

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

**MARCH 1, 2022
5:00 P.M.**

The Mayor and City Council met in Regular Session on Tuesday, March 1, 2022 at 5:00 p.m. in the Court Chambers of the Municipal Complex. Mayor Keith Gaskin presided over the meeting, and all Council Members were present. Also present were the General Counsel, Police Chief, Assistant Police Chief, HR Director and all other Department Heads.

I. CALL TO ORDER AND INVOCATION

Mayor Gaskin called the meeting to order and called upon Rev. Doran Johnson, Pastor of Greater Mt. Zion M. B. Church, Columbus, MS, to offer the Invocation.

II. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA

Council Member Mickens made a motion to adopt the Agenda as presented. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

III. APPROVE MINUTES FOR PREVIOUS MEETING

A. Approve Minutes for Meeting of February 15, 2022

Council Member Diccio made a motion to approve the Minutes for the Meeting of February 15, 2022 with a date correction. Council Member Stewart seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 6/0.

IV. CONSENT AGENDA

- A. Approve request Fire and Rescue Captain, Dale Ballard, to attend “Truck Company Operations” to be held in Pearl, MS, and approve payment of \$365.00 for payment of registration, \$50.00 for travel and reimbursement of meal expenses.
- B. Approve request for Fire and Rescue Firefighters: Fredreon Steele and Sally Kerstetter, to attend “Hazardous Materials Awareness & Operations” to be held in Jackson, MS, and approve payment of registration, \$50.00 for travel and reimbursement for meal expenses.
- C. Accept letter of resignation from Fire and Rescue Firefighter, Tiberias Lampkin, effective March 18, 2022, and approve compensation for unused vacation leave.
- D. Approve payment in the amount of \$176,579.81 on a request that was approved in October 2021 for SCBA equipment for Columbus Fire and Rescue.
- E. Accept letter of resignation from Columbus Police Officer, Sherman Mosely, effective March 11, 2022 and approve compensation for any unused vacation leave.
- F. Approve permit request submitted by Colin Krieger and Doug Pllum, on behalf of Zachary’s Restaurant, to host the “St. Patty’s Pawty for the Humane Society” to be held on March 13, 2022 from 1:00 p.m. until 6:00 p.m., blocking Second Avenue North from Fifth Street North to the back of the Trotter driveway.
- G. Approve request for CPD Chief, Fred Shelton, to attend the “Mississippi Association of Chiefs of Police Annual Conference” to be held in Biloxi, Mississippi, and approve payment of \$350.00 for registration, \$479.96 for lodging, \$100.00 for travel and reimbursement of meal expenses.
- H. Approve request to advertise for Legal Publications Bid
- I. Approve an All-Way Stop Request at 2nd Avenue North and 3rd Street (Munson Brothers).

Council Member Jones made a motion to approve the Consent Agenda as presented. Council Member Greene 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. APPROVE DOCKET OF CLAIMS FOR MARCH 1, 2022

Council Member Mickens made a motion to approve the Docket of Claims for March 1, 2022, in the amount of \$974,561.18. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion except Councilwoman Diccico, who opposed.

The motion carried 5/1.

VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA

A. General Comments from the Mayor and Council Members

Mayor Gaskin welcomed Ms. Jammie Garrett, new Chief Operating Officer for the City.

Mayor Gaskin then asked if any Council Members had any announcements.

Council Members' Announcements:

Vice-Mayor Mickens announced that Dr. Cherie Labat, Superintendent of Education for the Columbus Municipal School District, will meet with City elected officials in each ward and invited citizens and the public to attend. Wards II and III meeting will be held on Monday, March 7, 2022 in East Columbus Gym at 5:30 p.m.

Council Member Beard invited citizens in Ward IV to meet with Dr. Labat on Wednesday, March 9, 2022 at the Boys' and Girls' Club.

Council Member Stewart announced that citizens met on 2/28/2022 at Sim Scott Community Center and will meet in Ward I on March 28, 2022 at Townsend Community Center at 5:30 p.m.

Council Member Diccico announced that citizens in Ward VI will meet March 22, 2022.

- Mayor Gaskin congratulated the Lady Falcons Basketball team for making it to the quarter-finals; we are so proud of your hard work on and off the court! (Prior to the end of the meeting, Mayor Gaskin was informed that the Lady Falcons defeated Brookhaven and the next game will be Friday, March 4, 2022 in Jackson).
- Just a reminder that Columbus Fire and Rescue personnel will start conducting fire inspections at businesses this month. Also, the Fire

Department received their self-containing breathing apparatus equipment last week.

- Please remember that Emergency Management will conduct a tornado warning siren test on March 2, 2022 at 10:00 a.m. It's a drill!
- A Prayer Walk will be held on Saturday, March 5, 2022 and will begin at the Columbus Police Department. Contact Chief Shelton for additional information.
- The Mississippi Spelling Bee will be held Saturday, March 12, 2022 at MUW's Rent Auditorium at 10:00 a.m. This is a major feat and we offer thanks and appreciation to the Columbus-Lowndes Chamber of Commerce's Education Committee for this event. We are hoping to make Columbus the new host site for this competition.

B. PRESENTATION OF COMMENDATIONS TO FIVE (5) CPD OFFICERS

Chief Fred Shelton recognized five (5) CPD Officers for their dedication to duty, selfless service, training and outstanding professional ability that contributed in the successful apprehension of a robbery suspect on January 10, 2022, and presented a Certificate to each of them. The Police Department Command Staff was also available.

Joe Dillon, Public Information Officer, announced vacancies on various Boards and remarked that one (1) appointment can be made tonight.

C. BOARD OF ADJUSTMENT & APPEALS OF DEVELOPMENT CODES:

- 2 Vacancies, 1-Year Terms, Alan Lewis' Term Expired 1/07/2022 and Kevin Stafford's Term Expires 3/03/2022.
- One applicant must be in the Fire Protection Service or Contractor and the second applicant must be an Engineer.
- Appointments will be made 3/01/2022.

APPLICANT:

Kevin Stafford

Council Member Beard made a motion to reappoint Kevin Stafford to the Board of Adjustment & Appeals of Development Codes for a one (1) year term, until March 1, 2023. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

CONVENTION & VISITORS BUREAU

1 Vacancy, 3-Year Term, Dewitt Hicks Jr.'s Term Expires 3/05/2022.
Appointment will be made March 15, 2022.

APPLICANT:

Jay Patel

COLUMBUS MUNICIPAL SCHOOL BOARD

1 Vacancy, 5-Year Term, Jason Spears' Term Expires 3/20/2022.
Appointment will be made March 15, 2022.

APPLICANTS:

Jason Spears
Cynthia Brown
J'Marcus Brooks

VII. CITIZENS INPUT AGENDA

A. Mr. Will Sanders

Mr. Will Sanders, MS CPA and formerly a regulator of auditors at the Public Company Accounting Oversight Board, participated in the meeting via ZOOM. The following letter was read in its entirety. Mayor Gaskin then asked Mr. Sanders to e-mail the letter to all Council Members.

PLEASE SEE THE LETTER ON THE NEXT TWO (2) PAGES:

(THIS SPACE WAS LEFT BLANK INTENTIONALLY)

Thank you, Mayor and Council, for your time and attention this evening. I have some prepared remarks about the city's annual audit, will be brief, and welcome any questions or comments after I finish.

I am a Mississippi CPA and formerly a regulator of auditors at the Public Company Accounting Oversight Board where we essentially audited the auditors worldwide. We did not always see good quality audits and many instances of bad audits were identified. But some correlations could be drawn between bad audits and bad oversight of the auditors.

The auditor has the city council as its client. Not the CFO, not the mayor. The city council alone is charged with hiring and firing of the auditor. During the audit process, the city council, or its designee outside of management, should be in regular contact with the auditor to make certain management facilitates a smooth audit.

Management is supposed to be responsible for the preparation of the financial statements and discussion and analysis--not the auditor. If not competent or for other reasons management is unable, the financial statement preparation role should be hired out or the accounting personnel upgraded. That will allow the auditor to be as independent as possible.

There are several recommended best practices from the Governmental Finance Officers Association that the city has not implemented. The first best practice is forming an audit committee to assist the council with oversight of the auditor. While the city council alone is charged with oversight of the auditor, the council can help itself perform that oversight by establishing an audit committee that includes financially savvy individuals, ideally a CPA with audit experience, that is apart from city government management.

The next best practice is to have financial statements that meet and exceed the minimum requirements. The past financial statements may meet the minimum requirements, but important information is omitted that could make the information more relevant. The city should consider preparing an Annual Comprehensive Financial Report rather than just basic financial statements. Alternatively, the relevant information could be added on a perceived benefit basis.

Given that the city no longer has a debt rating, the need for additional information is even more important. Some of the additional information could include current debt capacity versus current debt outstanding, and a 10-year statistical section with trends in financial, economic, demographic, and operating information. Some of this statistical information could include government employment levels, capital asset statistics, and identification of important employers and property owners in the city. The statistics allow data to demonstrate whether the city is getting worse or better over time. Other cities of similar size present this type of information. Peter Druker of business management fame is quoted as saying "If you can't measure it you can't improve it." The city needs to be run on data and not just feelings.

Another best practice is timely financial reporting. Currently, the city does not have the audit for the September 30, 2020, fiscal year end. Perhaps more alarming, the city council has not issued requests for proposals for the 2021-year end. The city council not engaging an auditor on a timely basis will certainly result in an untimely audit. Engaging an auditor prior to yearend demonstrates a greater level of planning and responsibility. An audit that is not provided timely is of little value.

Timely financial information is considerably more relevant than stale financial information. As Mr. Mickens alluded to earlier, currently the city council appears to be making financial decisions with no relevant information. Deciding to do nothing is still making a decision. The time to make decisions leisurely is past. The time for emergency, definitive action is now. I and others in Columbus are asking you to do your job and, if not well, at least do the minimum required by law. You must move forward with engaging a qualified firm to conduct the annual audit for 2021 and 2022.

My concerns are motivated by fair financial reporting, integrity in the audit process, integrity in the administration of the city of Columbus and all with the goal of making my hometown better. So, we are asking you to: 1. Take responsibility for the annual audit, 2. Form an audit committee, 3. Hire a qualified CFO, 4. Prepare an Annual Comprehensive Financial Report, and, finally, request Proposals for the 2021 and 2022 annual audits. Only by doing things both correctly and together will Columbus be better.

B. Mr. Jason Spears

Mr. Jason Spears came forward and reported on the Soccer Tournament that was held on February 12 & 13, 2022, reporting that 73 Teams from across the State participated in this event, comprised of 1,000 players, ages 7 – 16. We had 110 matches. Tourists shopped in downtown stores and stayed in City Hotels. Mr. Spears thanked Chief Fred Shelton & CPD, Chief Martin Andrews and his staff, Casey Bush and the Public Works Department, Greg Lewis and his staff and all other groups that worked together to make this event a success. Most hotels in Columbus were sold out for this event. On February 11, 2022, hotel revenue was up 95% compared to the previous year and on February 12, 2022, hotel revenue was up by 107% compared to the previous year. Total dollars spent on lodging in hotels were \$172,460.00. Mr. Spears expressed interest in making this an annual event. People want to be in Columbus. Mayor Gaskin thanked Mr. Spears for coordinating this event and for the success of this event.

C. ERIC GREEN

Mr. Eric Green came before the Mayor and Council with a request about dilapidated property and requested an extension of time to allow him to remediate his property located at **705 – 15th Street North, Case Number 21-0427**. Council Member Jones made a motion give the property owner a **30-day extension** to remediate the property, and that an Order be issued for the property 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 remove rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) month period. Council Member Beard seconded the motion. Council Member Mickens remarked that he has received complaints about this property. It's located across the street from a business establishment and is an eyesore.

All Council Members voted in favor of the motion.

The motion carried 6/0.

VIII. POLICY AGENDA

A. Discuss/Approve Derelict Property Docket

SALLIE MAE SMITH STAPLES
1915 4th Avenue North
CASE NUMBER 21-0527

Property Maintenance Code Violation

The General Counsel called cause number **21-0527**. Ms. Nellie Lowe, grand daughter of the property owner, came forward and requested that the City demolish the property. 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) month period. Council Member Beard seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 6/0.

BETTY J. SWOOPE c/o TINREE, LLC
2322 4TH Avenue South
CASE NUMBER 21-0428 Property Maintenance Code Violation

The General Counsel called cause number **21-0428**. 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 Greene 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) month period. Council Member Jones seconded the motion. Council Member Greene asked George Irby if these properties can be rehabbed and Mr. Irby answered, "No."

All Council Members present voted in favor of the motion.

The motion carried 6/0.

LIVINGSTON RENTAL PROPERTY LLC
612 Peach Street
CASE NUMBER: 22-0004

The General Counsel called cause number **22-0004**. 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) month period. Council Member Jones seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 6/0.

B. Discuss/Approve Addendum to Extend Closing of 2023 Tax Appraisal and Assessment of Woody's On The Water to April 15, 2022.

General Counsel Jeff Turnage requested approval of Addendum to Real Estate Purchase and Sale Agreement to extend the closing date to April 15, 2022, with the Buyer retaining the right to further extend the closing date in order to complete all necessary due diligence. Council Member Jones made a motion to approve request pursuant to the language above. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

C. Discuss/Approve Low Recommendations from the February 14, 2022 Planning Commission meeting.

Permitted Use Re-hearing Request 22-01

On Behalf of Pat Thompson
3623 Azalea Circle
Tax Parcel 57W06-00-02100
R-1 Single Family Residential District

Request to use a single family dwelling as an Air BNB

All nine (9) members of the Commission were present. However, MacArthur Inge recused himself from the vote as he is a resident of Northaven Woods where the subject property is located.

The Planning Commission recommends Denial of request of using a single family dwelling as an Air BNB because the property was zone R-1 Single Family Residential and the Restrictive Covenants stated all lots are to be used as Single Family only. An Air BNB would not be considered a single-family use.

Council Member Diccico 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 deny request from the property owner to use a single family dwelling as an Air BNB be approved. Council Member Greene seconded the motion. 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 6/0.

Discuss/Consider amending the current definition of Bed & Breakfast

The Planning Commission voted unanimously to amend the current definition of Bed & Breakfast to read as follows: *Bed and Breakfast Inn: An owner-occupied house, or portion thereof, where short-term lodging rooms with or without meals are provided for compensation. (The only change is the underlined first three words).* Council Member Greene made a motion to approve the amended definition of Bed & Breakfast Inn. Council Member Diccico seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

Discuss/Consider adopting a definition of Short Term Rentals.

The Planning Commission voted unanimously to adopt a definition of Short-Term Rentals to read as follows: *Short-term rental or "STR" means lodging use, other than a hotel or motel, in which a dwelling unit or portion thereof or accessory dwelling unit is provided to guests by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit or portion thereof that is used by the same individual or individuals for 30 or more consecutive nights is not a short-term rental.* Council Member Greene made a motion to adopt the

definition of Short Term Rentals as defined above. Council Member Mickens seconded the motion.

SUBSTITUTE MOTION:

Council Member Beard made a substitute motion regarding request to adopt a definition of Short Term Rentals for further review and discussion. Council Member Stewart seconded the motion.

Council Members Stewart, Mickens, Beard and Jones voted in favor of the substitute motion. Council Members Greene and Diccio opposed the motion.

The motion carried 4/2.

D. Discuss/Approve permission request from Colin Krieger and Doug Pllum, on behalf of Zachary's Restaurant and Columbus/Lowndes Human Society, to serve beer during the "St. Patty's Pawty" on March 13, 2022 from 1:00 p.m. until 6:00 p.m., within the blocked portion of the street next to Zachary's Restaurant.

Council Member Beard made a motion to approve request from Colin Krieger and Doug Pllum, on behalf of Zachary's Restaurant and Columbus/Lowndes Human Society, to serve beer during the "St. Patty's Pawty" on March 13, 2022 from 1:00 p.m. until 6:00 p.m., within the blocked portion of the street next to Zachary's Restaurant. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

E. Discuss Equipment Needs for the Public Works Department

Casey Bush, Public Works Director, came before the Mayor and Council with a list of Equipment Needs for the Public Works Department to help it operate more efficiently. The list is below:

- (1) Backhoe
- (1) Excavator
- (1) Boom Truck
- (1) Mini-Excavator
- (2) Crew Cab Pick-Up Trucks
- (2) Zero Turn Mowers

Mr. Bush stated that the aging equipment currently in the Public Works Department breaks down frequently and he's constantly sending them to the maintenance shop for repair. Mr. Bush was asked to quantify the approximate total cost for this list and bring to the Council. No action was taken on this request.

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 Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

All members of the public, with the exception of the Mayor, the Council, the General Counsel, the Police Chief, and the HR Director, exited the meeting.

Mayor Gaskin apprised the Council of two (2) Personnel Matters to be discussed in Executive Session, pursuant to Section 25-41-7(4)(a) of the Open Meetings Act as they relate to the job performance, character, professional competence of persons holding a specific position in the department. Council Member Jones made a motion to go into Executive Session to discuss two (2) Personnel Matters. Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

The Public Information Officer then announced to the general public outside the Council Chambers that the Council was going into Executive Session to discuss two (2) Personnel Matters.

ADJOURNMENT:

The Mayor then asked if there was any other business to come before the Mayor and City Council. There being none, Council Member Beard moved that the meeting be adjourned. Upon second by Council Member Greene and unanimous vote, the Mayor announced that the meeting was ADJOURNED.

Approved by: _____
Keith Gaskin, Mayor

Patricia Mitchell
Deputy Clerk

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MARCH 1, 2022