MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS JULY 16, 2019

The Mayor and City Council met in Regular Meeting on Tuesday, July 16, 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 Jones, who participated via telephone. Also present were the COO, CFO, General Counsel, Police Chief, and all other Department Heads.

I. CALL TO ORDER AND INVOCATION

Mayor Smith called the meeting to order and called upon Pastor Larry Ferguson, Pastor First Christian Church, to offer the Invocation.

II. APPROVE MINUTES FOR THE MEETINGS OF JULY 2 & 8, 2019.

Council Member Gavin made a motion to approve the Minutes for the Meetings of July 2 and 8, 2019. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

III. APPROVE DOCKET OF CLAIMS FOR JULY 16, 2019.

Council Member Taylor made a motion to approve the Docket of Claims for July 2, 2019 in the amount of $585,804.44. Council Member Box seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried.

IV. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA

CONSENT AGENDA:
Add Item "K" – *Accept letter of resignation from one (1) CPD Officers, effective July 26, 2019.*

POLICY AGENDA:

Add Item "J" to read – *Discuss/Approve $7,500.00 payment to Columbus Main Street for the 2019 Market Street Festival from CVB Tourism Tax.*

Add Item "K" – *Discuss/Approve $7,500.00 payment to the 2019 Juneteenth Festival from CVB Tourism Tax.*

Add Item "L" – *Discuss/Approve Architect for the Sim Scott rebuild.*

Add Item "M" – *Consider/Approve the filing in the Lowndes County Land Records a Sixteenth Section Lease Renewal Instrument.*

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Council Member Mickens 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 there being none, all Council Members present voted in favor of same, with a unanimous vote.

V. CONSENT AGENDA:

A. Approve request for Fire and Rescue Firefighter, Robert Dinsmore, to attend "NREMT Exam" to be held in Tuscaloosa, AL, and approve payment of $25.00 for travel and reimbursement for meal expense.

B. Approve request for Fire and Rescue Firefighter, Corey Haynes, to attend "Driver/Operator NEPA1002: Pumper Apparatus" to be held in Jackson, MS, and approve payment of $675.00 for registration, $50.00 for travel and reimbursement for meal expenses.

C. Approve request for Fire and Rescue Fire Chief, Martin Andrews, and two (2) staff personnel to attend "GTR Chiefs Meeting" to be held in Okolona, MS at no cost to the City.

D. Accept letter of resignation from Reserve Officer, Kenneth Brewer, effective June 28, 2019.

E. Ratify permit request submitted by Tracy Smith to host a "Birthday Party" to be held on July 6, 2019 from 4:00 p.m. until 10:00 p.m. at 1613 – 5th Avenue North, blocking 18th Street North and Henry Street of Fifth Avenue North.

F. Approve permit request submitted by Eddie Jones, on behalf of the Street Jumpers Motorcycle Club Columbus, MS, to host a "Disabled Ride" to be held on July 13, 2019, with a Police escort from Highway 69 South to Highway 82 West to Alternate 82 West, from 10:00 a.m. until 10:30 a.m.

G. Approve permit submitted by Gloria Herriott, on behalf of Hollyhocks, to host a "Stella Shouting Contest" to be held on September 6, 2019 from 4:00 p.m. until

6:30 p.m. at 204 Fifth Street South, blocking one-half (1/2) of Fifth Street South, South of College Street, in front of Hollyhocks and WCBI-TV.

H. Approve permit request submitted by Mark Smith, on behalf of the Committee for Salute to Lowndes County's Finest, to host a "Salute Lowndes County's Finest" to be held on September 6, 2019, from 5:00 a.m. until 2:00 p.m. at 402 Second Avenue North. See attached map.

I. Approve request for CPD Officers and Personnel to attend the "eCrash Training" from 9:00 a.m. until 4:30 p.m. from July 23, 2019 to August 7, 2019, in Pearl, MS with no cost to the City for the training.

J. Accept letter of retirement from the Accounts Payable Clerk, Sandy Bates, effective August 29, 2019, and approve request for compensation for accrued vacation leave and submit unused sick leave to PERS, and also authorize the HR Director to begin normal recruitment process.

K. Accept letter of resignation from CPD Officer, Hakeem Mays, effective July 26, 2019.

Council Member Mickens made a motion to approve the Consent Agenda as presented, with the above amendments. Council Member Taylor 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

There were no comments from the Mayor and Council Members.

B. Presentation of Plaque to Mr. Paul Swain

Mayor Smith presented a plaque to Paul Swain, who spearheaded restoration of the old train on Hwy. 82 and for working diligently to continue the process.

C. Swearing in of one (1) Fire and Rescue Engineer

Mayor Smith swore in Fire and Rescue Firefighter James Hayes as Hayes recited the Oath of Office.

D. Presentation of Commendation to three (7) CPD Officers

Steven James, Chairman of the Police Department's Overview Committee presented Certificates of Recognition to CPD Officers for going beyond the call of duty as certified Law Enforcement Officers:

- Joshua Vandiver
- Alvin Ellis

- Jemarco Harris
- John Compton
- Rachel McCord
- Raymond Cyr
- Nathaniel Brauer

E. Monthly Report from the Columbus Fire and Rescue Department for June 2019

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

F. Monthly Report from the Columbus Municipal Court Division for June 2019

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

G. Monthly Report from the Public Works Department for June 2019

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

H. Monthly Report from the City Planning and Community Development Department for June 2019

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

I. Monthly Report from the Columbus Parks and Recreation Department for June 2019

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

J. Monthly Report from the Code Enforcement Department for June 2019

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

K. Monthly Report from the Columbus Police Department for June 2019

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

L. Monthly Report from the Building Inspection Department for June 2019

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

M. Monthly Financial Report

Deliah Vaughn, CFO, distributed the Monthly Financial Report and remarked that currently, the City has $2,404,466.84 in the General Fund. The sales taxes increased by $53,188.55, compared to the same time last year.

N. Board Vacancies:

David Armstrong announced that the Board of Adjustment & Appeals of Development Codes has one (1) vacancy that can be filled tonight.

COLUMBUS HOUSING AUTHORITY

- 1 Vacancy, Bobby Caldwell's 4-Year Term Expires 7/13/19
- Appointment can be made July 16, 2019.

APPLICANT

- **Robert "Bobby" Caldwell**

Council Member Gavin made a motion to reappoint Robert "Bobby" Caldwell to the Columbus Housing Authority Board for a 4-Year Term, until July 13, 2020. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

CIVIL SERVICE COMMISSION

- 1 Vacancy, Dr. Maxine Hall's 4-Year Term Expired 8/04/19
- Appointment can be made 7/16/19.

APPLICANT

- **Dr. Maxine Hall**

Council Member Taylor made a motion to reappoint Dr. Maxine Hall to the Civil Service Commission for a 4-Year Term, until 8/04/2023. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

REDEVELOPMENT AUTHORITY BOARD

- 1 Vacancy, Mark Castleberry's 5-Year Term Expires 9/01/19
- Appointment can be made 9/03/2019.
- No applicants at this time.

VII. CITIZENS INPUT AGENDA:

GLENN LAUTZENHISER – RE: Henry Armstrong Resolution

Glenn Lautzenhiser came before the Mayor and Council and requested approval of a Resolution supporting the dedication of 3rd Street North as Henry Armstrong Way. Council Member Jones made a motion to approve the Resolution supporting the dedication of 3rd Street North as Henry Armstrong Way. Council Member Taylor seconded the motion and the Mayor called for discussion on the subject. The Mayor then called for a vote on the motion and recorded the votes as follows:

Council Member Taylor	voted: YES
Council Member Mickens	voted: YES
Council Member Box	voted: YES
Council Member Jackson	voted: YES
Council Member Jones	voted: YES
Council Member Gavin	voted: YES

The Mayor announced that the motion carried, having received a majority of the voted recorded and therefore proclaimed that the Resolution passed and is to be spread upon the minutes of the City of Columbus, Mississippi.

Adopted at Columbus, Mississippi on this the 16th day of July, 2019.

____
Robert E. Smith, Sr., Mayor

THE RESOLUTION FOLLOWS:

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RESOLUTION

There came on for consideration the matter of the City of Columbus, Mississippi passing the proposed resolution and Council Member ________**JONES**____ offered and moved that the following resolution be adopted by the Mayor and City Council:

RESOLUTION DEDICATING THIRD STREET NORTH FROM ITS INTERSECTION WITH MAIN STREET TO ITS INTERSECTION WITH 7TH AVENUE NORTH IN COLUMBUS, LOWNDES COUNTY, MISSISSIPPI AS "HENRY ARMSTRONG WAY"

WHEREAS, Henry M. Jackson, Jr. was born on December 12, 1912 in Columbus, Mississippi, and was the son of Mr. Henry Jackson, Sr. and Mrs. America Jackson. During his childhood, Henry, Jr. moved with his family as part of the "Great Migration" from Columbus to St. Louis, Missouri, where he soon immersed himself in the sport of boxing. Henry graduated from Vashon High School in St. Louis as valedictorian and reporter for the school newspaper and who later took the surname "Armstrong" as his fighting name; and

WHEREAS, Henry Armstrong started his professional boxing career on July 28, 1931 and in 1932 he moved to Los Angeles, California where he soon started a unprecedented career of boxing victories, including 22 straight successful bouts in 1937 alone, beating in that year former world champion Benny Bass and taking the World Featherweight Championship by knocking out Petey Sarron in six rounds; and

WHEREAS, Armstrong's streak of 27 knockout wins in a row qualifies as one of the longest knockout winning streaks in the history of the sport of boxing according to *The Ring* magazine; and

WHEREAS, in 1938, while still holding the belt to the World Featherweight Championship, Henry Armstrong challenged Barney Ross for the World Welterweight Championship and though outweighed by Ross by nearly ten pounds, defeated Ross by a unanimous decision; and

WHEREAS, only a few months after picking up the World Welterweigtht title, Armstrong then dropped weight in order to fight for the World Lightweight title and defeated then Champion Lou Ambers and became the first boxer ever to hold world championships in three different weight divisions at the same time; and

WHEREAS, Henry Armstrong successfully defended his Welterweight Championship nineteen times in his career, making the most victories to hold the title in the history of the Welterweight division and fought in 26 world title fights and in winner of 46 consecutive fights; and

WHEREAS, Armstrong was the 1937 Fighter of the Year of the International Boxing Hall of Fame, 1938 *Ring* magazine Fighter of the Year, the 1940 Boxing Writers Association of America Fighter of the Year, Boxing Hall of Fame inductee in 1954 with Jack Dempsey and Joe Louis as the first three modern era boxers elected, was inducted into the Black Athletes Hall of Fame in 1975, was inducted in the International Boxing Hall of Fame in 1990, Listed among 100 Greatest Black Athletes of the 20th Century, and on October 25, 1988 the New York Times wrote that "Mr. Armstrong, a relentless puncher, was considered by many ring analysts to be, pound for pound, the greatest fighter in boxing history", who had a career record of 151-21-9 with 101 wins by knockout, and was inducted into the Mississippi Sports Hall of Fame in 2010; and

WHEREAS, at the end of his boxing career, Henry Armstrong did not fade into the sunset, but became a born-again Christian, was ordained as a Baptist preacher and youth advocate, assisted in the management of the Herbert Hoover Boys Club in St. Louis, Missouri and ultimately passed away in Los Angeles, California on October 24, 1988 at the age of 75. Henry Armstrong left an indelible mark on competitive sports in general, the sport of boxing in particular and provided a great inspiration to athletes everywhere, especially including his birthplace of Columbus, Mississippi;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Columbus, via passage of this resolution, dedicates Third Street North, from its intersection with Main Street to the intersection with Seventh Avenue North, in Columbus, Lowndes County, Mississippi being the City of Henry Armstrong's birth as:

"Henry Armstrong Way"

THE FOREGOING RESOLUTION was seconded by Council Member **TAYLOR**___ and, after deliberation the Mayor called for the votes recorded the votes to adopt the Resolution as follows:

Council Member	Vote
Ward 1 – Gene Taylor	Yes
Ward 2 – Joseph Mickens	Yes
Ward 3 – Charlie Box	Yes
Ward 4 – Vacant	Yes
Ward 5 – Stephen Jones	Yes
Ward 6 – Bill Gavin	Yes

The Mayor then announced that the above and foregoing resolution passed upon a vote of five to zero and thereby announced that the above and foregoing Resolution was: **ADOPTED,** on this the _______ day of July, 2019.

____
ROBERT E. SMITH, SR., MAYOR

ATTEST:

____
DELIAH VAUGHN
SECRETARY / TREASURER & CITY CLERK

VIII. POLICY AGENDA:

A. Discuss/Approve Street Lights.

Mayor Smith apprised the Council of Todd Gale's, Director of Columbus Light and Water, intention to change out street light bulbs as needed. They are not installing LED lights. No action was taken.

B. Discuss/Approve permission request from Columbus Main Street to have "Stella" beer available for purchase at the Leadership Plaza during the Stella Shouting Contest on Friday, September 6, 2019.

Council Member Jones made a motion to approve the request from Columbus Main street to have "Stella" beer available for purchase at the Leadership Plaza during the Stella Shouting Contest on Friday, September 6, 2019. Council Member Gavin seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried.

C. Discuss/Approve hiring three (3) entry-level Firefighters, pending successful completion of the pre-employment medical exam and drug screen.

Council Member Taylor made a motion to hire three (3) entry-level Firefighters: **Shawn Shaw, Kameron Pearson and Patrick Ghoston,** contingent on successful completion of a pre-employment medical exam and drug screen. Council Member Gavin seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried.

D. Consider/approve hiring Neel-Schaffer, Inc. for Hydrologic and Hydraulic Study for Plymouth Road flooding permanent repairs.

Joe Dillon, PIO, remarked that the City will apply for H & H Study to replace the culvert with a larger culvert, FEMA will reimburse the City 75% of Study cost is approved. Council Member Jones made a motion to approve the request to approve hiring Neel-Schaffer, Inc. to conduct a Hydrologic and Hydraulic Study for Plymouth Road flooding permanent repairs. FEMA will reimburse the City 75% of the cost of the Study. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

E. Discuss/Approve acceptance of MDOT Multimodal Grant Funding Agreement for Columbus-Lowndes County Airport Fuel Farm Tank Replacement project.

Kevin Stafford, with Neel-Schaffer, Inc. requested approval of acceptance of MDOT Multimodal Grant Funding Agreement for Columbus-Lowndes County Airport Fuel Farm Tank Replacement project. The Grant is 99% match with the City and Council being responsible for 1% of the cost of $199,712.00. Council Member Taylor made a motion to approve the acceptance of MDOT Multimodal Grant Funding Agreement pursuant to the above. Council Member Box seconded the motion.

All Council Members present voted in favor of the motion, with the exception of Council Member Gavin, who opposed.

The motion carried 4/1. (*Council Member Jackson resigned 7/3/19*).

F. Discuss/Approve Engineering Contract for the CLCA Fuel Farm Tank Replacement project.

Council Member Taylor made a motion to approve Neel-Schaffer, Inc. for the Engineering Contract for the CLCA Fuel Farm Tank Replacement project at a cost of $23,300.00. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

G. Discuss/Approve advertising for bids for the CLCA Fuel Farm Tank Replacement project.

Council Member Mickens made a motion to approve advertising for bids for the CLCA Fuel Farm Tank Replacement project. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

H. Discuss/Approve request from Doug Pellum, Zachary's Restaurant, to construct a 12' x 24' upper level deck within the City's right-of-way on 2nd Avenue North.

Council Member Gavin recused himself.
Kenneth Wiegel, Building Official came forth, elaborated on the request and said cited code. Council Member Box made a motion to approve the request from Doug Pellum, Zachary's Restaurant, to construct a 12' x 24' upper level deck within the City's right-of-way on 2nd Avenue North**.** Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Council Member Gavin returned to the meeting.

I. Discuss/Approve recommendations from the July 8, 2019 Planning Commission Meeting.

***Permitted Use Request P/U* 19-10**

Boyce and Vonnie Moody
The Haven's Nest, LLC
315 – 2nd Avenue North
500 Holly Hills Road

The Planning Commission recommends approval of request for allow a Bed & Breakfast Inn, with other Permitted Uses.

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 allow a Bed & Breakfast Inn, with other Permitted Uses, be approved. Council Member Gavin 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.

J. Discuss/Approve $7,500.00 payment to Columbus Main Street for the 2019 Market Street Festival from CVB Tourism Tax.

Council Member Gavin moved to approve the expenditure of $7,500.00 from 108-004-697-000/Market Street Festival (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 Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

K. Discuss/Approve $7,500.00 payment to the 2019 Juneteenth Festival from CVB Tourism Tax.

Council Member Taylor moved to approve the expenditure of $7,500.00 from 108-004-698-000/Juneteenth Festival (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 voted in favor of the motion.

The motion carried.

L. Discuss/Approve Architect for the Sim Scott rebuild.

Joe Dillon, PIO, requested approval of an Architect for the Sim Scott Rebuild with the lowest quote submitted by Bryan Brown & Associates in the amount of $8,000.00. Council Member Gavin made a motion to approve the Brayan Brown and Associates as the Architect for the Sim Scott Rebuild, in the amount of $8,000.00. Council Member Taylor seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

M. Consider/Approve the filing in the Lowndes County Land Records a Sixteenth Section Lease Renewal Instrument.

Council Member Taylor made a motion to approve the filing in the Lowndes County Land Records a Sixteenth Section Lease Renewal Instrument. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

THE SISTEENTH SECTION LEASE RENEWALS FOLLOWS:

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VIII. M.

Document Prepared By & Return To:	Indexing Instructions:
Jeffrey J. Turnage (MSB 9447) Mitchell McNutt & Sams, PA P.O. Box 1366 Columbus, MS 39703-1366 662.328.2316	Section 16 of fractional Township 18 South, Range 18 West, Columbus, Lowndes County, Mississippi
Lessee's Name, Address & Telephone Number Each and Every Lessee who was part of the class represented by the class representative and Plaintiff, J. Randolph Lipscomb, in the litigation covered by the Stipulation of Settlement in USDC Cause Number 1:92CV020-D-D, and any and all of their executors, administrators, heirs, successors and assigns	Lessor's Name, Address & Telephone Number Mayor and City Council of City of Columbus, Successors in Interest to the Trustees of Franklin Academy P.O. Box 1408 523 Main Street Columbus, Mississippi 39703-1408 (662) 328-7021

STATE OF MISSISSIPPI
COUNTY OF LOWNDES

SIXTEENTH SECTION LEASE RENEWALS

Pursuant to that Particular March 7, 2006 Resolution of the Mayor and City Council of the City of Columbus, acting as Successors in Interest to the Trustees of Franklin Academy, which Resolution is attached hereto and corrected now for then and pursuant to approval of the Mayor and City Council of this date, all leases referenced above and in said resolution, including subdivided leasehold interests, which have not been forfeited subsequent to December 11, 2002 are hereby renewed without any administrative action by the Mayor and City Council and such renewals shall have the same terms, covenants and conditions as the original leases and said renewal leases and same shall occur on or about August 1, 2019 through July 31, 2020 and shall renew yearly thereafter upon subsequent renewal dates every ninety-nine (99) years thereafter, forever, upon payment by the lessees of their leasehold payments as authorized by the Mayor and City Council to be annually collected by the Assessor or Collector of such lease payments and that on any sale made for the non-payment of said annual leases, the same right and period of time for redeeming same and the same conditions and limitations as to redemption shall apply, as may be by statute from time to time apply to the redeeming of lands sold by the State for non-payment of taxes.

This the ________ day of July, 2019.

By:____
Robert E. Smith, Mayor

ATTEST:

____
Deliah Vaughn, Chief Financial Officer/
Secretary/Treasurer and City Clerk

The motion passed.

F. **Consider/Approve Agreement for Consulting Services from Mike Crowder**

Councilman Coleman made a motion to approve the Agreement between Mike Crowder and the City to provide consulting services. Councilman Mackay seconded the motion. Councilman Coleman commended Barbara Evans for the work she has accomplished.

All Councilmen voted in favor of the motion.

The motion passed.

G. **Approve Resolution for Sixteenth Section Lease Renewal**

The following Resolution for Sixteenth Section Lease Renewal was presented and approved:

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RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, AS SUCCESSORS TO THE TRUSTEES OF FRANKLIN ACADEMY

WHEREAS, the Mayor and City Council of the City of Columbus, Mississippi, as Successors to the Trustees of Franklin Academy, ("The City") did meet at a regular and lawfully called meeting at 5:00 P.M. on the 7th day of March, 2006 with the following Resolution being offered:

WHEREAS, a Stipulation of Settlement has been entered in the United States District Court for the Northern District of Mississippi Eastern Division in the cause of *J. Randolph Lipscomb, on behalf of himself and as Representative of the Class certified by the United States Federal District, Northern District, Eastern Division, and the Mayor and City Council of the City of Columbus as the Successors to the Trustees of Franklin Academy v. The Columbus Municipal Separate School District, The State of Mississippi, The Mississippi Secretary of State, and The Secretary of the Department of Housing and Urban Development of the United States of America*, Cause No.1:92CV020-D-D, and;

WHEREAS, a Final Judgment has been entered in that Cause that has approved and incorporated the Stipulation of Settlement and has rendered "...Judgment in favor of all persons and entities who are Class Members as to all claims set forth in the Stipulation and the Judgment," and the Court has further ordered, adjudged and decreed "... that all parties should perform and carry out their respective obligations under the Settlement as approved." and;

WHEREAS, the leaseholders bound by that Stipulation of Settlement are defined as being "... all lessees of sixteenth section leases in the City of Columbus, Lowndes County, Mississippi, including The Mayor and City Council of The City of Columbus ("The City"), except those Lessees excluded by the Court in this Action by its Order dated December 12, 2002,"[1] and the parties have agreed that "... the class of all leaseholders as of December 12, 2002, and their successors in interest, are members of the protected federal class."[2] and;

WHEREAS, the Secretary of State has agreed and publically stated that:

"The State of Mississippi, the Secretary of State, and the Columbus Municipal Separate School District acknowledge the judgment of the federal courts that the Columbus 16th Section Leases are contracts protected by the Contracts Clause of the federal constitution from impairment under state or federal law. According to the Courts, the leasehold warranty deeds used in this section are valid, subject to the continuing duty to make fixed leasehold payments and to the duty to avoid a future valid unredeemed tax sale to the State. None of these government entities have any further claims that the leases are invalid, but they may make such a claim if a lease is forfeited due to non-payment of rent or is subject to a valid unredeemed tax sale after December 11, 2002. Title insurors may rely on this statement."[3] and;

WHEREAS, the leases are renewable forever leases and may be renewed on August 1, 2019 and thereafter upon the same covenants, unless the lease is or has been forfeited subsequent to December 12, 2002 for failure to comply with the terms of the lease.

NOW THEREFORE, BE IT RESOLVED THAT, all of the leases which have not been forfeited subsequent to December ~~12~~ 11, 2002 shall be renewed upon their same terms and conditions on August 1, 2019 and thereafter, automatically without administrative action of any nature or kind by the Mayor and City Council of the City of Columbus as the Successors to the Trustees of Franklin Academy, nor any action of any nature or kind by the lessee, upon payment by the lessee of the leasehold payment due for the lease year August 1, 2019 through July 31, 2020 and thereafter upon subsequent renewal dates every ninety-nine (99) years.

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[1] Paragraph VIII (B)

[2] Paragraph IX 2.

[3] Paragraph IX 6.

The above Resolution having been first reduced to writing was introduced by Councilman Jay Jordan, who moved its adoption. It was seconded by Councilman Doug Mackay.

The above and foregoing Resolution was read, considered and voted upon, section by section and as a whole, the vote on each all of the sections, and upon the Resolution as an entirety, was taken by "yea" or "nay" vote, with the following results.

Councilman Doug MacKay	Voted Aye
Councilman Gene Coleman	Voted Aye
Councilman Fred Stewart	Voted Aye
Councilman Jay Jordan	Voted Aye
Councilman Jerry Kendall	Voted Aye

This motion having received the affirmative vote of 5 Councilmen present, Vice-Mayor Robert Smith, who presided over said meeting, declared the motion carried and the Resolution adopted and to be spread upon the official minutes.

ADOPTED, APPROVED AND PASSED, this the 7th day of March, 2006.

Robert Smith
VICE-MAYOR ROBERT SMITH

ATTEST:

Barbara Evans
SECRETARY/TREASURER

CLOSED DETERMINATION:

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

Mayor Smith apprised the Council of a Prospective Litigation Matter and remarked that this matter warrants being heard in Executive Session.

Council Member Mickens made a motion to go into Executive Session to discuss a Prospective Litigation matter. 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 a Prospective Litigation matter.

I. EXECUTIVE SESSION:

Prospective Litigation (1)

John Acker, with the Redevelopment Authority, came forward and updated the Mayor and Council on the Burns Bottom properties. He remarked that the Redevelopment Authority made several attempts in the past 4.5 years to meet with property owners about selling the properties adjacent to the Soccer Plex to no avail and wish to proceed pursuant to Eminent Domain. The properties are:

312 – 5th Avenue North – Property Owner Queen Kidd
314 – 5th Avenue North – Property Owner Natya Berry
621 – 4th Street North – Property Owner John Poe (deceased)
4th Street North – Property Owner Howell (does not live in Columbus)
617 – 4th Street North – Property Owner Judias Hargrove (deceased)
311 – 5th Avenue North (2 parcels) – Property Owner Wilson
3rd Street North – Property Owner – Carlish petty
605 – 4th Street North – Property Owner – Will King (Structure is fire damaged)
407 – 4th Street North – Property Owner – Linda Owens (Lives in California)

311 – 4th Avenue North – Property Owner Viola Sykes (deceased)

Council Member Jones made a motion to seize these properties by method of Eminent Domain. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

<u>OPEN SESSION:</u>

Council Member Box made a motion to end the discussion of this matter and return to Open Session. Council Member Jones 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 meeting room that the Council was back in Open Session.

The General Counsel announced that the Mayor and Council heard from the Redevelopment Authority and voted to proceed with acquiring properties through Eminent Domain.

<u>ADJOURNMENT:</u>

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 **Deliah T. Vaughn**
CFO- Secretary-Treasurer

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II. EXECUTIVE SESSION:

There were no Executive Session matters to come before the Mayor and Council at this meeting.

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

Deliah Vaughn,
CFO- Secretary-Treasurer

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