

MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS February 21, 2023

The Mayor and City Council met in Regular Session on Tuesday, February 21, 2023 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 COO, CFO, General Counsel, Police Chief, H R Director and all other Department Heads.

I. CALL TO ORDER AND INVOCATION

Mayor Gaskin called the meeting to order and called on Rev. Leonardo Dismukes to offer the Invocation.

II. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA

Councilwoman Diccio requested to move Consent Agenda Item "K" to the Policy Agenda as Item "I". Councilwoman Stewart made a motion to adopt the Agenda with the aforementioned change. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

III. APPROVE MINUTES FOR MEETING OF FEBRUARY 7, 2023.

Councilwoman Diccio made a motion to approve the Minutes for the Meeting of February 7, 2023. Councilwoman Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

IV. CONSENT AGENDA:

- A. Approve request for Fire and Rescue personnel : Joseph Denton and Lukas Borntrager, to attend "*Smoke Diver*" class to be held in Jackson, MS, and approve payment of \$840.00 for registration, use of City vehicle and \$50.00 in fuel expenses and reimbursement of meal expenses.

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- B. Approve request for Fire and Rescue personnel to attend "*Live Fire Instructure*" class to be held at the Alabama Fire College, AL, and approve reimbursement of meal expenses.
- C. Approve request for Fire and Rescue Command Staff to attend "*Graduation for Sally Kerstetter (for NFPA I-II)*" to be held at the Mississippi Fire Academy in Jackson, MS at no cost.
- D. Accept letter of retirement from Fire and Rescue Firefighter, Lamarcus Phillips, effective March 1, 2023, and approve compensation of unused vacation leave, up to 240 hours.
- E. Accept letter of resignation from CPD Officer, KeShawn Adams, effective February 19, 2023.
- F. Approve request for CPD Officer, Melvin Shirley, to attend the "*2023 Spring MELOA Motor Officer Class*", to be held in Flowood, MS, and approve payment of \$900.00 for lodging, \$200.00 for travel (fuel) in City vehicle and reimbursement of meal expenses.
- G. Approve request to for one (1) CPD Officer and K9 Officer, Nick Hairston, to attend the "*MELOA 2023 Lawdog K9 Seminar*" to be held in Tupelo, MS and approve travel (fuel) in City vehicle and reimbursement of meal expenses.
- H. Approve permit request submitted by Barbara Bigelow, on behalf of Main Street Columbus, Inc., to host the "*27th Annual Market Street Festival*" to be held on May 5-6, 2023, from 5:00 a.m. on May 5 until 12:00 noon on May 7, 2023 at the Soccer Complex (Friday evening concert and Saturday morning 5K run; the remainder of the festival is in downtown Columbus..
- I. Accept letter of retirement from Maintenance Technician at the Trotter Convention Center, Larry Jamison, effective March 1, 2023 and approve payment of unused vacation leave according to State policy, plus authorize the Human Resources Director to begin the normal recruitment process to fill this position.
- J. Approve request for Council Members Mickens and Beard to visit The Village at Glenclyff, located in Nashville, TN and approve payment for lodging, travel and reimbursement of meal expenses in the estimate cost of \$1,152.08.
- K. THIS ITEM WAS MOVED TO THE POLICY AGENDA AS ITEM "I".

Council Member Mickens made a motion to approve the Consent Agenda as presented, with one (1) amendment. 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:

Council Member Mickens made a motion to approve the Docket of Claims for February 21, 2023, in the amount of \$1,111,576.21.. Councilwoman Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:

- A.** Mayor Gaskin asked the Council Members if they had any comments/announcements.

Council Member Beard reminded the public of the next Ward IV State of the Ward meeting, which will be held Monday, February 27, 2023 at City Hall at 6:00 p.m.

Councilwoman Stewart announced that a Ward 1 meeting will be held on March 9, 2023 at Townsend Community Center at 6:00 p.m. and will be held every 2nd Thursday at the same time and place thereafter.

The Annual Soul Food Dinner will be held on February 23 at Townsend Community Center from 10:00 a.m. – 12:00 noon.

Council Member Jones recognized Kevin Stafford and Zach Foster in observance of National Engineering Week.

Mayor Gaskin proceeded with the following observations/remarks:

I would like to remind everyone about the Inaugural Henry Armstrong Boxing Classic that will be held at the Trotter Convention Center on Saturday, March 4 at 6:00 p.m. Doors will open at 5:00 p.m. This is another effort to honor the boxing legend who is a native of Columbus. Last fall, we had a street dedication in his honor. These events are sponsored by Sand Promotions, Columbus-Lowndes Convention & Visitors Bureau and Henry Armstrong Foundation.

Also, February 20 – 25 is Spring Severe Weather Preparedness Week. Columbus-Lowndes County Emergency Management Agency will participate in the tornado drill tomorrow at 9:15 a.m. THIS IS A TEST!

Mayor Gaskin asked the Council if they had any questions for the Department Heads.

B. Forensic Lab Monthly Report for January 2023

The Monthly Report from the Forensic Lab for January 2023 was presented. No action was taken.

C. Human Resources Monthly Report for January 2023

The Monthly Report from the City Human Resources Department for January 2023 was presented. No action was taken.

D. Community Outreach Monthly Report for January 2023

The Monthly Report from the Community Outreach Department for January 2023 was presented. No action was taken.

E. Columbus Parks and Recreation Monthly Report for January 2023

The Monthly Report from the Parks and Recreation Department for January 2023 was presented. No action was taken.

F. Municipal Court Monthly Report for January 2023

The Monthly Report from the Municipal Court Division for January 2023 was presented. No action was taken.

G. Trotter Convention Center/Friendship Cemetery/Care & Maintenance Monthly Report for January 2023

The Monthly Report from the Trotter Convention Center/Friendship Cemetery/Care & Maintenance Monthly Report for January 2023 was presented. No action was taken.

H. Garage Monthly Report for January 2023

The Monthly Report from the City Garage for January 2023 was presented. No action was taken.

I. Building Inspection Monthly Report for January 2023

The Monthly Report from the Building Inspection Department for January 2023 was presented. No action was taken.

J. Columbus Fire and Rescue Monthly Report for January 2023

The Monthly Report from the Columbus Fire and Rescue Department for January 2023 was presented. No action was taken.

K. Public Works Monthly Report for January 2023

The Monthly Report for the Public Works Department for January 2023 was presented. No action was taken.

L. Columbus Police Department Monthly Report for January 2023

The Monthly Report from the Columbus Police Department for January 2023 was presented. No action was taken.

M. Office of Planning and Community Development Monthly Report for January 2023

- N.** The Monthly Report from the Office of Planning and Community Development Monthly Report for January 2023 was presented. No action was taken.

O. Monthly Financial Report

Jim Brigham, CFO, distributed the Monthly Financial Report for January 2023, which includes the General Fund balance of \$6,031,007.68, which is an increase of \$4,907,239.64 compared to the same time last year. Total Sales Tax Receipts for January 2023 are \$1,076,614.00, which is an increase of \$51,925.00 compared to the same time last year. The remaining balance of ARPA Funds is \$2,988,725.26. No action was taken.

P. 2020 Audit Report

Ms. Wanda Holley, CPA with Watkins, Ward and Stafford came before the Mayor and Council and presented the Audited Financial Statements for fiscal year ending September 30, 2020 for discussion. She began by stating the Auditors' Responsibility, which is to express opinion on these financial statements based on the audit. She then discussed the findings and entertained questions. The findings are summarized on page 87 and are discussed on pages 88 – 97. Following discussion of these findings,

Council Member Mickens moved to table the approval of the FY2020 Audit until the Council has time to read it more closely. Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

THE FINDINGS FOLLOW:

Q. BOARD VACANCIES

Ms. Jammie Garrett announced vacancies on various boards and remarked that ONE (1) appointment will be made tonight.

COLUMBUS MUNICIPAL SCHOOL DISTRICT

1 Vacancy, 5-Year Term, Yvonne Cox's Term Expires 3/02/2023.
Appointment will be made February 21, 2023.

APPLICANT:

Yvonne Cox
Robert Smith, Sr.
Qua Mattix Austin

Ms. Yvonne Cox came forward and discussed her credentials and the reasons why she would like to continue serving on this board.

Ms. Garret read a letter that was sent in from Mr. Robert Smith, Sr.

Council Member Greene made a motion to reappoint Ms. Yvonne Cox to the Columbus Municipal School District Board for a 5-Year Term, until March 02, 2028. Councilwoman Dickey seconded the motion.

SUBSTITUTE MOTION:

Council Member Mickens made a motion to appoint Mr. Robert Smith, Sr. to the Columbus Municipal School District Board for a 5-Year Term, until March 02, 2028. Councilwoman Stewart seconded the motion.

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

The Substitute motion carried 4/2.

BOARD OF ADJUSTMENT & APPEALS OF DEVELOPMENT CODES

1 Vacancy, 1-Year Term, Kevin Stafford's Term Expires 3/01/2023
Appointment will be made March 7, 2023

APPLICANT:

Kevin Stafford

CONVENTION & VISITORS BUREAU

2 Vacancies, 3-Year Term, Whirlie Byrd's and Melodie Cunningham's
Terms Expire 3/03/2023.
Appointments will be made March 7, 2023.

APPLICANTS:

Whirlie Byrd
Melodie Cunningham
Blaine Walters

ZONING BOARD OF ADJUSTMENTS & APPEALS

2 Vacancies, 3-Year Terms, Chris Chain's & Rob Graham's Terms Expire
3/03/2023.
Appointment will be made March 7, 2023.

APPLICANT:

Chris Chain

VII. CITIZENS INPUT AGENDA:

A. PUBLIC HEARING ON TIANEPTINE

Mayor Gaskin opened the Public Hearing on Tianeptine and heard from citizens in favor of adopting an Ordinance to have the drug removed from convenience stores in the corporate limits of Columbus. Six (6) members in the audience whose lives and families have been impacted by this drug negatively and support the Mayor and Council in adopting an Ordinance banning Tianeptine from being sold in convenience stores. Each of them came forward and shared their testimony:

**Tracy Harper Morrison
Karol Harper
Dr. Robin Ballard**

**William J. Morrison
Matt Bouge
Ashley Amos**

No one came forward in opposition of adopting an Ordinance banning Tianeptine from local convenience stores.

Mayor Gaskin closed the hearing.

VIII. POLICY AGENDA:

A. Discuss/Approve an Ordinance amending the Code of Ordinances to include prohibiting the use, purchase, possession, distribution, sale or offering for sale of Tianeptine and related products.

The Ordinance amending the Code of Ordinances to include prohibiting the use, purchase, possession, distribution, sale or offering for sale of Tianeptine and related products was presented for adoption. Council Member Beard made a motion to amend the Code of Ordinances to include prohibiting the use, purchase, possession, distribution, sale or offering for sale of Tianeptine and related products. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

The Amended Ordinance follows:

(THIS SPACE LEFT BLANK INTENTIONALLY)

**ORDINANCE OF THE CITY OF COLUMBUS, MISSISSIPPI AMENDING THE CODE
OF ORDINANCES TO INCLUDE PROHIBITING THE USE, PURCHASE,
POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF TIANEPTINE
AND RELATED PRODUCTS**

WHEREAS, Miss. Code Ann. § 21-19-1, *et seq.*, as amended, empowers municipal governing authorities to make regulations to secure the general health, safety, and welfare within their respective municipal boundaries, in addition to make all necessary regulations for the preservation of good order, peace, and safety within their respective municipal boundaries; and

WHEREAS, the Governing Authority of the City of Columbus, Mississippi is reliably informed that an uncontrolled substance known as Tianeptine is being sold in retail outlets within the City of Columbus; and

WHEREAS, according to the United States Drug Enforcement Administration, Tianeptine has not been approved by the United States Food and Drug Administration for any medical use, and there has been a rapid and marked increase in Tianeptine-related calls to poison controls centers; and

WHEREAS, according to the United States Drug Enforcement Administration, Tianeptine is abused for effects that are similar to opioids and Tianeptine can have severe adverse health effects to include respiratory depression, severe sedation, and death; and

WHEREAS, according to the United States Drug Enforcement Administration, with respect to Tianeptine, there can be severe withdrawal symptoms that result in hospitalization, such symptoms to include agitation, tachycardia, nausea, vomiting, tremor, and diaphoresis; and

WHEREAS, the United States Drug Enforcement Administration has referred to Tianeptine as an “opioid-like drug” that is of extreme public health concern; and

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WHEREAS, recently, some states have classified Tianeptine as a controlled substance;
and

WHEREAS, in order to secure the general health, safety, and welfare, as well as to preserve good order and the peace, the Governing Authority, finds and concludes that the use, possession, purchase, distribution, sale or attempt to use, possess, purchase, distribute or sell or publicly display for sale of Tianeptine should be prohibited within the corporate boundaries of the City of Columbus, Mississippi.

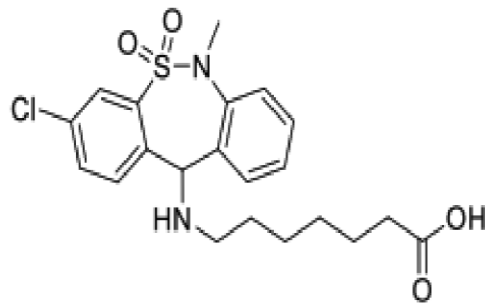
NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Columbus, Mississippi, the following Ordinance shall be added to the Code of Ordinances, aid Code of Ordinances and shall read in full as follows:

Use, purchase, possession, distribution, sale or offering for sale of Tianeptine prohibited.

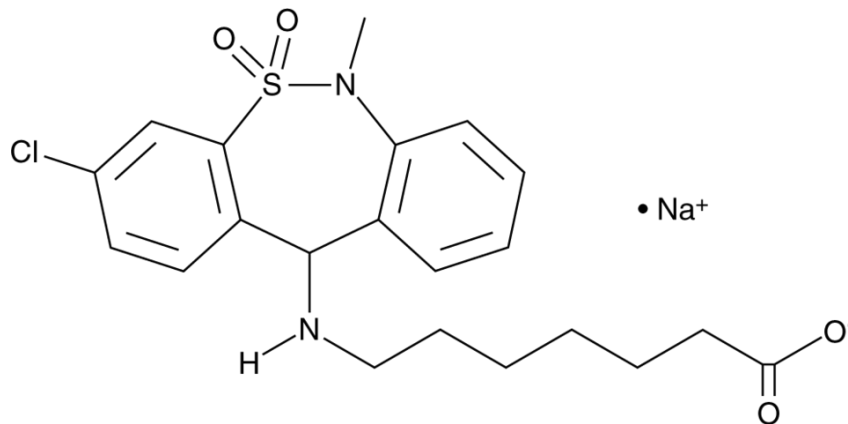
Section 1.

A. Definitions

1. *Corporate boundaries* shall mean the municipal limits as they are presently designated or as they shall be legally designated in the future.
2. *Sale* shall mean the barter or exchange of property for money or other consideration, and every closed transaction by which the title to property passes shall constitute a sale. *Sale* shall also mean the passing of title to property for a consideration of coupons, trading stamps, or by any other means when redemption is subsequent to the original sale by which the coupon, stamp, or other obligation was created.
3. *Tianeptine* shall mean that certain chemical with a chemical name of 7-((3-chloro-6-methyl-5,5-dioxido-6, 11-dihydrodibenzo [c,f][1,2]thiazepin-11-yl)amino) heptanoic acid. The chemical structure of Tianeptine is set out below:



The chemical structure of Tianeptine (sodium salt) is set out below:



The term *Tianeptine* shall include Tianeptine and any salt, sulfate, free acid, or other preparation of Tianeptine, and any salt, sulfate, free acid, compound, derivative, precursor, or preparation thereof that is substantially chemically equivalent or identical with Tianeptine. It shall be presumed that the contents of any container, bottle, box, carton, jar containing the word “Tianeptine” are Tianeptine. Brands of products currently being sold as containing Tianeptine include, but are not limited to including but not limited brands like Tianeption, Tianptine Sodium, Zaza Red, Zaza Silver, Tianeptine Red, Tianeptine White, Stablon Kapis Tablets, Stablon, Coaxle, Tianeptine sulfate pills, Tianeptine sulfate powder, Toats gold, Coaxil, Salymbra, Tatinol, Tianeurax, Zinosal, Tianaa, Tianaa Green, Tianaa Red, Tianaa White, Gold Tianeptine and Pegasus.

B. Sale, Etc. of Tianeptine Prohibited

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Upon this Ordinance becoming effective, no person shall use, possess, purchase, distribute, sell or attempt to use, possess, purchase, distribute or sell or publicly display for sale, the chemical known as Tianeptine within the corporate boundaries of the City of Columbus, Mississippi, as such corporate boundaries may be altered from time-to-time. It shall not be an offense under this Ordinance if a person shall be acting at the direction of an authorized agent of the State of Mississippi, County of Lowndes or the City of Columbus, Mississippi, to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale the aforementioned substance and should violate one of the prohibitions set out in this Ordinance.

C. Penalties for Violations of this Ordinance

Any person, partnership, company, firm, or corporation violating any provision of this Ordinance shall be fined no more than \$1,000.00 and/or jailed for a period not to exceed six (6) months. Each and every violation of this Ordinance shall be a separate offense.

D. Severability

To the extent that any phrase, clause, provision, and/or part of this Ordinance is deemed by a court of competent jurisdiction to be void, invalid, or unenforceable, the remaining phrases, clauses, provisions, and parts of this Ordinance shall be enforced to the full extent.

Section 2. For the protection of the health, safety and welfare of the citizenry, this Ordinance shall go into effect immediately. To the extent any Court shall find that there was no basis for this Ordinance to have immediate effect, then this ordinance shall be deemed to go into effect thirty (30) days after the adoption hereof said effective date being February 22, 2022. The Clerk shall cause a summary of the ordinance to be published in a local newspaper with a general circulation.

Section 3. Said Ordinance having been previously reduced to writing, a motion was made by Council Member **BEARD** and seconded by Council Member **GREENE** to adopt the Ordinance and no request having been made by the Mayor or any member of the City Council that said Ordinance be read aloud before a vote was taken, and reading of such having been waived, said Ordinance was adopted by the vote of the City Council as follows:

Ethel Taylor Stewart: **YEA**

Joseph W. Mickens, Sr.: **YEA**

Rusty Greene: **YEA**

Pierre Beard: **YEA**

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Stephen Jones:

YEA

Jacqueline DiCicco

YEA

The Mayor thereby declared the motion carried and the Ordinance adopted and approved on this the 21st day of February, 2023.

KEITH GASKIN, MAYOR

ATTEST:

JAMES BRIGHAM, CITY CLERK

B. Discuss/Approve Derelict Property Docket

CURTIS LEECH

811 11th Street North

CASE NUMBER: 23-0016

**Accumulation of Rubbish & Garbage
Abandoned Structure, Overgrown Lot**

The General Counsel called cause number **23-0016**. No one appeared. Code Enforcement Officer Sasha James remarked that the property owner requested an extension and she recommended a **15-day extension** to remediate the property. The property was in such a state of uncleanness as to be a menace to the public under Section 21-19-11 of the Mississippi Code. Council Member Jones made a motion give the property owner a **15-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, 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 Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

CAROL ERVIN HUNTER

1224 7th Street South

CASE NUMBER: 23-0019

Accumulation of Rubbish & Garbage

The General Counsel called cause number **23-0019**. Mr. Hunter appeared and stated that the lot had been cleaned, but distributed pictures of other properties that she believes should have received a notice. Code Enforcement Officer Sasha James stated the property has been **remediated** by the owner, and it is her recommendation to enter the proposed Order under Section 21-19-11 of the Mississippi Code, finding that this property was in such a state of uncleanness 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 Beard 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

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under Section 21-19-11 of the Mississippi Code. Councilwoman Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

GAIL SOUTHERS, etal

1207 5th Street South

CASE NUMBER: 23-0020 Property Maintenance Code Violation

The General Counsel called cause number **23-0020**. Mr. James Harris, Jr., brother of the property owner came forward and requested an extension. Code Enforcement Officer Sasha James recommended a **45-day extension** to remediate the property. The property was in such a state of uncleanness as to be a menace to the public under Section 21-19-11 of the Mississippi Code. Council Member Jones made a motion give the property owner a **45-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, 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. Councilwoman Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

CASES \$250 AND LESS:

Code Enforcement Officer presented two (2) cases, \$250.00 or less for adjudication. Council Member Jones made a motion to accept the notices for property clean-up of properties \$250.00 and less to be adjudicated according to statute. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

THE LIST OF PROPERTIES FOLLOWS:

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\$250 OR LESS Derelict Properties for February 21, 2023 Mayor and City Council Meeting

Case # and Violation	Ward	Name and Address	Notes
23-0024 <i>Accumulation of Rubbish and Garbage</i>	5	Sylvester and Ramonia Clark 1424 Schoolhouse Avenue	
23-0030 <i>Accumulation of Rubbish and Garbage</i>		Hardin Properties LLC 1121 3rd Avenue North & 12th Street North	

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NUISANCE PROPERTY NOTICE TO OWNER - PURSUANT TO
SECTION 21-19-11(2) OF THE MISSISSIPPI CODE (Effective 7/1/2022)

CLARK SYLVESTER/RAMONIA
P O BOX 8663
COLUMBUS, MS 39705

RE: 1424 SCHOOLHOUSE AVE
APN: 56W18-02-15800
Case No: CE-23-0024
Officer: Sasha James - Ward: 5

Date: January 31, 2023

PLEASE TAKE NOTICE that the Mayor and City Council of the City of Columbus (the "Governing Authority"), having a population over one thousand five hundred (1500), has authorized the City of Columbus Code Enforcement Director and/or her assistant to determine whether the property or parcel of land is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community when the fee or cost to clean property or a parcel of land that is one (1) acre or less does not exceed Two Hundred Fifty Dollars (\$250.00), excluding administrative costs.

The particular condition(s) as determined by the authorized municipal employee existing as of the date of this notice is/are one or more of the following:

- ☒ The presence of overgrowth of weeds, grass or other vegetation
- ☒ The presence of rubbish/waste and other debris
- ☒ The presence of abandoned building
- ☒ The presence of abandoned or dilapidated fence(s)
- ☒ The presence of burned structure
- ☒ The presence of dilapidated building(s), slabs or personal property
- ☒ The presence of property maintenance code violation
- ☒ The presence of standing water in cesspools
- ☒ The presence of cistern(s), standing water and cesspools

You are hereby advised that by this correspondence a determination has been made that the condition of property or parcel of land as described is a menace to the public health, safety and welfare of the community, and as such the governing authority of the City of Columbus, if the owner does not do so himself, on or before the 7th day of February, 2023, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds, filling cisterns, removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water therefrom.

Code Section:	Corrective Action:	Compliance Date:
307.1 - Accumulation of Rubbish and Garbage	Remove all trash and debris from the property. All equipment, appliance, and/or material must be stored away from public view and/or stored in an enclosed structure. Generally, any equipment, materials or furnishings that would ordinarily not be used outdoors may not be stored outdoors.	February 7, 2023

YOU ARE ADVISED THAT A FINDING BY THE MUNICIPAL OFFICIAL THAT THE PROPERTY OR PARCEL OF LAND IS IN NEED OF CLEANING WILL AUTHORIZE THE MUNICIPALITY TO REENTER THE PROPERTY OR PARCEL OF LAND FOR A PERIOD OF TWO (2) YEARS AFTER THE MUNICIPAL OFFICIAL'S DETERMINATION WITHOUT ANY FURTHER HEARING OR ACTION IF NOTICE IS POSTED ON THE PROPERTY OR PARCEL OF LAND AND AT CITY HALL OR ANOTHER PLACE IN THE MUNICIPALITY WHERE SUCH NOTICES ARE GENERALLY POSTED AT LEAST SEVEN (7) DAYS BEFORE THE PROPERTY OR PARCEL OF LAND IS REENTERED FOR CLEANING. A COPY OF THE REQUIRED NOTICE MAILED AND POSTED AS REQUIRED BY MCA SECTION 21-19-11(2) (a)&(b) SHALL BE RECORDED IN THE MINUTES OF THE GOVERNING AUTHORITY IN CONJUNCTION WITH THE HEARING REQUIRED BY SAID SECTION.

Thereafter, the governing authority shall by resolution adjudicate the actual cost of cleaning the property under this provision, provided the same does not exceed Two Hundred Fifty Dollars (\$250.00) and may also impose a penalty not to exceed One Hundred Dollars (\$100.00) or one hundred percent (100%) of the actual cost of cleaning the property, whichever is more.

The cost and any penalty imposed may become a civil debt against the property owner, and/or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and additionally may include administrative costs of the municipality not to exceed Fifty Dollars (\$50.00). For subsequent cleaning within the one-year period, upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipal official's determination as authorized, a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six (6) times in any twelve-month period with respect to removing abandoned or dilapidated buildings, slabs, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property shall not exceed an aggregate amount of One Thousand Dollars (\$1,000.00) per year. The governing authority may assess the same actual costs, administrative costs, and penalty for each time the property or land is cleaned as otherwise provided. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. Upon written authority from the Secretary of State's office, for state-owned properties, a municipality may forgo the notification process that is prescribed in this subsection and proceed to clean the properties and assess costs as prescribed in this subsection, except that, penalties shall not be assessed against the State of Mississippi. A determination made by an appropriate municipal employee under this subsection (2) that the state or condition of property or a parcel of land is a menace to the public health, safety and welfare of the community shall not subsequently be used to replace a hearing if Section 21-19-11(1) is later utilized by a municipality when the prerequisites of Section 21-19-11(2) are not satisfied.

An appeal of this decision may be made to the Governing Authority of the City of Columbus and such appeal shall be in writing, state the basis for the appeal and be filed with the city clerk no later than seven (7) days from the latest date of notice required under MCA 21-19-11(2).

For any questions, please call Sasha James, the Code Enforcement Director for the City of Columbus at 662-245-5063 or 662-245-5070.

This the 31st day of January, 2023.

Sasha James
City of Columbus Director of Code Enforcement

A copy of this notice shall be recorded in the minutes of the governing authority in conjunction with MCA Section 21-19-11 (2).

At least seven (7) days before the date of cleaning, this notice is required to be posted on the property or parcel of land identified herein AND at city hall or such other place in the municipality where such notices are posted AND is required to be mailed, via United States Mail, postage prepaid, to the address of the property or parcel of land identified herein except where the land or structure(s) is apparently vacant, AND to the address where the ad valorem tax notice for this property or parcel of land identified herein is sent by the office charged with collecting ad valorem taxes for the subject property or parcel of land identified herein.

This Notice was posted on the subject property on: January 31, 2023

By: Sasha James, City of Columbus Director of Code Enforcement

This Notice was posted at the City Building Inspection Office on: January 31, 2023

By: Sasha James, City of Columbus Director of Code Enforcement

This Notice was mailed via United States Mail, postage prepaid, to each address identified above on: January 31, 2023

By: Sasha James, City of Columbus Director of Code Enforcement

MINUTES OF THE MAYOR
AND CITY COUNCIL MEETING
FEBRUARY 21, 2023



NUISANCE PROPERTY NOTICE TO OWNER - PURSUANT TO
SECTION 21-19-1(2) OF THE MISSISSIPPI CODE (Effective 7/1/2022)

IIARDIN PROPERTIES LLC
10015 FAULKNER DRIVE
ABERDEEN, MS 39730

RE: 3RD AVENUE & 10TH ST
APN: 61W10-01-09700
Case No: CE-23-0030
Officer: Sasha James - Ward: 5

Date: February 9, 2023

PLEASE TAKE NOTICE that the Mayor and City Council of the City of Columbus (the "Governing Authority"), having a population over one thousand five hundred (1500), has authorized the City of Columbus Code Enforcement Director and/or her assistant to determine whether the property or parcel of land is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community when the fee or cost to clean property or a parcel of land that is one (1) acre or less does not exceed Two Hundred Fifty Dollars (\$250.00), excluding administrative costs.

The particular condition(s) as determined by the authorized municipal employee existing as of the date of this notice is/are one or more of the following:

- ☒ The presence of overgrowth of weeds, grass or other vegetation
- ☐ The presence of rubbish/garbage and other debris
- ☐ The presence of abandoned building
- ☐ The presence of abandoned or dilapidated fence(s)
- ☐ The presence of burned structure
- ☐ The presence of dilapidated building(s), slabs or personal property
- ☐ The presence of property maintenance code violation
- ☐ The presence of standing water in cesspools
- ☐ The presence of cistern(s), standing water and cesspools

You are hereby advised that by this correspondence a determination has been made that the condition of property or parcel of land as described is a menace to the public health, safety and welfare of the community, and as such the governing authority of the City of Columbus, if the owner does not do so himself, on or before the 16th day of February, 2023, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds, filling cisterns, removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water therefrom.

Code Section:	Corrective Action:	Compliance Date:
307.1 - Accumulation of Rubbish and Garbage	Remove all trash and debris from the property. All equipment, appliance, and/or material must be stored away from public view and/or stored in an enclosed structure. Generally, any equipment, materials or furnishings that would ordinarily not be used outdoors may not be stored outdoors.	February 16, 2023

YOU ARE ADVISED THAT A FINDING BY THE MUNICIPAL OFFICIAL THAT THE PROPERTY OR PARCEL OF LAND IS IN NEED OF CLEANING WILL AUTHORIZE THE MUNICIPALITY TO REENTER THE PROPERTY OR PARCEL OF LAND FOR A PERIOD OF TWO (2) YEARS AFTER THE MUNICIPAL OFFICIAL'S DETERMINATION WITHOUT ANY FURTHER HEARING OR ACTION IF NOTICE IS POSTED ON THE PROPERTY OR PARCEL OF LAND AND AT CITY HALL OR ANOTHER PLACE IN THE MUNICIPALITY WHERE SUCH NOTICES ARE GENERALLY POSTED AT LEAST SEVEN (7) DAYS BEFORE THE PROPERTY OR PARCEL OF LAND IS REENTERED FOR CLEANING. A COPY OF THE REQUIRED NOTICE MAILED AND POSTED AS REQUIRED BY MCA SECTION 21-19-1(2) (a)&(b) SHALL BE RECORDED IN THE MINUTES OF THE GOVERNING AUTHORITY IN CONJUNCTION WITH THE HEARING REQUIRED BY SAID SECTION.

Thereafter, the governing authority shall by resolution adjudicate the actual cost of cleaning the property under this provision, provided the same does not exceed Two Hundred Fifty Dollars (\$250.00) and may also impose a penalty not to exceed One Hundred Dollars (\$100.00) or one hundred percent (100%) of the actual cost of cleaning the property, whichever is more.

The cost and any penalty imposed may become a civil debt against the property owner, and/or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and additionally may include administrative costs of the municipality not to exceed Fifty Dollars (\$50.00). For subsequent cleaning within the one-year period, upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipal official's determination as authorized, a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six (6) times in any twelve-month period with respect to removing abandoned or dilapidated buildings, slabs, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property shall not exceed an aggregate amount of One Thousand Dollars (\$1,000.00) per year. The governing authority may assess the same actual costs, administrative costs, and penalty for each time the property or land is cleaned as otherwise provided. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. Upon written authority from the Secretary of State's office, for state-owned properties, a municipality may forego the notification process that is prescribed in this subsection and proceed to clean the properties and assess costs as prescribed in this subsection, except that, penalties shall not be assessed against the State of Mississippi. A determination made by an appropriate municipal employee under this subsection (2) that the state or condition of property or a parcel of land is a menace to the public health, safety and welfare of the community shall not subsequently be used to replace a hearing if Section 21-19-1(1) is later utilized by a municipality when the prerequisites of Section 21-19-1(2) are not satisfied.

An appeal of this decision may be made to the Governing Authority of the City of Columbus and such appeal shall be in writing, state the basis for the appeal and be filed with the city clerk no later than seven (7) days from the latest date of notice required under MCA 21-19-1(2).

For any questions, please call Sasha James, the Code Enforcement Director for the City of Columbus at 662-245-5063 or 662-245-5070.

This the 9th day of February, 2023.
Sasha James,
City of Columbus Director of Code Enforcement

A copy of this notice shall be recorded in the minutes of the governing authority in conjunction with MCA Section 21-19-1(2).

At least seven (7) days before the date of cleaning, this notice is required to be posted on the property or parcel of land identified herein AND at city hall or such other place in the municipality where such notices are posted AND is required to be mailed, via United States Mail, postage prepaid, to the address of the property or parcel of land identified herein except where the land or structure(s) is apparently vacant, AND to the address where the ad valorem tax notice for the property or parcel of land identified herein is sent by the office charged with collecting ad valorem taxes for the subject property or parcel of land identified herein.

This Notice was posted on the subject property on: February 9, 2023

By: Sasha James, City of Columbus Director of Code Enforcement

This Notice was posted at the City Building Inspection Office on: February 9, 2023

By: Sasha James, City of Columbus Director of Code Enforcement

This Notice was mailed via United States Mail, postage prepaid, to each address identified above on: February 9, 2023

By: Sasha James, City of Columbus Director of Code Enforcement

**C. Discuss/Approve Recommendations from the February 13, 2023
Planning Commission meeting.**

Street Dedication Request 23-01

On Behalf of Patricia Fisher Douglas
2400 block of 21st Avenue North
R-1 Single Family Residential District

***Request from neighborhood petition to dedicate the 2400 block of 21st
Avenue North in the name of the late former Councilman, Fred Stewart.***

***The proposed dedication name is Fred E. Stewart Lane. This will not
change the address of any resident.***

*The Planning Commission unanimously recommended approval of the
request.*

Council Member Beard 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 dedicate the 2400 block of 21st Avenue North as Fred E. Stewart Lane be approved. Councilwoman Stewart 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.

**D. Discuss/Approve request to hire one (1) Laborer at \$12.50 per hour,
pending successful completion of pre-employment drug screen and
medical exam.**

Council Member Beard made a motion to approve the request to hire **Marcus Rhone** as a Laborer in the Public Works Department at \$12.50 per hour, pending preliminary testing. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

E. Discuss/Approve request to hire two (2) Crew Leaders at \$13.00 per hour, pending successful completion of a pre-employment drug screen and medical exam.

Council Member Beard made a motion to approve the request to hire **Richard Douglas** and **Jordan Vernon** as Crew Leaders in the Public Works Department at \$13.00 per hour, pending preliminary testing. Council Member Greene seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

F. Discuss/Approve Farmer's Market Repair Quote

Kevin Stafford reported that he has obtained three estimates to repair damaged building at the Farmer's Market that was caused by a moving automobile. The three quotes are \$32,581.00, \$11,446.00 and \$6,776.00. Mr Stafford recommended approval of the lowest quote submitted by Bostick Construction, LLC. The damages should be payable by the driver's insurance. Council Member Beard made a motion to approve the lowest quote from Bostick Construction, LLC for \$6,776.00 to repair the building at the Farmer's Market. Council Member Greene seconded the motion..

All Council Members voted in favor of the motion.

The motion carried 6/0.

G. Discuss/Approve 15th Street Drainage Improvements.

Kevin Stafford the request to approve 15th Street Drainage Improvements with a construction cost of \$82,600.00, contingency cost (15%) of \$12,400.00, design and construction engineering cost (8%) of \$6,700.00 for a total project cost of \$101,700.00. The funds to pay for this project will be taken from the Modernization Use Tax funds. Also, all funds were not used in a previous project on Beech Street, which resulted in a surplus. Council Member Jones made a motion to approve the request to approve the 15th Street Drainage Improvements project in the amount of \$101,700.00 to be taken from the Modernization Use Tax funds. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

H. Discuss/Approve hiring Golden Triangle Planning and Development District, Inc. to provide an annexation and redistricting study to determine viability for the City of Columbus.

Since representatives from Golden Triangle Planning and Development District, Inc. were not present, Council Member Mickens made a motion to table this request. Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Item “I” was moved from the Consent Agenda.

I. Approve request for Chief of Police to attend MS Wireless Commission in Jackson, MS on March 2, 2023 at no cost.

Prior to discussion of this request, Joe Dillon and Chief Daughtry presented a PowerPoint Presentation regarding radios. The Council engaged in a lengthy discussion of the cost of the radios. Representatives from Teletec Communications were present to discuss features and cost of the Kenwood radios. Following the discussion, Council Member Jones made a motion to permit the Chief of Police to attend the MS Wireless Commission in Jackson, MS on March 2, 2023 at no cost. Council Member Beard seconded the motion.

All Council Members voted in favor of the motion.

The motion carried 6/0.

CLOSED DETERMINATION:

Council Member Beard made a motion to go into closed session to determine whether it is necessary to go into Executive Session. Councilwoman 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 COO, the CFO, and the HR Director, exited the meeting.

MINUTES OF THE MAYOR
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FEBRUARY 21, 2023

Mayor Gaskin apprised the Council of one (1) personnel matter involving job performance of an employee in the Public Works Department and remarked that this matter warrants being heard in Executive Session.

Councilwoman Diccio made a motion to go in Executive Session to discuss one (1) personnel matter. Councilwoman Diccio 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 one (1) personnel matter.

IX. EXECUTIVE SESSION

OPEN SESSION:

Council Member Beard made a motion to end the discussion of this matter and return to Open Session. 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 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 one (1) personnel matter involving the job performance of employees in the Public Works Department and voted unanimously to terminate the employee's employment for no show/no call.

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

Approved by: _____
Keith Gaskin, Mayor

James "Jim" Brigham
CFO/Secretary-Treasurer/Clerk