

SPECIAL MEETING OF
THE MAYOR AND CITY COUNCIL
JANUARY 31, 2023

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

**Tuesday, January 31, 2023
9:00 a.m.**

PLEASE TAKE NOTICE that the Mayor and City Council of the City of Columbus will have a special meeting.

The meeting will be held at 9:00 a.m., Tuesday, January 31, 2023, in the Public Reception Room of City Hall, located at 523 Main Street.

The following topic will be discussed:

A. Mayor's Veto of the City Council's decision to cancel its contract with Waggoner Engineering

So Ordered, on this 25th day of January 2023

As Determined by the Mayor and City Council

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CITY OF COLUMBUS, MS
January 31, 2023
9:00 a.m.**

The Mayor and City Council met in Special Session on Tuesday, January 31, 2023 at 9:00 a.m. in the City Hall Courtroom, located on the second floor, 523 Main Street, Columbus, MS. Mayor Keith Gaskin presided over the meeting. All Council Members participated in the meeting. Also in attendance were General Counsel Turnage, the COO, CFO, Police Chief the H. R. Director.

I. CALL TO ORDER AND INVOCATION

Mayor Keith Gaskin called the meeting to order and offered the Invocation.

Mayor Gaskin remarked that the purpose of this meeting is to discuss the Mayor's Veto of the City Council's decision to cancel its contract with Waggoner Engineering, Inc. and go in Executive Session to discuss personnel matters.

II. Mayor's Veto of the City Council's decision to cancel its contract with Waggoner Engineering, Inc.

Mayor Gaskin began by apprising the audience of the provisions of Veto power. Councilwoman Stewart made a motion to discuss the Mayor's Veto of the City Council's decision to cancel the contract with Waggoner Engineering, Inc. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

CFO Jim Brigham discussed Task Order #2 and continued by reporting that Waggoner Engineering Inc. applied for the City's match on 1/30/2023. There is some risk if you override the Veto and fire Waggoner. If the City ends the agreement with Waggoner Engineering, we would have to readvertise for another

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engineering firm. Members of the Council then engaged in a lengthy discussion of the actions previously taken in regards to the relationship with Waggoner. Zach Adams, Vice-President of Waggoner Engineering Inc. came forward and remarked that Waggoner had ineffective communication. Mr. Adams presented a PowerPoint presentation, outlining the provisions of each Task Order and listed what has been completed. Following the discussion, Council Member Mickens made a motion to override the Mayor's Veto. Councilwoman Stewart seconded the motion.

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

The motion carried 5/1.

III. CLOSED DETERMINATION

Council Member Greene made a motion to go into Closed Determination to determine if it is necessary to go into Executive Session. Councilwoman Diccico seconded the motion.

All Council Members voted in favor of the motion.

The motion passed 6/0.

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

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

Mayor Gaskin apprised the Council of three (3) personnel matters involving the job performance of individual members of the Public Works Department and one (1) strategy session regarding a pending litigation matter which if held in open session could have a detrimental effect on the litigation position of the City and remarked that these matters warrant being heard in Executive Session.

Council Member Beard made a motion to go in Executive Session to discuss three (3) personnel matters involving the job performance of particular individuals employed in the Public Works Department and one (1) strategy session regarding a pending litigation matter which if held in open session could have a detrimental effect on the litigation. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

The COO announced to the general public outside the Council Chambers that the Council was going into Executive Session to discuss three (3) matters of personnel related to the job performance of particular individuals employed in the Public Works Department and one (1) strategy session regarding a pending litigation matter the open discussion of which could have a detrimental effect on the litigation.

IV. EXECUTIVE SESSION

PERSONNEL MATTER (1)

The first personnel matter to come before the Mayor and Council involves the job performance of Employee, I. D. Number 1506. The Public Works Director, Assistant Public Works Director, Captain of Investigations and the Police Chief were invited in the Courtroom. Casey Bush, Public Works Director, reported that he received a call from CPD on Monday, January 23, 2023, regarding this employee pumping gas at the City pumps after hours. This employee was caught stealing gas and pumping it into a non-city vehicle. He was immediately arrested and taken to Lowndes County Adult Detention Center. He later confessed to getting gas on numerous occasions and gave the name of another City employee that was stealing gas. Employee, I. D. Number 1506 was charged with a felony. CPD served notice of this meeting and it was signed and returned to Human Resources. The employee was placed on Administrative Leave with pay, pending Council's action. The Public Works Director recommends immediate termination. Council Member Jones made a motion to terminate this employee for stealing gas from the City's gas pump and charged with a felony. Councilwoman Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

PERSONNEL MATTER (2)

The second personnel matter to come before the Mayor and Council involves the job performance of Employee, I. D. Number 1504. Casey Bush, Public Works Director, reported that he received a call from CPD on Monday, January 23, 2023, regarding theft of gas at the City pumps after hours. The employee that was caught in the act reported that this employee was guilty as well. After pulling a usage report using Employee, I. D. Number 1504's pin number, the report revealed illegal activity based on dates and time of pumping gas. He was questioned by law enforcement and confessed to stealing gas. He was charged with a felony. CPD attempted to serve notice of this meeting at the employee's last known address; however, he could not be located. The employee was placed on Administrative Leave with pay, pending Council's action. The Public Works

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Director recommends immediate termination. Council Member Jones made a motion to terminate this employee for stealing gas from the City's gas pump and charged with a felony. Councilwoman Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

PERSONNEL MATTER (3)

The third personnel matter to come before the Mayor and Council involves the job performance of Employee, I. D. Number 1441. Casey Bush, Public Works Director, reported that he received a call from CPD on Monday, January 23, 2023, regarding theft of gas at the City pumps after hours. After pulling a usage report using Employee, I. D. Number 1441 pin number, the report revealed illegal activity based on dates and time of pumping gas. He was questioned by law enforcement was asked if he had shared his pin number with anyone. He answered, "NO." Based on activity, he was arrested and charged with a misdemeanor. CPD attempted to serve notice of this meeting at the employee's last known address; however, he could not be located. The employee was placed on Administrative Leave with pay, pending Council's action. The Public Works Director recommends immediate termination. Council Member Jones made a motion to terminate this employee for stealing gas from the City's gas pump and charged with a felony. Councilwoman Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

PENDING LITIGATION

General Counsel Turnage reported that Cooper Marine & Timberlands had written a letter back in answer to his settlement demand and he had negotiated the terms of a release and settlement agreement involving the Bridge and requested that action be taken in three (3) sections, being as follows: (1) approval of a contract to repair the bridge with Malouf Construction Company in the agreed sum of \$4,019,597; (2) Authorize the Mayor to execute an assignment the City's claims against Max Marine, LLC to Cooper Marine & Timberlands Corporation; and (3) Authorize the Mayor to execute the Settlement Agreement. The General Counsel suggested that if the Council was in agreement with this plan, that it should do so in Open Session.

OPEN SESSION:

Council Member Jones made a motion to end the discussion of these matters and return to Open Session. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

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The motion carried 6/0.

Council Member Greene moved that an emergency exists in regard to the damage to the City's historic pedestrian bridge resulting from the vessel that broke free from its tow and crashed into the pier causing major structural damage and that delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the City, and therefore, he moved that the Mayor and Council approve the contract with Malouf Construction Company to repair the bridge for a contract sum of Four Million Nineteen Thousand Five Hundred Ninety Seven Dollars (\$4,019,597.00) and authorize the Mayor to execute the contract presented. Councilwoman Diccio seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

ASSIGNMENT OF CLAIMS:

Council Member Beard moved that the City agree to assign its claims against Max Marine LLC arising from the vessel hitting out bridge to Cooper Marine & Timberlands Corporation and authorize the Mayor to execute such assignment. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

SETTLEMENT AGREEMENT:

Council Member Beard moved that the City settle its claims with Cooper Marine & Timberlands Corporation for Four Million Two Hundred Fifteen Thousand Ninety Seven Dollars (\$4,215,097.00) and that the Mayor be authorized to execute the release and settlement agreement reviewed in Executive Session. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

The COO then announced to the general public outside the meeting room that the Council was back in Open Session.

The General Counsel announced that the Mayor and Council went in Executive Session to discuss three (3) personnel matters involving job performance of employees in the Public Works Department and voted to terminate all three (3) employees.

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WAGGONER ENGINEERING, INC.

Council Member Jones made a motion to allow Waggoner Engineering, Inc. to continue with Task No. 2 for the remainder of the 12 month period of the task order. Councilwoman Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

ADJOURNMENT:

The Mayor then asked if there was any other business to come before the Mayor and City Council. There being none, the Mayor announced that the meeting was ADJOURNED.

Approved by: _____
Keith Gaskin, Mayor

James "Jim" Brigham
CFO/Secretary-Treasurer

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