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

APRIL 5, 2022
5:00 P.M.

The Mayor and City Council met in Regular Session on Tuesday, April 5, 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, COO, new CFO, 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 Minister Tabitha Price, of Kingdom Vision Church, Columbus, MS, to offer the Invocation.

II. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA

Council Member Dicicco made a motion to adopt the Agenda as presented. Council Member Stewart seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 5/0. *(Vice-Mayor Mickens had not arrived at this time).*

III. APPROVE MINUTES FOR PREVIOUS MEETINGS

A. **Approve Minutes for Meeting of March 15, 2022**

Council Member Dicicco made a motion to approve the Minutes for the Meeting of March 15, 2022. Council Member Jones seconded the motion.

All Council Members present voted in favor of the motion.

The motion carried 5/0.

IV. CONSENT AGENDA

A. Ratify permit request submitted by Cherie Labat, on behalf of the Columbus Municipal School District, to host “We’ve Got Your Block” held on March 29, 2022 from 5:30 p.m. until 7:00 p.m., blocking McCrary at Forrest Boulevard up to Maple Street.

B. Ratify permit request submitted by Pam Farrow, on behalf of the Preservation Society of Columbus, to host “Carriage Rides” held on March 26, 2022 and April 2, 2022 from 10:00 a.m. until 6:00 p.m., and approve “Carriage Rides” to be held on April 9 & 16, 2022 from 10:00 a.m. until 6:00 p.m. blocking four (4) parking spaces at the corner of Fifth Street South and College Street in front of Leadership Plaza.

C. Approve permit request submitted by Jeanette Norman, on behalf of the Preservation Society of Columbus, to host “Lunch and Learn Queen City Hotel & 7th Avenue North” to be held on April 7, 2022 from 11:30 a.m. until 1:00 p.m. blocking 15th Street North between 7th Avenue North and 8th Avenue North.

D. Accept letters of resignation from Police Officers: Justice Owens-Peagler and Anganesha Sanders, effective March 31, 2022.

E. Approve request for two (2) Fire and Rescue personnel: Cody Cantrell and David Tousley, to attend “Vehicle Extrication Technician” to be held in Jackson, MS, and approve payment of $800.00 for registration, $75.00 for travel and reimbursement of meal expenses.

F. Approve request for Fire and Rescue personnel: Chief Andrews, Training Chief Chandler, Battalion Chief Kain, Fire & Life Safety Educator Walker to attend “Mississippi State Fire Academy (MSFA) Graduation” for Kyler Kidder, to be held on April 14, 2022 to be held in Jackson, MS, and approve payment of travel and reimbursement of meal expenses.

G. Approve request for Fire and Rescue personnel: Joshua Connors and Kameron Pearson, to attend “Smoke Diver” class to be held in Jackson, MS, and approve payment of $840.00 for registration, $75.00 for travel and reimbursement of meal expenses.

H. Approve request for Fire and Rescue personnel, Kyler Kidder, to attend “National Fire Protection Association (NFPA) 1041” to be held in Jackson, MS and approve payment of $50.00 for travel and reimbursement of meal expenses.

I. Approve request for Code Enforcement Officer, Sasha James to attend Keep Mississippi Beautiful One-day Conference, to be held in Ridgeland, MS, and approve payment of $6.00 for registration and $67.28 for travel.

J. Approve refund of $800.00 deposit for cancellation of Trotter Convention Center rental.

K. Accept Donation for Farmers' Market Vendor Stall Striping (stalls only) from Calco Contracting, LLC in the amount of $640.00.

Council Member Stewart 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 APRIL 5, 2022

Council Member Stewart made a motion to approve the Docket of Claims for April 5, 2022, in the amount of $1,371,604.46. Council Member Greene seconded the motion. Mayor Gaskin asked if there was any discussion, after which a question was asked about two (2) invoices.

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

The motion carried 5/1.

VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA

A. General Comments from the Mayor and Council Members

Mayor Gaskin asked if any Council Members had any comments/ announcements.

Council Members' Announcements:
Council Member Greene thanked everyone for participating in Possum Town Pick-Up.

Council Member Jones announced that he and his wife will sponsor an Annual Easter Egg Hunt Saturday, April 16, 2022 in Propst Park from 12:00 noon – 2:00 p.m. and invited the public to participate.

Mayor Gaskin officially welcomed the City's new Chief Financial Officer, Mr. James "Jim" Brigham and his wife to Columbus. Mr. Brigham began working April 4, 2022.

Mayor Gaskin then offered the following remarks:

A special "Thank You" to CAFB, its leadership, staff and volunteers for an awesome "Wings Over Columbus" show last month.

Special "Thank You" to Melissa Parsons, chair of Pick-It-Up Possum Town Initiative, the committee, the Council Members, volunteers and citizens for participating in the Making Columbus Clean Again campaign that was held on Saturday at sites all over the City. We thank everyone for their efforts and look forward to more events and everyone's effort to keep our city clean.

Over the weekend, I attended the Inaugural CHEER (Celebrating and Highlighting Early Education Respect) Conference on The "W" campus and presented two (2) Proclamations: Saturday, April 2 was proclaimed as Early Childhood Educator & Child Care Worker Appreciation Day in recognition of the education, dedication and commitment of child care workers to children, their families and the quality of life of the community and April 2 – 8 was proclaimed as the Week of the Young Child. Thank you to Melinda Lowe and Penny Mansell for inviting me to the CHEER event, and a special "Thank You" to all of our educators for your commitment and hard work!

Mayor Gaskin reminded our citizens that the Jubilee of Homes Pilgrimage is still happening. It will end April 16, 2022. The O. N. Pruitt Possum Town Exhibit is still at the Columbus Arts Council and will end April 23, 2022.

Tales from the Crypt Performances are underway. The last two performances will be April 6 & 8, 2022 at 7:00 p.m. at the Friendship Cemetery. Thank you Chuck Yarborough and MSMS students for your great work!

MUW's Homecoming will begin Thursday, April 7, 2022 and will last until Sunday, April 10, 2022.

The Golden Triangle Theatre presents "The Pirates of Penzance" on Friday, April 22 at 7:00 p.m. and Sunday, April 24 at 3:00 p.m. A dinner performance will be held Saturday, April 23 at 8:00 p.m.

Next, the Mayor read an excerpt from the Fair Housing Month Proclamation and proclaimed the month of April 2022 as **"FAIR HOUSING MONTH"** in the City of Columbus as an inclusive community committed to fair housing and to promote appropriate activities by private and public entities intended to provide or advocate for equal housing opportunities for all residents and prospective residents of Columbus, Mississippi.

Lastly, Mayor Gaskin asked Chief Martin Andrews to come forward. After over 34 years with the Columbus Fire & Rescue Department, Chief Andrews is retiring. This is his last time attending a City Council meeting as Chief, but we hope he continues to stay involved. His last day is April 18, 2022. Mayor Gaskin read and presented a Proclamation to Chief Martin Lucas Andrews and declared April 18, 2022 at Martin Andrews' Day in Columbus, Mississippi.

VII. CITIZENS INPUT AGENDA

A. Fire Chief Martin Andrews

Chief Martin Andrews offered remarks about his tenure with the City of Columbus Fire and Rescue Department and thanked Mayor Gaskin, City Council Members, Department Heads, the Fire Department Command Staff, city employees and Citizens of Columbus for allowing him to fulfill his dream and wished the City much success in the future.

B. Wanda Holley, Audit Update

Mrs. Wanda Holley, along with Jason Brooks, dba Watkins, Ward & Stafford, came before the Mayor and Council and gave an update on the 2020 Audit, citing that Bank Accounts were not reconciled, Due To/Due From were not balanced, issues with Municipal Court's reporting system due to the use of two computer systems, Court Accounts has not been remitted and the balance was growing. Jason Brooks, Partner, reported on FEMA/MEMA Grants. The Mayor and Council took this report under consideration and thanked Mrs. Holley and Mr. Brooks for the update.

C. Kevin Stafford, Propst Park Masterplan Update

Kevin Stafford came forward and distributed the Master Plan for Propst Park and discussed the first phase (First Wheel), which includes the design and bidding process. This process will take approximately five (5) months before proceeding. Following a detailed discussion of the matter, Council Member Beard made a motion to move forward with the first phase (First Wheel), the design and bidding process. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

VIII. POLICY AGENDA

A. Discuss/Approve Derelict Property Docket

JAMES E. and PATSY PATTMAN
7th Avenue North
CASE NUMBER 22-0018 **Accumulation of Rubbish and Garbage**

The General Counsel called cause number **22-0018**. Mr. James Pattman, property owner, came forward and remarked that the property is for future development. He stated that he lives in Georgia and has made multiple attempts to contact the Code Enforcement Officer, but she won't return his phone calls. This lot is vacant and there is no way to place cameras. He did not dump rubbish on this property, but requested a cost estimate to have the rubbish removed and the property remediated. The Code Enforcement Officer responded to the complaints. The Council discussed options to hopefully minimize illegal dumping in the City. 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 Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

LEONARDO D. FLOYD
803 21st Street North
CASE NUMBER 22-0006 Accumulation of Rubbish and Garbage

The General Counsel called cause number **22-0006**. Mr. Leonardo D. Floyd, Property Owner, came forward. Mr. Floyd stated that he had a similar complaint as the one above. This is a vacant lot and he thought the property had been transferred to another owner. The General Counsel remarked that a notice is sent to the name on the Tax roll. Code Enforcement Officer, Sasha James, stated that the property has been **remediated** by the owner and it is her recommendation to enter into 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 Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

JONES & DAUGHTERS ENTERPRIZE LLC
806 21st Street North
CASE NUMBER: 22-0007 Accumulation of Rubbish and Garbage

The General Counsel called cause number **22-0007**. 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 Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

KALVIN AND LAURETTA TUCKER
2705 6th Avenue North
CASE NUMBER: 22-0048 Accumulation of Rubbish and Garbage

The General Counsel called cause number **22-0048**. Ms. Lauretta Tucker, appeared. Code Enforcement Officer, Sasha James, stated that the property had been remediated when she posted the sign. General Counsel Turnage apologized to the property owner for inconveniencing her and requiring her to attend this meeting. No action was taken.

Following the discussion of this matter, the Mayor and Council engaged in a discussion about Rubbish and Garbage dumping throughout the City and will discuss options further to alleviate the problem.

S. D. WILLIAMS
1013 Moss Street
CASE NUMBER: 20-0013 Property Maintenance Code

Mr. S. D. Williams came forward and stated that he was told to come to this meeting. His case was heard March 15, 2022 and it was voted unanimously to immediately abate his property. He has complied with recommendations and attended this meeting to request that the Council rescind their previous action. Code Enforcement Officer, Sasha James, provided pictures and the Building Official remarked that the structure was damaged 24.5% from the 2019 tornado and certainly can be brought up to code.

Council Member Green made a motion to continue with the immediate abatement that's in process, and if the owner comes back with a plan to remediate before the City abates, then we will discuss it further. The motion failed for lack of a second.

Council Member Beard made a motion to give this property owner a **45-day** extension to allow him to remediate the property. If it is not remediated by the end of 45 days, the owner was asked to return to the Council.

All Council Members voted in favor of the motion.

The motion carried 6/0.

B. Discuss/Approve hiring one (1) Records Clerk, contingent upon a successful drug screen and pre-employment medical exam

Council Member Beard made a motion to hire **VALANCIA BUSH** as Records Clerk in the Police Department at $11.03 per hour,, contingent on successful completion of a pre-employment medical exam and drug screen. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

C. Discuss/Approve hiring one (1) CPD Reserve Officer, contingent upon a successful drug screen and pre-employment physical

Council Member Mickens made a motion to hire **U'Neco Harris** as a CPD Reserve Officer, contingent upon a successful drug screen and pre-employment physical. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

D. Discuss/Approve request for Promotion of one (1) Columbus Fire and Rescue Personnel from Engineer to Captain

Council Member Beard made a motion to approve the promotion of Eric Minga to the position of Fire Captain with the proper pay increase. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

E. Discuss/Approve request to appoint an Interim Fire Chief

Council Member Beard made a motion to appoint Assistant Fire Chief, Duane Hughes, to the position of Interim Fire Chief, effective April 18, 2022. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

Council member Beard made a motion to approve a pay increase for the Interim Fire Chief by $5,000.00 beginning April 18, 2022. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

F. Discuss/Approve hiring a Registrar/Action Center Clerk

Council member Mickens made a motion to approve the request to hire **YOLANDA SMITH** as Registrar/Action Center Clerk at $13.95 per hour/ $29,016.00 annually, contingent on pre-employment medical exam and drug screen. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

G. Discuss/Approve Final Summary Change Order for JEM Contracting for the 2021 Sidewalk and Street Improvements Project.

Kevin Stafford presented the Final Summary of Quantities/Contract Change Order for JEM Contracting, LLC for the 2021 Sidewalk and Street Improvements. The contract resulted in a net decrease of $13,685.00. Council Member Greene made a motion to approve the Final Change Order from JEM Contracting, LLC for the 2021 Sidewalk and Street Improvements in the decreased amount of $-13,685.00. Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

H. Discuss/Approve Final Summary Change Order for Walters Construction Company for the 2020 Bituminous Hot Mix Overlay and Street Improvements project.

Kevin Stafford remarked that the 2020 Bituminous Hot Mix Overlay and Street Improvements project is complete and resulted in a Net Decrease of $259,039.64. Council Member Greene made a motion to approve the Final Contract Change Order from Walters Construction Company for the 2020 Bituminous Hot Mix Overlay and Street Improvements project in the Net decrease amount of $-259,039.64. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

I. Consider/Approve a request from the Southside Festival Committee to sell alcohol on site and for attendees the privilege to consume said alcohol during the Townsend Park Blues Festival on July 2, 2022.

Council Member Jones made a motion to approve the request from the Southside Festival Committee to sell alcohol on site and for attendees the privilege to consume said alcohol during the Townsend Park Blues Festival on July 2, 2022. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion, except Council Member Mickens, who opposed.

The motion carried 5/1.

J. Consider/Approve request to award bid for Legal Publications Advertising

Council Member Jones made a motion to award the annual bid for Legal Publications Advertising to The Columbus Packet at .0009 per insertion. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

K. Consider/Approve 16th Section Renewal Lease to replace lost, misrecorded or misplaced 16th Section Lease (Pt. of Square 58, North of Main)

General Counsel Turnage presented a 16th Section Renewal Lease to replace lost, misrecorded or misplaced 16th Section Lease (Pt of Square 58, North of Main). Council Member Jones made a motion to approve the 16th Section Renewal Lease to replace lost, misrecorded or misplaced 16th Section Lease (Pt of Square 58, North of Main. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

THE LEASE FOLLOWS:

(THIS SPACE LEFT BLANK INTENTIONALLY)

GRANTOR'S ADDRESS:

523 Main Street
Columbus, MS 39701
Phone: 662-328-7021

GRANTEE'S ADDRESS:

419 9th Street North
Columbus, MS 39701
Phone: 662-241-5158

This instrument Prepared by and Return to:

Lindsay Clemons
Lindsay Clemons & Associates, LLC
501 7th Street North, Suite 4
Columbus, Mississippi 39701
662.242.7014

Indexing Instructions:

Pt. of Square 58, North of Main,
City of Columbus,
Lowndes County, Mississippi

STATE OF MISSISSIPPI

COUNTY OF LOWNDES

RENEWAL LEASE TO REPLACE LOST, MISRECORDED OR MISPLACED SIXTEENTH SECTION LEASE

Pursuant to an Act of the legislature of the State of Mississippi, entitled an Act to authorize the successors in office of the trustees of the Franklin Academy in the City of Columbus, State of Mississippi, to execute renewal leases on the expiration, to-wit, August 1st, 1920, of the then existing leases of the respective lots situated on Section 16, Fractional Township 18 South, Range 18 West of the basis Meridian of Madison County, Alabama, and lying in the City of Columbus, County of Lowndes, State of Mississippi, the terms of which leases are for 99 years from the 1st day of August, 1821, renewable forever, and further, said leases being renewed by an Act by the Mayor and City Council of the City of Columbus, county and state aforesaid, as successors in office of the Trustees of Franklin Academy in said city dated July 16, 2019, and filed for record in the office of the Chancery Clerk of Lowndes County, Mississippi in Deed Book 2019 at Pages 5235-5240; and to regulate the time for redeeming lots sold for non-payment of leases, approved March 20th, 1914, being Chapter 462 of the laws of Mississippi, we, the Mayor and City Council of the City of Columbus, county and state aforesaid, as successors in office of the Trustees of Franklin Academy in said city, as provided by an Act of the legislature of said state, approved March 5th, 1878, and by an Act of the legislature of said state approved March 8th, 1884, which last mentioned Act constitutes the Charter of said City, and by virtue of an Act of the legislature of said state approved December, 1830, authorizing the renewal of said leases forever, we, the parties of the first part, do hereby, in consideration of the rents and covenants hereinafter contained by the hereinafter named party of the second part, their heirs, and assigns to be paid and performed, do hereby grant, demise, and lease to **Peter B. Imes and wife, Martha Imes**, party of the second part, and to their heirs and assigns in renewal of their existing lease of the following described lot, situated, lying and being a part of the above described sixteenth section, to-wit:

TRACT I: Beginning at the Northeast corner of Square 58 North of Main Street in the City of Columbus, Mississippi, running thence South along the Eastern boundary line of said Square 198 feet; thence West parallel with the Northern boundary line of said Square 213 feet; thence North 12 4 feet; thence East 2 feet 10 inches; thence North 41 feet 3 inches; thence East 10 feet; thence North 32 feet 9 inches to the Northern boundary line of said Square; thence East along the Northern boundary line of said Square 204 feet to the point of beginning.

Same being leasehold property from the Mayor and City Council of Columbus, Mississippi as successors in office to the Trustees of Franklin Academy for a term of 99 years from August 1, 1920, renewable forever and being subject to all the terms and conditions of said lease thereon.

TRACT II: A survey of part of Square 58 North of Main Street, Columbus, Mississippi, according to the official map or plat thereof on file in the Chancery Clerk's Office, Lowndes County, Mississippi, and being more particularly described as follows:

Beginning at an iron pin at the Northeast corner of said Square 58 North of Main Street, Columbus, Mississippi; thence West along the North boundary line of said Square 58 a distance of 204 feet to an iron pin and the initial point of the property herein described; thence West along the North boundary line of said Square 58 a distance of 10.0 feet to an iron pin; thence South a distance of 32.75 feet to an iron pin; thence

This lease is executed in lieu of a certain lease presumably executed in 1920 to the predecessor in title to the second party herein, said lease having been lost or destroyed and never placed of record.

It is hereby expressly understood and agreed by and between the parties hereto and interested herein, that this renewal lease is made for a term of ninety-nine (99) year from the first (1st) of August, A.D., 2019, having been renewed by action of the City Council of Columbus renewable forever, solely upon the following terms and conditions, and provided always and only that the payment of the existing lease on said lot, or lots, or subdivision thereof, amounting to Seven and no/100 dollars ($7.00), Pin No. 15343, be made annually in advance on or before the first (1st) day of August, of each and every year as now required; and in case he or they, his or their heirs and assigns shall not perform and keep said lease or rent paid in advance as aforesaid, then and in such event, it shall be lawful, and said first parties and their successors in office, shall have the right and power to enter into an upon said described lots or parcels of ground, and the same of their former estate to have and to hold and again to lease clear and disencumbered of all title and claim of said second party, their heirs and assigns, and provided further, that on any forfeiture of said lease made for the non-payment of said annual lease the same right and period of time for redeeming same, and the same conditions and limitations as to redemption shall apply, as may be provided by statute law of the State of Mississippi, of lands sold by the state for the non-payment of taxes.

SIGNATURES TO FOLLOW

In testimony whereof we have hereunto, on this the _______ day of March, 2022, set our hands and affixed the official seal of the City of Columbus, Mississippi.

Keith Gaskin	Mayor
Ethel Stewart	Ward No. 1
Joseph W. Mickens, Sr.	Ward No. 2
Rusty Greene	Ward No. 3
Pierre Beard	Ward No. 4
Stephen Jones	Ward No. 5
Jacqueline DiCicco	Ward No. 6

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STATE OF MISSISSIPPI

COUNTY OF LOWNDES

Personally appeared before me, the undersigned notary public in and for said county and state, on this _____ day of March, 2022, within my jurisdiction, the within named *Keith Gaskin*, who acknowledged that he is Mayor of the City of Columbus, Mississippi, and *Ethel Steward, Joseph W. Mickens, Sr., Rusty Greene, Pierre Beard, Stephen Jones, Jacqueline DiCicco,* who acknowledged that they constitute the City Council of the City of Columbus, Mississippi, all as successors in office to the Trustees of the Franklin Academy, and that for and on behalf of said city, in their capacity as such officers and their capacity as such successors of said trustees, they executed the above and foregoing instrument, after first being duly authorized by said city so to do.

(SEAL)

____

Notary Public

My commission expires:

L. Discuss/Approve recommendations from the March 14, 2022 Planning Commission meeting.

<u>Permitted Use Request 22-03</u>

On Behalf of Darryl Williams
908 14th Street North
Tax Parcel 61W07-01-12200
R-1 Single Family Residential District

Request to establish a Child Daycare

Council Member Mickens 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 grant request from the property owner to establish a Child Daycare at 908 14th Street North be approved. Council Member Jones seconded the motion. Building Official, Kenney Wiegel, stated that there were no objections to this request. 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.

<u>Permitted Use Request 22-04</u>

On Behalf of Rhonda Henry
2407-B Highway 45 North
Tax Parcel 57W05-01-00600
C-3 Highway Commercial District

Request to extend or make permanent the use of a portable building as a seasonal snow cone business

The Planning Commission unanimously recommended approval of the request on a permanent basis.

Council Member Greene 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 grant request from the property owner to extend or make permanent the use of a portable building as a seasonal snow cone business at 2407-B Highway 45

North be approved. Council Member Mickens seconded the motion. Building Official, Kenney Wiegel, stated that there were no objections to this request. 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.

Permitted Use Request 22-05

On Behalf of Shemeka Gipson
1920 14th Avenue North
Tax Parcel 56W19-02-02900
C-1 Neighborhood Commercial District

Request to extend or make permanent the use of a portable building as a seasonal snow cone business

The Planning Commission unanimously recommended approval of the request on a permanent basis.

Council Member Dicicco 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 grant request from the property owner to extend or make permanent the use of a portable building as a seasonal snow cone business at 1920 14th Avenue North be approved. Council Member Greene seconded the motion. Building Official, Kenney Wiegel, stated that there were no objections to this request. 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.

M. Discuss/Approve Blight Elimination Program Guide

George Irby, Director of Community Development, came forward and discussed the Blight Elimination Program Guide that had previously been distributed. Council Member Jones made a motion to approve the Blight Elimination Program Guide. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

ALLOCATION OF ARPA FUNDS:
Council Member Stewart made a motion to allocate $500,000.00 of ARPA funds for the Blight Elimination Program. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

N. Discuss/Approve awarding reconstruction contracts to Dismukes Construction Company in the amounts of $128,240.00 and $134,960.00.

George Irby reported that he advertised for sealed bids to reconstruct two (2) homes on the 2018 Home Investment Partnership Program. The first advertisement resulted in only one contractor, Clay Construction Company submitting bids. Readvertisement took place and three (3) bids were received: Dismukes Construction Group, Clay Construction Company and Corporate Vision, Inc. The bid opening was held March 28, 2022. Mr. Irby requested that the City award the bid to Dismukes Construction Company for the following locations: 1405 6th Street South at $128,240.00 and 1101 19th Street North @ $134,960.00, these being the lowest bids. Council Member Mickens made a motion to award the reconstruction contracts to Dismukes Construction Company in the amounts of $128,240.00 and $134,960.00. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

O. Discuss/Approve awarding rehabilitation contracts to Clay Construction Company in the amounts of $41,206.79, $15,248.41, and $35,314.07

George Irby reported that he advertised for the rehabilitation of seven (7) homes on the 2018 Home Investment partnership Program. The City advertised on December 29, 2021 and January 5, 2022 and received only one (1) bid. The City readvertised a second time on February 4 & 11, 2022 and again, received only one (1) bid from the same company. Mr. Irby recommended that the Council approve the request to award the bid to Clay Construction Company. Council Member Jones made a motion to award the rehabilitation contract to Clay Construction Company for the addresses and amounts listed that follows:

223 20th Street North	$41,206.79
104 Deerfield Drive	15,248.41
1103 19th Street North	45,132.99
2214 5th Avenue South	35,314.07

Council Member beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

P. Discuss Securix Systems Automated National Non-Invasive Insurance Enforcement Program

The Council engaged in a discussion of an Automated National Non-Invasive Insurance Enforcement Program and heard from representatives of Securix, a company that will implement the program better known as ANNIE (Automated National Non-Invasive Insurance Enforcement). This solution can assist city government by helping make streets and roads far safer, reducing roadside stops and court appearances, providing a new source of non-tax revenue, protecting privacy – the driver is never known; probable cause is determined without names. In addition to addressing the uninsured vehicle problem, ANNIE provides a platform to increase public safety by further enhancing coverage by adding ALPR cameras at no cost for law enforcement alerts, stolen vehicles and much more. Council Member Jones made a motion to move forward in securing Securix Systems Automated National Non-Invasive Insurance Enforcement Program, with proceeds benefitting the Police Department in purchasing vehicles and equipment. Cameras will be erected in high-traffic areas, will take pictures of the back of every vehicle that travels the street where cameras are located at no cost to the City. Council Member Greene seconded the motion.

<u>SUBSTITUTE MOTION:</u>
Council member Mickens made a substitute motion to table this matter for further discussion. Council Member Dicicco seconded the motion.

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

The motion failed 2/4.

INITIAL MOTION:
All Council Members voted in favor of the motion to approve contracting with Securix Systems Automated National Non-Invasive Insurance Enforcement Program except Council Member Mickens who opposed.

The motion carried 5/1.

Q. Discuss/Approve Columbus Light and Water Department Revenue Bond Resolution setting parameters of Issuance

Steve Pittman with Government Consultants and Tyree Daniels with Duncan-Williams, a representative from Butler Snow LLP and Dr. Angela Verdell, Director of Columbus Light and Water Department appeared before the Mayor and Council with a Resolution authorizing and execution and delivery of a promissory note (City of Columbus, Mississippi Electric System Revenue Bond Project) in the principal amount of eight million dollars ($8,000,000) (The "Note") to secure a loan (The "Loan") from the Mississippi Development bank to the City for the purposes of providing funds for (A) improving, repairing, and extending the Electric Generation, Transmission, and Distribution System of the City and other authorized purposes; (B) paying Capitalized Interest, if applicable; (II) Approving the form of an indenture of Trust and the form of and the Execution and Delivery of a Loan Agreement, and a private Placement Agreement in connection with the issuance of the note and the issuance by the Bank of its $8,000,000 Special Obligation bonds, Series 2022 (Columbus, Mississippi Electric System Revenue Bond Project) (The "Bank Bonds") for the purpose of Funding the loan to the City; (III) authorizing the sale of the Bank Bonds; (IV) approving the forms of and authorizing the execution of certain other documents in connection with the loan and the Bank Bonds; and for related purposed at 3.15 percent over a fifteen-year period. Council Member Jones made a motion to approve the Resolution pursuant to the language above and the terms that follow. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

THE RESOLUTION FOLLOWS:

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RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, MISSISSIPPI (THE "CITY") (I) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE (CITY OF COLUMBUS, MISSISSIPPI ELECTRIC SYSTEM REVENUE BOND PROJECT) IN THE PRINCIPAL AMOUNT OF EIGHT MILLION DOLLARS ($8,000,000) (THE "NOTE") TO SECURE A LOAN (THE "LOAN") FROM THE MISSISSIPPI DEVELOPMENT BANK TO THE CITY FOR THE PURPOSES OF PROVIDING FUNDS FOR (A) IMPROVING, REPAIRING, AND EXTENDING THE ELECTRIC GENERATION, TRANSMISSION, AND DISTRIBUTION SYSTEM OF THE CITY AND OTHER AUTHORIZED PURPOSES; (B) PAYING CAPITALIZED INTEREST, IF APPLICABLE; AND (C) PAYING FOR THE COST OF SUCH BORROWING; (II) APPROVING THE FORM OF AN INDENTURE OF TRUST AND THE FORM OF AND THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT, AND A PRIVATE PLACEMENT AGREEMENT IN CONNECTION WITH THE ISSUANCE OF THE NOTE AND THE ISSUANCE BY THE BANK OF ITS $8,000,000 SPECIAL OBLIGATION BONDS, SERIES 2022 (COLUMBUS, MISSISSIPPI ELECTRIC SYSTEM REVENUE BOND PROJECT) (THE "BANK BONDS") FOR THE PURPOSE OF FUNDING THE LOAN TO THE CITY; (III) AUTHORIZING THE SALE OF THE BANK BONDS; (IV) APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION OF CERTAIN OTHER DOCUMENTS IN CONNECTION WITH THE LOAN AND THE BANK BONDS; AND FOR RELATED PURPOSES.

WHEREAS, the Columbus Light & Water Department, also known as the Columbus Utilities Commission (the "**Department**" or the "**Commission**"), was created by the City of Columbus, Mississippi (the "**City**") pursuant to the provisions of Sections 21-27-11 *et seq.*, Mississippi Code of 1972, as amended (the "**Utilities Act**"), to control, manage and operate the City's water, sewer and electric utilities; and

WHEREAS, the members of the Commission (the "**Commissioners**"), acting for and on behalf of the Commission, desire to provide for the improvement of the City's electric generating, transmission and distribution system (the "**System**"), including, but not limited to, (a) the construction and/or installation of new broadband fiber to replace the existing fiber network, upgrades to the school system broadband fiber network, and upgrades to the housing authority fiber network, (b) reimbursing the City for the installation of a new transformer, (c) financing a Capital Improvement Plan, (d) the acquisition of certain buildings and parking lots and the construction of additional bays, and (e) the construction of an electrical warehouse communication bomb shelter (the "**City Project**"); and

WHEREAS, the Commissioners have determined that the City Project would be in the best interest of the Department and the residents of the City; and

WHEREAS, the Mayor and City Council (the "**Governing Body**") of the City, acting for and on behalf of the City, is authorized by the Utilities Act to issue revenue bonds of the City in such amounts as it may find necessary and proper and for the purposes set forth in the Utilities Act, including, but not limited to, the acquisition and improvement of the System; and

WHEREAS, the Governing Body of the City, acting for and on behalf of the City, is further authorized by Sections 21-27-23 and 21-27-41 through 21-27-69 *et seq*., Mississippi Code of 1972, as amended and/or supplemented from time to time (the "**Bond Act**"), and Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended (the "**Bank Act**" and together with the Bond Act, the "**Act**"), and other applicable laws of the State of Mississippi (the "**State**") to enter into a loan with the Mississippi Development Bank (the "**Bank**") for the purposes set forth therein, including, but not limited to, financing the City Project; and

WHEREAS, the City is a political subdivision duly created and validly existing pursuant to the Constitution and laws of the State and constitutes a "local governmental unit" under the Bank Act; and

WHEREAS, by resolution dated February 18, 2021 (the "**Department Resolution**") and Commission action taken at its regularly scheduled meeting on May 26, 2021 (the "**Commission Minutes**" together with the Department Resolution, the "**Department Intent Resolution**"), the Commissioners requested the City to borrow money from the Bank in the total principal amount of not to exceed Eight Million Seven Hundred Thousand Dollars ($8,700,000) to provide funds for the City Project; and

WHEREAS, on November 16, 2021, the Governing Body of the City adopted a certain resolution (the "**Intent Resolution**") declaring its intention to enter into a loan with the Bank in an aggregate principal amount of not to exceed $8,700,000 (the "**Loan**"), secured by the City's Promissory Note (Columbus, Mississippi Electric System Revenue Bond Project) (the "**Note**"), to raise money for the purpose of (a) financing the City Project, (b) funding a debt service reserve fund, if applicable, and (c) paying the costs associated with the Loan and the issuance of the Bank's not to exceed $8,700,000 Special Obligation Bonds, Series 2022 (Columbus, Mississippi Electric System Revenue Bond Project) (the "**Bank Bonds**") to finance the Loan and the Note, all as authorized by the Act; and

WHEREAS, pursuant to applicable law and as directed by the Intent Resolution, the Intent Resolution was published once a week for at least three (3) consecutive weeks in *The Commercial Dispatch*, a newspaper published in and having a general circulation within the City, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, and the last publication of the Intent Resolution being (a) not more than ten (10) days prior to December 21, 2021, the date set forth in the Intent Resolution as the deadline for the filing of objection or protest and (b) more than ten (10) days prior to December 21, 2021, the date set forth in the Intent Resolution for the meeting of the Governing Body to authorize entering into a Loan with the Bank secured by the Note, such notice being published in the newspaper on November 24, 2021, December 1, 2021 and December 8, 2021; and

WHEREAS on or prior to the hour of 5:00 o'clock p.m. on December 21, 2021, no petition signed by twenty percent (20%) of the qualified electors of the City objecting to and protesting against the Loan and the Note nor any other objection of any kind or character against the Loan and the Note described in the Intent Resolution had been filed with the City Clerk of the City (the "**City Clerk**") or presented by the qualified electors of the City; and

WHEREAS, on December 21, 2021, at the usual meeting place of the Governing Body, the Governing Body convened and adopted a resolution finding and determining that the Intent Resolution was duly published as required by law and that no written protest or other objection of any kind or character against the issuance of the Loan, the Note and the Bank Bonds was filed by qualified electors of the City and the Governing Body did authorize and approve the issuance of such Loan to raise money for the City Project, all in accordance with the Act; and

WHEREAS, the City is authorized under the provisions of the Act to borrow from the Bank in such amounts as it may find necessary and proper in order to provide (a) funding for the City Project, (b) paying capitalized interest, if applicable, (c) funding a debt reserve fund, if necessary, and (d) paying the costs incurred by the City and the Bank in connection with the Loan, Note and the Bank Bonds, including bond insurance, if applicable (collectively, the "**Project**"); and

WHEREAS, it would be in the best interest of the City and the Department for the Governing Body to provide funding for the costs of the Project by entering into the Loan with the Bank in accordance with the Act; and

WHEREAS, of the not to exceed $8,700,000 aggregate principal amount authorized in the Intent Resolution, the Department has requested the City to execute the Loan in a total principal amount of $8,000,000; and

WHEREAS, the Loan will be secured by the City's Note in an aggregate principal amount of $8,000,000, payable by the City to the Bank; and

WHEREAS, the Loan and Note shall not constitute an indebtedness of the City within the meaning of any statutory or charter restriction, limitation, or provision, and the taxing power of the City will not be pledged to the payment of said Loan and Note, but the same, together with the interest thereon, shall be payable solely from the legally available revenues of the System. The Bonds do not constitute an indebtedness of the City within the meaning of any constitutional or statutory restriction, limitation or provision, and the taxing power of the City is not pledged to the payment hereof, either as to principal or interest. System revenues shall be deposited in the Revenue Fund and then transferred to the 2022 Debt Service Fund for the payment of principal and interest on the Bonds; and

WHEREAS, pursuant to an Indenture of Trust, dated as of the date of delivery (the "**Indenture**"), between the Bank and a to be determined trustee (the "**Trustee**"), the Bank will issue its Bank Bonds in an aggregate principal amount of $8,000,000 to fund the Loan and the Project and will assign the Note to the Trustee as security for the Bank Bonds; and

WHEREAS, the City will enter into a Loan Agreement, dated as of the date of delivery, with the Bank (the "**Loan Agreement**") pursuant to which the Bank will loan the proceeds of the Bank Bonds to the City to pay the costs of the City Project and the costs incurred by the City and the Bank in connection with the Loan and the Bank Bonds; and

WHEREAS, under the Loan Agreement and the Note, the City will agree to make payments from the revenues derived from the operation of the System on the Note in amounts sufficient to pay the principal of, premium, if any, and interest on the Bank Bonds, as and when the same shall become due and payable; and

WHEREAS, the Bank Bonds will be sold to one or more designated lender (collectively, the "**Purchaser**") at a private negotiated sale (the "**Private Placement Transaction**"), pursuant to the terms and provisions of a Placement Agreement, to be dated as of the date of the sale of the Bank Bonds (the "**Placement Agreement**"), by and among the Bank, Duncan-Williams, Inc., Memphis, Tennessee, as placement agent (the "**Placement Agent**"), who is hereby designated by the City to serve as Placement Agent in the Private Placement Transaction in ratification and acknowledgment of the Placement Agent's G-17, and the City; and

WHEREAS, there have been submitted to this meeting forms of:

(a) the Indenture under which the Bank Bonds will be issued and by which they will be secured;

(b) the Loan Agreement between the City and the Bank providing for the Loan;

(c) the Note from the City to the Bank, securing payment of the Loan;

(d) the Placement Agreement providing for the terms and conditions of the sale of the Bank Bonds to the Purchaser; and

WHEREAS, it appears that each of the documents above referred to, which documents are now before the Governing Body, is in appropriate form and is an appropriate document for the purposes identified; and

WHEREAS, it would be in the best interest of the City and the Department for the Bank to proceed with the sale and issuance of the Bank Bonds because the interest payable on the Note will be the same as the interest payable on the Bank Bonds as set forth in detail in the Placement Agreement and/or any term sheet provided by the Purchaser; and

WHEREAS, the Loan and the Bank Bonds shall be conditioned upon the approval by the Board of Directors of the Bank; and

WHEREAS, all other conditions, acts and things required by the Act and the Constitution and laws of the State to have existed, to have happened and to have been performed precedent to and in connection with the adoption of this resolution, the issuance of the Note, the execution of the Loan Agreement and the Placement Agreement have happened and have been performed in regular and due time, form and manner as required by law; and

WHEREAS, it is proposed that the City should take all such additional actions, authorize the preparation and distribution of such documents and authorize such other actions and proceedings as shall be necessary in connection with the issuance of the Note, the sale and issuance of the Bank Bonds and the financing of the Project and the costs incurred by the City and the Bank in connection with the Loan and the Bank Bonds; and

WHEREAS, the issuance of the Note will not exceed any limitation upon indebtedness which may be incurred by the City; and

WHEREAS, it has now become necessary that the Governing Body proceed to make provision for the execution, issuance and delivery of the Note and the Bank Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY:

SECTION 1. This resolution is adopted pursuant to the provisions of the Act and the Constitution and laws of the State.

SECTION 2. The Governing Body hereby authorizes the execution and delivery of the Note in the principal amount of $8,000,000 in accordance with the Act and subject to the provisions of this resolution and the Loan Agreement. All terms and provisions of the Note, including the repayment thereof, shall be as set forth in the Loan Agreement and the Note.

SECTION 3. The principal of and interest on the Note shall be payable over a period as specified in the Private Placement Agreement or over a period not to exceed thirty (30) years solely from legally available revenues of derived from the System and shall be subject to prepayment as set forth in the Loan Agreement. The Note shall not constitute a general obligation of the City within the meaning of any constitutional or statutory restrictions, limitations, or provisions, and the taxing power of the City will not be pledged to the payment of the Note, but the same, together with the interest thereon, shall be payable solely from legally available revenues derived from the System.

SECTION 4. The Governing Body does hereby find and determine that the Bank Bonds are being issued to fund the Loan, the proceeds of which will be used to finance the Project.

SECTION 5. The Indenture by and between the Bank and the Trustee in the form submitted to this meeting and attached hereto as **EXHIBIT A**, is hereby made a part of this resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially said form. The Mayor of the City (the "**Mayor**"), the City Clerk and any other officer designated from time to time as an Authorized Officer by resolution of the City (together, the "**Authorized Officers**") are authorized to approve such additional changes thereto as may be requested by the Bank. The City hereby approves and acknowledges the Indenture and the terms and provisions thereof and recognizes that many items governing the terms and conditions of the Note are based upon terms, limitations and conditions provided in the Indenture.

SECTION 6. The form of the Loan Agreement by and between the City and the Bank in the form submitted to this meeting and attached hereto as **EXHIBIT B**, is hereby made a part of this resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially said form. The Authorized Officers are hereby authorized and directed to execute and deliver the Loan Agreement with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval.

SECTION 7. The form of the Note from the City to the Bank in the form attached to the Loan Agreement, shall be, and the same hereby is, approved in substantially said form. The Authorized Officers are hereby authorized and directed to execute and deliver the Note to the Bank with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval.

SECTION 8. The Placement Agreement, in the form submitted to this meeting and attached hereto as **EXHIBIT C** is hereby made a part of this resolution as though set forth in full herein and, shall be, and the same hereby is, approved in substantially said form. The Authorized Officers are hereby authorized and directed to execute the Placement Agreement for and on behalf of the City, subject to the following conditions: (a) compliance by the City with the provisions of the Bank Act regarding the issuance of the Note; (b) the aggregate principal amount of the Note and the Bank Bonds shall not exceed $8,000,000; (c) the Bank Bonds shall bear interest at the rates to be provided in the Placement Agreement and the Bank Bonds shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-101, Mississippi Code of 1972, as amended and supplemented from time to time; (d) the term of Bank Bonds shall not exceed thirty (30) years; and (e) the terms and provisions of the Bank Bonds shall be in compliance with the Bank Act.

SECTION 9. The Authorized Officers, and any other officer of the Governing Body are each hereby authorized and directed to do all such acts and things and to execute all such documents as may be necessary or advisable in connection with the Project and the authorization, sale, preparation, execution, issuance and delivery of the Loan Agreement, the Note and the Placement Agreement.

SECTION 10. The Authorized Officers and any other officer of the Governing Body are each hereby authorized and directed to cooperate with the Bank and to take all such actions and do all such things and to execute all such documents as may be necessary or advisable in connection with the authorization, sale, preparation, execution, issuance and delivery of the Bank Bonds.

SECTION 11. The City Clerk is hereby directed to forward a certified copy of this resolution to the Bank.

SECTION 12. If any one or more of the provisions of this resolution, the Loan Agreement, the Note or the Placement Agreement shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this Resolution, the Loan Agreement, the Note or the Placement Agreement but this resolution, the Loan Agreement, the Note and the Placement Agreement shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein or therein.

SECTION 13. The previous actions of the Mayor, the City Clerk and the Governing Body in connection with the Project and preparation for the issuance of the Note and the sale and issuance of the Bank Bonds shall be, and the same hereby are, approved, ratified and confirmed.

SECTION 14. The Governing Body hereby authorizes and approves the Mayor and/or the City Clerk and the Executive Director of the Bank to designate the Trustee for the Bank

Bonds in the Placement Agreement, the execution of said Placement Agreement as evidence thereof.

SECTION 15. The Governing Body hereby authorizes the Mayor, the Clerk and an Authorized Officer to execute an IRMA Exemption Disclosure and/or a G-17 Letter in connection with the selection of the Placement Agent and approves the designation of the Placement Agent in the Placement Agreement, the execution of said Placement Agreement as evidence thereof.

SECTION 16. No stipulation, obligation or agreement herein contained or contained in the Loan Agreement, the Placement Agreement or other documents necessary to conclude the issuance of the Note shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his individual capacity, and no such officer, agent or employee shall be personally liable on the Note or be subject to personal liability or accountability by reason of the issuance thereof.

SECTION 17. When the Note is issued, the City Clerk is hereby authorized and directed to prepare and furnish to the Bank certified copies of all of the proceedings and records of the City relating to the Note and the Loan, and such other affidavits and certificates as may be required to show the facts relating to the legality of the Note and the Loan as such facts appear from the books and records in the City Clerk's custody and control or as otherwise known to her; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

SECTION 18. From and after the execution and delivery of the documents hereinabove authorized, the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the issuance of the Note, the issuance and delivery of the Bank Bonds and the execution and delivery of the Loan Agreement, the Placement Agreement or other documents necessary to conclude the issuance of the Note, from time to time.

SECTION 19. The City covenants to comply with each requirement of the Internal Revenue Code of 1986 as amended (the "**Code**") necessary to maintain the exclusion of interest on the Bank Bonds from gross income for federal income tax purposes, and in furtherance thereof, to comply with a certificate of the City to be executed and delivered concurrently with the issuance of the Bank Bonds, or such other covenants as may, from time to time, be required to be complied with in order to maintain the exclusion of interest on the Bank Bonds from gross income for federal income tax purposes. The City shall not use or permit the use of any of the proceeds of the Bank Bonds, or any other funds of the City, directly or indirectly, to acquire any securities, obligations or other investment property, and shall not take or permit to be taken any other action or actions, which would cause any Bank Bond to be an "arbitrage bond" as defined in Section 148 of the Code. Notwithstanding any other provisions to the contrary, so long as necessary in order to maintain the exclusion of interest on the Bank Bonds from gross income for federal income tax purposes under the Code, the covenants contained in this Section shall survive the payment of the Bank Bonds and the interest thereon, including any payment or defeasance thereof.

SECTION 20. The City represents as follows:

(a) The City shall take no action that would cause the Bank Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code;

(b) The City shall take all necessary action to have the Bank Bonds registered within the meaning of Section 149(a) of the Code; and

(c) The City will not employ any device or abusive transaction with respect to the investment of the proceeds of the Bank Bonds.

SECTION 21. The City hereby covenants that it shall make or cause to be made to the United States of America, the rebate payments required by Section 148(f) of the Code and the regulations promulgated thereunder and to that end, to enter into the Arbitrage Rebate Agreement (as defined in the Indenture) with the Bank and the Trustee.

SECTION 22. The Authorized Officers are hereby authorized to sign and file or cause to be filed a completed I.R.S. Form 8038-G "Information Return for Governmental Obligations" if required by Section 149(e) of the Code, if applicable.

SECTION 23. The Authorized Officers are hereby authorized to execute a non-arbitrage certification or similar document in order to comply with Section 148 of the Code and the applicable regulations thereunder.

SECTION 24. RESERVED.

SECTION 25. If the Bank executes a commitment for the provision of municipal bond insurance and/or a surety bond for the Bank Bonds and any additional documents and certificates which are required by any provider of such municipal bond insurance elected to provide credit enhancement in connection with the issuance of the Bank Bonds, the Authorized Officers are hereby authorized to approve any changes, insertions and omissions as may be required by the provider of the municipal bond insurance to the Indenture, the Loan Agreement, the Note, the Placement Agreement, as are approved by the Executive Director of the Bank or an authorized officer of the Bank, evidenced by the execution of the commitment for said municipal bond insurance and/or surety bond and other additional documents and certificates. The Governing Body hereby authorizes and approves the execution of said commitment by the Executive Director of the Bank, the President of the Board of Directors of the Bank or an authorized officer of the Bank, for and on behalf of the City, if applicable.

SECTION 26. The Authorized Officers are hereby authorized to execute the commitment letter of the Purchaser (the "**Commitment Letter**"), if applicable, and to approve any changes, insertions and omissions as may be required by the Commitment Letter or the Purchaser to the Indenture, the Loan Agreement, the Note and the Placement Agreement, and are hereby authorized to execute any additional documents and certificates as required. The

Governing Body hereby authorizes and approves the execution of said Commitment Letter by an Authorized Officer of the City.

SECTION 27. If the Purchaser of the Bank Bonds requires insertions and revisions to the Indenture, the Loan Agreement, the Note or the Placement Agreement in connection with an Event of Taxability, the Governing Body hereby approves such changes, insertions and revision to the Indenture, the Loan Agreement, the Note or the Placement Agreement as required by the Purchaser. An Event of Taxability, as applicable, may occur if at any time the Purchaser (i) receives notice, in any form, from the Internal Revenue Service or a decision from a court of competent jurisdiction that all or any portion of the interest paid or payable on a Bank Bond is included in gross income for federal tax purposes, or (ii) reasonably determines, based on an opinion of independent tax counsel selected by the Purchaser that all or any portion of the interest paid or payable on any Bank Bond is included in gross income for federal tax purposes. If an Event of Taxability occurs pursuant to the terms as defined in the Indenture and/or the Loan Agreement, as applicable, then the Bank Bond may automatically bear interest at a Taxable Rate, to be determined and provided, if applicable by the Purchaser. If required by the Purchaser, the Taxable Rate will be included in the Indenture and/or the Loan Agreement and any insertions and/or revisions to such documents are hereby approved evidenced by the execution of the Indenture and/or the Loan Agreement and other additional documents and certificates.

SECTION 28. The Authorized Officers are hereby authorized to execute a requisition and perform such other acts as may be necessary to authorize the payment by the Trustee under the Indenture on the closing date of the Bank Bonds, the costs of issuance for the Bank Bonds and costs of issuance for the Note; provided, however, total costs of issuance for said Bank Bonds and the Note shall not exceed five (5%) percent of the par amount of the Bank Bonds (excluding any fee to the Placement Agent/Underwriter and any premiums for municipal bond insurance or surety bond, if applicable).

SECTION 29. Upon receiving the recommendation of Government Consultants, Inc., Madison, Mississippi, as Municipal Advisor (the "**Municipal Advisor**"), Butler Snow LLP, Ridgeland, Mississippi, as Bond Counsel (the "**Bond Counsel**"), Sims & Sims, LLC, Columbus, Mississippi, as Department Counsel ("**Department Counsel**") and Mitchell, McNutt & Sams, P.A., Columbus, Mississippi, as City Counsel ("**City Counsel**"), and acknowledgment and ratification of said parties engagement, the Mayor, the City Clerk and an Authorized Officer are hereby authorized and directed to make all final determinations necessary to prepare the Indenture, the sale of the Bank Bonds, including the date of sale, the dated date of the Bank Bonds, the final principal amount of the Bank Bonds, the maturity schedule relating to the Bank Bonds, the redemption terms of the Bank Bonds, the series designation of the Bank Bonds and any other terms thereof; provided, however, that all such determinations shall be made subject to approval by the Bank, to be evidenced by the execution of the Placement Agreement for the sale of the Bank Bonds.

SECTION 30. The Governing Body of the City, acting for and on behalf of the City, hereby authorizes the Authorized Officers to execute and deliver any additional notices, documents and certificates which are required in connection with effectuating the purposes of this resolution.

SECTION 31. All orders, resolutions or proceedings of the Governing Body in conflict with the provisions of this resolution shall be and are hereby repealed, rescinded and set aside, but only to the extent of such conflict.

Council Member ________ offered and moved for the adoption of the foregoing resolution and Council Member __________ seconded the motion, and the question being put to a roll call vote, the result was as follows:

Councilmember Ethel Stewart voted:	_____
Councilmember Joseph W. Mickens, Sr. voted:	_____
Councilmember Rusty Greene voted:	_____
Councilmember Pierre Beard voted:	_____
Councilmember Stephen Jones voted:	_____
Councilmember Jacqueline DiCicco voted:	_____

The motion having received the affirmative vote of a majority of the members of the Governing Body present, being a quorum of said Governing Body, the Mayor of the City declared the motion carried and the resolution adopted this 5th day of April 2022.

____

Mayor

ATTEST:

____

Authorized Representative

(SEAL)

EXHIBIT A

FORM OF INDENTURE

EXHIBIT B

FORM OF LOAN AGREEMENT

EXHIBIT C

FORM OF PLACEMENT AGREEMENT

Council Member Jones asked Dr. Angela Verdell some questions regarding citizens who need assistance with payment of electric and water bill. Dr. Verdell answered those questions.

R. Discuss Incentive Pay

Council Member discussed ARPA Premium/Incentive Pay and remarked that there have been many questions and the provisions outlined in the resolution will remain as approved. The funds flowed from the Federal Government to the State of Mississippi and did not contain many of the restrictions; however, the State of Mississippi added provisions and restrictions. The City cannot pay an employee for time not worked.

Council Member Jones asked City officials to research the possibility of part-time employees receiving incentive pay.

CLOSED DETERMINATION:

Council Member Mickens made a motion to go into closed session to determine whether it is necessary to go into Executive Session. Council Member Greene seconded the motion.

All Council Members present 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 COO, the Police Chief, and the HR Director, exited the meeting.

Mayor Gaskin apprised the Council of one (1) personnel matters involving the job performance of an employee in the Police Department and concluded that this matter warrants being heard in Executive Session. Council Member Jones made a motion to go in Executive Session to discuss a personnel matter. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

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 personnel matter

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

James "Jim" Brigham
Secretary-Treasurer/City Clerk

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