev. German McConnell, Executive Director of MSMS(Mississippi School for Math & Science) and Associate pastor of Missionary Union Baptist Church, to offer the Invocation.

II. APPROVE MINUTES FOR THE MEETING OF OCTOBER 23, 2019

Council Member Jones made a motion to approve the Minutes for the Meeting of October 23, 2019. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

III. APPROVE DOCKET OF CLAIMS FOR NOVEMBER 19, 2019

Council Member Gavin made a motion to approve the Docket of Claims for November 19, 2019 in the amount of \$234,391.30. Council Member Jones 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:

Change Item "C" to read: *Accept letter of resignation from three (3) CPD Officers, effective November 24, 25 & 27, 2019, and approve compensation for any unused Vacation leave and transfer unused sick leave to PERS.*

Add Item "J" – *Accept Letter of resignation from one (1) Public Works Department Laborer, effective November 13, 2019.*

POLICY AGENDA:

Add Item "1" – Discuss/Approve hiring of one (1) Code Enforcement Assistant, pending successful completion of a pre-employment medical exam and drug screen. r

Council Member Box 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 voted in favor of same, with a unanimous vote.

V. CONSENT AGENDA

- A. Approve request for the Interim City Planner, George Irby, to attend the "MML 2020 Mid-Winter Conference" to be held in Jackson, MS, and approve payment of \$125.00 for registration, \$265.68 for lodging, fuel and reimbursement for meal expenses.
- B. Ratify permit request submitted by Marilyn Moore to host a "Repast" held on November 9, 2019 from 1:00 p.m. until 3:00 p.m. at 705 – 17th Street North.
- C. Accept letter of resignation from three (3) CPD Officers: Jemarco Harris (11/25/19), Tommie Stinson (11/27/19), and Dillard Robinson(11/24/19), and approve compensation of any unused vacation leave and transfer unused sick leave to PERS.
- D. Approve request for the CPD Director of Training, Liz Patrick, and CPD Sergeant, Louis Alexander, to attend the "Alabama Law Enforcement Hiring Expo" to be held in Birmingham, AL and approve payment of \$400.00 for registration and reimbursement for meal expenses.
- E. Approve request for the Intervention Court Coordinator, Leonardo Dismukes, to attend a "MDOC Risk and Needs Assessment Training" to be held in Hattiesburg, MS, and approve payment of \$94.00 for lodging, \$208.00 for travel and reimbursement for meal expenses.
- F. Ratify request for Fire Chief of Training, Mike Chandler, to attend "MSFA Q & A" to be held in Tupelo, MS and approve payment of fuel.
- G. Ratify request for sixteen (16) Fire and Rescue Firefighters to attend "LP Gas Live Burn" to be held in Starkville, MS, and approve payment of fuel expenses.
- H. Approve request for three (3) Fire and Rescue Firefighters: Robert Dinsmore, David Tousley & Onterrio Lowery to attend "Rope Awareness and Operations (Rope I)" to be held in Amory, MS, and approve payment of fuel expenses.

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- I. Approve request for two (2) Fire and Rescue Captains: Wes Mims and Marco Rodriguez, to attend "HSART Refresher" to be held in Philadelphia, MS, and approve payment of fuel expenses and reimbursement of meal expenses.
- J. Accept letter of resignation from Public Works Department Laborer, Bryant Shinn, effective November 13, 2019.

Council Member Mickens made a motion to approve the Consent Agenda as amended. Council Member Jones 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.

VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:

A. General Comments from the Mayor and Council Members

Mayor Smith announced the upcoming 12th Annual Senior Citizens Thanksgiving Luncheon to be held Thursday, November 21, 2019 in the upper level of the Convention Center.

Mayor Smith announced a vacancy on the Airport Board and asked Council Member Beard if he would serve. He agreed. Council Member Gavin made a motion to appoint Council Member Beard to serve on the Airport Board. Council Member Mickens seconded the motion.

All members voted in favor of the motion.

The motion carried.

Mayor Smith also reminded that each Council Member was asked to recommend one (1) person in his/her ward to serve on the Census Complete Count Board and give the name to the COO, David Armstrong.

B. Presentation of Commendations to three (3) CPD Officers

Chief Fred Shelton presented certificates of commendation to three (3) CPD Officers: Shanqula Fulton, Nicholas Hairston and Tommy Watkins for rescuing a citizen from a wrecked automobile.

C. Presentation to a CPD Reserve Officer, Captain James R. Bush.

Chief Shelton presented a plaque to Captain James R. Bush for his service to the Columbus Police Department as Captain over Reserves for thirty-two (32) years.

D. Monthly Report from the Columbus Fire and Rescue Department for October 2019.

The Monthly Report from the Columbus Fire and Rescue Department for October 2019 was presented. No action was taken.

E. Monthly Report from the Municipal Court Division for October 2019.

The Monthly Report from the Municipal Court Division for October 2019 was presented. No action was taken.

F. Monthly Report from the Public Works Department for October 2019.

The Monthly Report from the Public Works Department for October 2019 was presented. No action was taken.

G. Monthly Report from the City Planning and Community Development Department for October 2019.

The Monthly Report from the City Planning and Community Development Department for October 2019 was presented. No action was taken.

F. Monthly Report from the Code Enforcement Department for October 2019.

The Monthly Report from the Code Enforcement Department for October 2019 was presented. No action was taken.

G. Monthly Report from the Columbus Recreation Department for October 2019.

The Monthly Report from the Columbus Recreation Department for October 2019 was presented. No action was taken.

H. Monthly Report from the Columbus Police Department for October 2019.

The Monthly Report from the Columbus Police Department for October 2019 was presented. No action was taken.

I. Monthly Report from the Building & Inspection Department for October 2019.

The Monthly Report from the Building & Inspection Department for October 2019 was presented. No action was taken.

J. Monthly Financial Report

Deliah Vaughn, CFO, distributed Monthly Financial Reports and remarked that the City has \$3,739,502.29 in the General Fund, and \$1,178,454.39 Operating Cash in the General Fund. The Sales Tax numbers for the month are \$804,552.90, which is an increase of \$38,238.00 compared to the same time last year.

K. Board Vacancies

David Armstrong, COO, announced vacancies on various Boards and remarked that some appointments can be made tonight.

CITY PLANNING COMMISSION

- 1 Vacancy, Larry Fuller's 3-Year Term Expired 10/04/2019.
- Appointment will be made immediately.
- No applicants at this time.

APPLICANT

- **Quincy Harris**

Council Member Beard made a motion to appoint Quincy Harris to the City Planning Commission for a three (3) Year Term, until 10/04/2022. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

TREE BOARD

- 2 vacancies, 3-Year Terms for Mildred Monroe and Michael Foster expires 12/06/2019.
- Appointment will be paid December 3, 2019.

APPLICANTS:

- Michael Foster
- Mildred Monroe

GOLDEN TRIANGLE WASTE MANAGEMENT AUTHORITY BOARD

- 1 Vacancy, 4-Year Term for James Wamble III, Expires 12/15/19.
- Appointment will be made December 17, 2019.
- No Applicants at this time.

**BOARD OF ADJUSTMENT AND APPEAL OF DEVELOPMENT
CODES**

- 1 Vacancy, 1 Year Term for Mike Gibson, Expires 1/02/2020.
- Appointment will be made January 7, 2020.
- No Applicants at this time.

VII. CITIZENS INPUT AGENDA

VIII. POLICY AGENDA:

A. Discuss/Approve Advertising City Resources for the Mayor's 13th Annual Senior Citizens Thanksgiving Luncheon.

Council Member Mickens moved to approve the expenditure not to exceed \$10,000.00 from 001-004-695 (Advertising City Resources) for the Mayor's 13th Annual Senior Citizens Thanksgiving Luncheon 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 voted in favor of the motion.

The motion carried.

B. Discuss/Approve Advertising City Resources for the Thanksgiving Day Delivery Meals.

Council Member Mickens moved to approve the expenditure not to exceed \$6,000.00 from 001-004-695 (Advertising City Resources) for Thanksgiving Day Delivery Meals 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 Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

C. Discuss/Approve hiring one (1) Police Officer, pending successful completion of a pre-employment medical exam and drug screen

Council Member Jones made a motion to hire **MICHAELA GILL**, as a Police Officer, contingent on successful completion of a pre-employment medical exam and drug screen. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

D. Discuss Lux Creek Park Lease.

David Armstrong, COO, reported that he met with a representative of the Corp. of Engineers regarding the Lux Lease. The Luxapalila is a beautiful park, but the problem is that it is not used. There have been problems with vandalism. Lowndes County pulled out of the lease prior to January 1, 2001. The City entered into a 25-year lease, which will extend until December 31, 2025. It will probably be closed down. Mr. Armstrong requested approval to give the Corp. of Engineers a 1-year notice of cancellation. Council Member Jones made a motion to authorize COO, David Armstrong, to issue the Corp. of Engineers a 1-year notice of cancellation of the lease for the Luxapalila Park. Council Member Gavin seconded the motion, followed by a voice vote.

COUNCIL MEMBER STEWART	voted: <u>YES</u>
COUNCIL MEMBER MICKENS	voted: <u>YES</u>
COUNCIL MEMBER BOX	voted: <u>YES</u>
COUNCIL MEMBER BEARD	voted: <u>YES</u>
COUNCIL MEMBER JONES	voted: <u>YES</u>
COUNCIL MEMBER GAVIN	voted: <u>YES</u>

The Mayor then announced that the above and foregoing Resolution was thereby adopted on this the _____19th day of November, 2019.

THE RESOLUTION FOLLOWS:

E. Discuss/Approve Proposed Telepak Networks (C-Spire) Cable Franchise Agreement.

David Armstrong remarked that the City entered into a 15-Year Lease with Cable One May 2014 and it will expire 2029. C-Spire approached the City of

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Columbus with a proposed 25-Year Agreement with 5% of gross revenue. Council Member Gavin made a motion to enter into a Telecommunications Franchise Agreement between the City of Columbus, Mississippi and Telepak Networks, Inc. Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

THE AGREEMENT FOLLOWS:

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EXECUTIVE SUMMARY

PROPOSED
TELECOMMUNICATIONS FRANCHISE AGREEMENT
BETWEEN CITY OF COLUMBUS, MISSISSIPPI
AND
TELEPAK NETWORKS, INC.

The purpose of this summary is to highlight some of the key provisions that are proposed for a new Franchise with Telepak Networks, Inc. for the provision of cable and telecommunication services. The following provisions are proposed for the City's new Franchise:

- The proposed Agreement incorporates the minimum Federal Customer Service Standards for cable television services and incorporates all rights and regulatory authority to the City allowed under the Cable Act and applicable FCC regulations.
- The proposed Agreement requires franchise fee payments to be based on 5% of Gross Revenues to be paid on a quarterly basis with extensive documentation requirements for the provision of cable/video services and 2% for telecommunication services provided in the City. The Gross Revenue definition for cable /video includes the following revenue categories: limited and expanded basic video service, digital video service, premium video service, pay-per-view and video-on-demand, equipment, installation and activation, franchise fees, guide, late fees, ad sales, home shopping commissions, and bad debt which is consistent with Federal Law and 2% franchise fee for the provision of telecommunication services consistent with State Law.
- Upon execution of the Agreement, Telepak will pay the City a one-time license fee payment of \$5,000.00.
- In the event that a Franchise Fee payment is not received by the City on or before the date due, interest shall be paid from the due date at an interest rate of one percent (1%) per month, for each month the total amount due to the City is not received by the City by the due date.
- Insurance to be maintained in the amount of One Million Dollars (\$1,000,000) combined single limit for bodily injury, and property damages. The Franchise also requires Telepak to indemnify the City for any claims that result from the installation or operation of the System serving the City or that is located within the Public Ways.
- The proposed effective date of this agreement is November 19, 2019 and includes a franchise term of Ten (10) years.

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- Throughout the term of this Agreement, the Company shall operate and maintain the System in accordance with the technical performance standards of the FCC and construction standards approved by the City.
- The proposed agreement provides the City an option for a PEG Channel if needed.

F. Ratify Temporary Easement to the TRVWMD for Magby Creek Cleaning

Kevin Stafford, with Neel-Schaffer, Inc. came forward and requested approval of a temporary Easement to the TRVWMD for Magby Creek Cleaning. Council Member Jones made a motion to give a temporary Easement to the TRVWMD for Magby Creek Cleaning. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

G. Discuss/Approve Advertisement for Bids for Senator Terry Brown Amphitheater Phase 2.

Kevin Stafford came forward and requested approval to advertise for Bids for Senator Terry Brown Amphitheater, Phase 2. The advertising will go forward, but bids will not be awarded. Council Member Jones made a motion to approve the request to advertise for bids for Senator Terry Brown Amphitheater, Phase 2 Project. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

H. Discuss/Approve Derelict Property Docket.

JEFFERY CARTER ENTERPRISES, LLC
1109 – 18th Street North
CASE NUMBER 19-0438

This case was removed and will not be heard at this meeting at owner's request.

MAJOR ANDREWS
1224 Shady Street
CASE NUMBER 19-0376 DILAPIDATED

The General Counsel called cause number **19-0376**. No one appeared. Code Enforcement Officer Sasha James stated the property was in such a state of uncleanliness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate**

abatement and that an Order be issued for the property. Council Member Beard made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

CARLENE PORTER

637 Hwy. 12 East

CASE NUMBER 19-0392

VEGETATION

The General Counsel called cause number **19-0392**. Carlene Porter, property owner, came forth and stated that she no longer owns the property. Code Enforcement Officer Sasha James stated the property has been **remediated** by the owner, and it is his recommendation to enter the proposed Order under Section 21-19-11 of the Mississippi Code, finding that this property was in such a state of uncleanliness as to be a menace to the public health and safety of the community. This Order should provide for such re-entry as the Statute allows. Council Member Jones made a motion in accordance with Section 21-19-11, and for an Order stating the City may remediate the property with respect to cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) month period immediately following the Order, with further notice to the owner as required by law. Costs are to be assessed as allowed under Section 21-19-11 of the Mississippi Code. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

JIMMY SANDERS

1102 – 9th Avenue North

CASE NUMBER 19-0435

VEGETATION

The General Counsel called cause number **19-0435**. Carlene Porter, property owner, came forth and stated that she no longer owns the property. Code Enforcement Officer Sasha James stated the property has been **remediated** by the owner, and it is his recommendation to enter the proposed Order under Section 21-19-11 of the Mississippi Code, finding that this property was in such a state of uncleanliness as to be a menace to the public health and safety of the community. This Order should provide for such re-entry as the Statute allows.

Council Member Jones made a motion in accordance with Section 21-19-11, and for an Order stating the City may remediate the property with respect to cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) month period immediately following the Order, with further notice to the owner as required by law. Costs are to be assessed as allowed under Section 21-19-11 of the Mississippi Code. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**EDWARD TAYLOR, JR. AND
LINDA PHILLIPS
811 – 11th Street North
CASE NUMBER 19-0416 VEGETATION**

The General Counsel called cause number **19-0416**. No one appeared. Code Enforcement Officer Sasha James stated the property was in such a state of uncleanliness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** and that an Order be issued for the property. Council Member Beard made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**DR. LAMARIS MAYS
714 Railroad Street
Case Number 19-0432 VEGETATION**

The General Counsel called cause number **19-0432**. No one appeared. Code Enforcement Officer Sasha James stated the property was in such a state of uncleanliness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** and give the property owner a **45-day extension** to remediate the

property, and that an Order be issued for the property. Council Member Jones made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24). Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**ROBERT R. WILLIAMS AND
FLOYE F. WILLIAMS
1212 Moss Street
Case Number 19-0272 DILAPIDATED**

The General Counsel called cause number **18-0272**. No one appeared. Code Enforcement Officer Sasha James stated the property was in such a state of uncleanliness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** on the structure and give the property owner a **30-day extension** on the vegetative portion, and that an Order be issued for the property. Council Member Gavin made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**WADE J. WILSON, JR.
1205 Shady Street
CASE NUMBER 19-0273 DILAPIDATED**

The General Counsel called cause number **19-0273**. No one appeared. Code Enforcement Officer Sasha James stated the property was in such a state of uncleanliness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate**

abatement and that an Order be issued for the property. Council Member Jones made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

HATCHER INVEST. PROPERTY, INC.
1621 – 4th Avenue North
CASE NUMBER 19-0390 BURNED STRUCTURE

The General Counsel called cause number **18-0390**. No one appeared. Code Enforcement Officer Sasha James stated the property was in such a state of uncleanliness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** on the structure and give the property owner a **45-day extension** on the vegetative portion, and that an Order be issued for the property. Council Member Gavin made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

I. Discuss/Approve hiring one (1) Code Enforcement Assistant, pending successful completion of a pre-employment medical exam and drug screen.

Council Member Box made a motion to hire **ALEXIS ROBINSON** as Code Enforcement Assistant at \$13.00 per hour (\$27,040.00 annually), contingent on successful completion of pre-employment medical exam and drug screen. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

IX. EXECUTIVE SESSION:

There were no Executive Session Matters to come before the Council.

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 Beard and unanimous vote, the Mayor announced that the meeting was ADJOURNED.

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

Deliah T. Vaughn
CFO- Secretary-Treasurer

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