

# MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS DECEMBER 15, 2015

The Mayor and Council met in Regular Session on Tuesday, December 15, 2015 at 5:00 p.m. in the Court Chambers of the Municipal Complex. Mayor Robert Smith presided over the meeting and all Council Members were present. Also present were the COO, CFO, General Counsel, Interim Police Chief, and the Human Resources Director.

## I. CALL TO ORDER AND INVOCATION

Mayor Robert Smith, Sr. called the meeting to order and called upon Council Member Mickens to offer the invocation.

## II. APPROVE MINUTES FOR THE MEETING OF DECEMBER 1, 2015.

Council Member Karriem made a motion to approve the Minutes for the Meeting of December 1, 2015. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

## III. APPROVE DOCKET OF CLAIMS FOR DECEMBER 15, 2015.

Council Member Taylor made a motion to approve the Docket of Claims for December 15, 2015 in the amount of \$673,220.59. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

## IV. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA

### CITIZENS INPUT AGENDA:

Add Brandy Gardner – Mayor’s Youth Council PowerPoint Presentation.

### POLICY AGENDA:

Delete Item “F”.

Delete Item “I”.

Add Item “J” – *Discuss/Approve Amendment to CL & W Sewer Refunding Bond Resolution.*

Add Item “K” – *Discuss/Approve new Deputy Fire Marshal position at the Columbus*

*Fire and Rescue Department.*

Add Item "L" – *Discuss/Approve Property and Casualty Insurance Renewal.*

Add Item "M" – *Discuss/Approve Resolution to approve Improvements to 14<sup>th</sup> Avenue Drainage Ditch.*

Council Member Karriem made a motion to approve the Agenda, according to the amendments. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

## **V. CONSENT AGENDA:**

- A. Approve request for applicant Reginal Hosey to become a Taxi Driver for Legacy Transportation.
- B. Ratify request from James O. Allen to host "Columbus Sings Messiah that was held on Tuesday, December 8, 2015, from 4:00 p.m. until 10:00 p.m. This event was held at the Annunciation Catholic Church on College Street with the street between College Street and 3<sup>rd</sup> Avenue South blocked off to allow passage for emergency vehicles.
- C. Approve request for Assistant Police Chief Tony McCoy to purchase his service weapon upon retirement at the cost of \$10, per City policy.
- D. Approve request from Sgt. Griffin's widow, Rose Griffin, to purchase his service weapon at the cost of \$200.
- E. Accept letter of resignation from Narcotics Agent Joseph Strelvel, effective December 23, 2015. Approve his request to be compensated for unused vacation time and that his sick leave be transferred to PERS.
- F. Approve request for Officer Robert Eguires to be reimbursed \$128.85 for the purchase of K-9 uniforms.
- G. Approve request for CPD Officers Ronald Richardson, Donald Richardson, Blake Westmoreland and Christopher Ware to be sworn in as Ex-Officio Officers.
- H. Approve request for HR Director Pat Mitchell to attend the PERS Annual Actuarial Valuation meeting to be held in Jackson, MS, and approve cost of travel and meal expenses.

Council Member Karriem made a motion to approve the Consent Agenda, according to the amendments. Council Member Taylor seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

## **VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:**

### **A. General Comments from the Mayor and Council Members**

Mayor Smith announced that the 2<sup>nd</sup> Annual Bonfire will be held on January 4, 2015. Citizens may drop off Christmas trees at the City Barn, 2502 Bell Avenue and at the Farmers' Market.

Mayor Smith offered words of farewell to Council Member Karriem as he vacates the seat of Councilman for Ward V and begin serving as State Representative of District 41.

Councilman Karriem offered comments as he exits the seat of Councilman for Ward V.

Council Member Gavin wished everyone a Merry Christmas and a happy and prosperous New Year.

### **B. Monthly Report from the Columbus Police Department for November 2015**

The Monthly Report for the Columbus Police Department for November 2015 was presented. No action was taken.

### **C. Monthly Report from the Columbus Fire & Rescue Department for November 2015**

The Monthly Report for the Columbus Fire and Rescue Department for November 2015 was presented. No action was taken.

### **D. Monthly Report from the Municipal Court Division for November 2015**

The Monthly Report for the Municipal Court Division for November 2015 was presented. No action was taken.

### **E. Monthly Report from the Public Works Department for November 2015**

The Monthly Report for the Public Works Department for November 2015 was presented. No action was taken.

### **F. Monthly Report from the City Planning and Community Development Department for November 2015.**

The Monthly Report for the City Planning and Community Development Department for November 2015 was presented. No action was taken.

**G. Monthly Report from the Building Inspection Department for November 2015**

The Monthly Report for the Building Inspection Department for November 2015 was presented. No action was taken.

**H. Monthly Report from the Code Enforcement Division for November 2015**

The Monthly Report for the Code Enforcement Division for November 2015 was presented. No action was taken.

**I. Monthly Financial Report**

Milton Rawle, Jr., CFO, gave the monthly Financial Report and remarked that Sales Taxes increased by \$67,967.65 compared to the same time last year. Overall taxes have increased by \$801,111.69, which is the highest increase since 1989.

**J. Board Vacancies:**

**Columbus-Lowndes Recreation Authority**

- One Vacancy
- Oop Swoope's 5-Year Term expired May 25, 2015.
- Joint Appointment from the Mayor and Board of Supervisors' President
- No Applicants at this time

**Tree Board**

- Two (2) Vacancies
- Kerry Pittman's 3-Year Term will expire December 31, 2015.
- Amber Murphee's 3-Year Term will expire December 31, 2015.
- Appointments can be made December 15, 2015.

**APPLICANT**

- Barbara Bigelow
- Kerry Pittman

Council Member Gavin made a motion to appoint Barbara Bigelow and Reappoint Kerry Pittman to the Tree Board for a 3-Year Term, until December 31, 2018. Council Member Karriem seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**GTR Waste Management Authority**

- One (1) Vacancy
- M. L. McCarty's 4-Year Term will expire December 31, 2015.
- Appointment can be made December 15, 2015.

**APPLICANTS**

- M. L. McCarty
- James Wamble III

Council Member Gavin made a motion to appoint James Wamble III to the GTR Waste Management Authority for a 4-Year Term, until December 31, 2018. Council Member Taylor seconded the motion.

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

The motion carried with a 5/1 vote.

**VII. CITIZENS INPUT AGENDA**

**Willie S. Sanders – Employee Relations Initiative & Leadership Management Training Presentation**

Willie Sanders and Reed Cochran approached the podium and asked the Council to consider a contract with the City to improve government training and improve Employee Management. Mayor Smith responded by taking the request under advisement.

**Rev. Kamal Karriem - SOG Review Committee Report**

Rev. Kamal Karriem and Lavonne Harris gave a SOG Review Committee Report, thanked the committee members that served and read recommendations.

**The Recommendations follows:**

1. Adequate training of body camera operation for all officers. There should be accurate retraining of supervisors; supervisors should train officers, and officers to demonstrate the proper use of the body camera.

Synchronizing the 30-second delay of body camera, turning camera on when blue lights come on, turning on body camera before officer starts talking to a citizen.

2. Penalties for officers not turning on body cameras and shift leaders and supervisors' failure to check the operations of the body camera.
  - a). First Offense: 10 Day suspension without pay.
  - b). Second Offense: 30 Day suspension without pay or termination.
  - c). Third Offense: Termination.
3. Penalties for illegal Ride-Along
  - a). First Offense: 10 Day suspension without pay.
  - b). Second Offense: 15 Day suspension without pay.
  - c). Third Offense: Termination

4. Disbanding of the current SOG Unit. (Future of SOG left to discretion of Future New Police Chief.
5. Permanent placement of a Civilian Oversight Board for the Columbus Police Department.
  - This Board will aid in maintaining accountability, oversight and public trust. (Not to conflict with the Civil Service Board).
  - Effective external and internal mechanism being:
    - a). Committee to review police performance.
    - b) Independent citizen prospective on the complaint process.
    - c). To help construct a policy on excessive force.
    - d). To insure an unbiased and transparent complaint process. (Simple forms and/or telephone contact).
    - e). Insure fair and thorough investigation of Police Officer.
    - f). Community/Police mentoring programs (CPA).
  - Board to consist of the Mayor, two (2) or three (3) City Council Members, And six (6) citizens, at least one from each Ward. (A quorum to meet may consist of five (5) members).

Council Member Karriem made a motion to approve Items 1 – 3, listed above. Council Member Turner seconded the motion. Thereafter the matter was discussed and following discussion, the Mayor called for a vote.

All Council Members voted in favor of the motion.

The motion carried.

Council Member Turner made a motion to approve Items 4 and 5. Council Member Taylor seconded the motion.

**SUBSTITUTE MOTION:**

Council Member Box made a motion to table Items 4 & 5 until later. Council Member Gavin seconded the motion.

Council Members Mickens, Box, and Gavin voted in favor of the motion. Council Members Taylor, Turner, and Karriem opposed the motion.

Mayor Smith voted in opposition of the motion.

The motion failed.

**ORIGINAL MOTION:**

Council Members Taylor, Turner and Karriem voted in favor of the motion to approve Items 4 & 5. Council Member Mickens, Box, and Gavin opposed the motion.

Mayor Smith voted in favor of the motion.

The motion carried.

Brandy Gardner – Mayor’s Youth Council PowerPoint Presentation

Brandy Gardner, Coordinator for the Mayor’s Youth Council, along with the Mayor’s Youth Council, came forward and presented a PowerPoint Presentation, thanked the Mayor and Council for their support, and wished everyone a Merry Christmas.

## **VIII. POLICY AGENDA:**

### **A. Discuss/Approve cost of property clean up on cases previously heard by Council and for which remediation has been completed.**

Council Member Karriem made a motion to adjudicate property previously heard by the Council. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

The Adjudication follows:

**REPORT OF LOT CLEANING ACTIVITY**

Cases Previously Heard by Council for Which Remediation Has Been Completed

TOTAL COST BILLED TO OWNERS THIS REPORT							\$328.00
CASE NO	WARD	OWNER NAME	C/O NAME	SITE ADDRESS	LOT CLEANED BY	BUILDING DEMOLISHED BY	TOTAL CLEANING COST w/Penalty
14-028.5	1	Southrail Corp		5th Street South	Public Works	N/A	\$164.00
		ASBESTOS SAMPLES \$0.00	ASBESTOS REMOVAL \$0.00	PUBLIC WORKS \$164.00	ATTORNEY FEES \$0.00	LEGAL ADVERTISING \$0.00	Approved Penalty \$0.00
NOTES							
14-029.5	1	Southrail Corp		5th Street South	Public Works	N/A	\$164.00
		ASBESTOS SAMPLES \$0.00	ASBESTOS REMOVAL \$0.00	PUBLIC WORKS \$164.00	ATTORNEY FEES \$0.00	LEGAL ADVERTISING \$0.00	Approved Penalty \$0.00
NOTES							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES							



15-0504	Follins Robbie 817 10 <sup>th</sup> Ave S. 61W15-00-06200	119.00
15-0508	Dorian Wyllie 2316 College St. 61W12-00-06800	179.00

**B. Discuss/Approve hiring of five (5) Laborers and one (1) Concrete Finisher for the Public Works Dept., contingent upon successful completion of pre-employment medical examination and drug screen.**

Council Member Taylor made a motion to hire Frankie Buckley, Sr. as a Concrete Finisher at a rate of \$12.75 per hour and five (5) Laborers: Henry Mays, Jaqweal Pilgrim, Keith Brooks, Anthony Sanders and Romario Gunter at \$10.00 per hour, contingent on successful completion of a pre-employment medical exam and drug screen. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**C. Discuss/Approve Columbus Fire & Rescue promotions.**

Chief Martin Andrews submitted letters requesting the following promotions in the Columbus Fire and Rescue Department:

Captain Brett Thompson to the position of Fire Marshal at \$22.5962 per hour.  
Engineer Shannon Murphy to Fire Captain at \$14.20 per hour.  
Firefighter Marco Rodrigues to Fire Engineer at \$12.12 per hour.

Council Member Karriem made a motion to approve the above-mentioned promotions in the Fire and Rescue Department, effective immediately. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**D. Discuss/Approve seeking requests for Bids for demolition of the Gilmer Inn and the old Brumley Sports building.**

Council Member Karriem made a motion to approve the request to advertise for Bids for demolition of the Gilmer Inn and the Old Brumley Sports building. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**E. Approve expenditure of \$541.40 for Advertising City Resources.**

Council Member Box moved to ratify the expenditure of 541.40 from 001-004-703 (Advertising City Resources) and find that said amount is a legitimate expense that will advertise and bring into favorable notice the opportunities, possibilities and resources of the City of Columbus. Council Member Taylor seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**F. DELETE**

**G. Discuss/Approve award of low bid for construction of new Fire Station.**

Robyn Eastman came forward and remarked that he advertised for bids for construction of the new Fire Station and received two (2) bids. He recommends that the bid be awarded to ACI Building Systems, Inc. at a delivered price of \$82,921.00, which is less than the amount budgeted.

Council Member Karriem made a motion to award the bid for the construction of a new Fire Station to ACI Building Systems, Inc. at a delivered price of \$82,921.00. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**H. Discuss/Approve Project Final Acceptance and Final Payment to the Contractor for FAA AIP 3-28-0019-0015-2013 Windcone Installation Project at the Columbus-Lowndes County Airport.**

Kevin Stafford, with Neel-Schaffer, reported that FAA AIP 3-28-0019-0015-2013 Windcone Installation Project for the Columbus-Lowndes County Airport is complete and asked that the Council approve request to make final payment to the contractor.

Council Member Gavin made a motion to approve the request to make the final payment to the Contractor for FAA AIP 3-28-0019-0015-2013 Windcone Installation Project for the Columbus-Lowndes County Airport. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**I. DELETE**

**J. Discuss/Approve Amendment to CL & W Sewer Refunding Bond Resolution.**

Council Member Taylor made a motion to approve the Amendment to the Columbus Light and Water Sewer Refunding Bond Resolution in substantially the form as set forth below. Council Member Mickens seconded the motion, with the vote taken thereon being as follows:

COUNCIL MEMBER TAYLOR	voted: <u>AYE</u>
COUNCIL MEMBER MICKENS	voted: <u>AYE</u>
COUNCIL MEMBER BOX	voted: <u>AYE</u>
COUNCIL MEMBER TURNER	voted: <u>AYE</u>
COUNCIL MEMBER KARRIEM	voted: <u>AYE</u>
COUNCIL MEMBER GAVIN	voted: <u>AYE</u>

**THE RESOLUTION FOLLOWS:**

**A RESOLUTION AUTHORIZING AND APPROVING AN AMENDMENT TO THE BOND RESOLUTION APPROVED ON AUGUST 18, 2015, AS AMENDED ON NOVEMBER 17, 2015, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, MISSISSIPPI (THE "CITY"), IN CONNECTION WITH AUTHORIZING AND DIRECTING THE ISSUANCE OF THE CITY'S COMBINED WATER AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2015, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000) (THE "BONDS").**

**WHEREAS**, the Mayor and City Council of the City of Columbus, Mississippi (the "Governing Body" of the "City), hereby finds, determines, adjudicates and declares as follows:

The Governing Body has determined that it is necessary to amend the bond resolution approved by the Governing Body on August 18, 2015, as amended on November 17, 2015 (together, the "Bond Resolution"), in connection with authorizing and directing the issuance of not to exceed \$10,000,000 Combined Water and Sewer System Revenue Refunding Bonds, Series 2015, of the City (the "Bonds"); and

The Governing Body now finds and determines that it is necessary, advisable and in the public interest that certain definitions and sections of the Bond Resolution be amended or supplemented as hereinafter provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:**

The Bond Resolution is hereby reinstated in its entirety unless amended and revised by this Resolution.

The following definitions contained in Subsection 1 under the "**WHEREAS**" beginning on page 1 of the Bond Resolution are hereby amended to read as follows:

"Bond Insurance Policy" shall mean the insurance policy issued by the Insurer guaranteeing the scheduled payment of principal of and interest on the Bonds when due".

"Bond Insurer" or "Insurer" shall mean Assured Guaranty Municipal Corp., a New York stock insurance company, or any successor thereto or assignee thereof.

The following SECTION 27 is hereby amended to read as follows:

At least five (5) days prior to the due date thereof, the Clerk of the City shall remit to the Paying Agent the sum or sums then becoming due as interest, or principal and interest, on the Bonds, plus the sum then due as the charges of the Paying Agent for its services and responsibility under the terms of this Bond Resolution, which charges shall be expenses of operation and shall be charged to and payable from the 2015 Debt Service Fund referred to in Section 14 of this Bond Resolution.

There is hereby added to the Bond Resolution a **SECTION 58**, **SECTION 59**, and **SECTION 60** after **SECTION 57** as follows:

- SECTION 58.** (a) The prior written consent of the Insurer shall be a condition precedent to the deposit of any credit instrument provided in lieu of a cash deposit into the Debt Service Reserve Fund. Notwithstanding anything to the contrary set forth in the Bond Resolution, amounts on deposit in the Debt Service Reserve Fund shall be applied solely to the payment of debt service due on the Bonds.
- (b) The Insurer shall be deemed to be the sole holder of the Bonds for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the holders of the Bonds are entitled to take pursuant to the section or article of the Bond Resolution pertaining to (i) defaults and remedies and (ii) the duties and obligations of the Paying Agent. In furtherance thereof and as a term of the Bond Resolution and each Bond, the Paying Agent and each Bondholder appoint the Insurer as their agent and attorney-in-fact and agree that the Insurer may at any time during the continuation of any proceeding by or against the City under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding") direct all matters relating to such Insolvency Proceeding, including without limitation, (A) all matters relating to any claim or enforcement proceeding in connection with an Insolvency Proceeding (a "Claim"), (B) the direction of any appeal of any order relating to any Claim, (C) the posting of any surety, supersedeas or performance bond pending any such appeal, and (D) the right to vote to accept or reject any plan of adjustment. In addition, the Paying Agent and each Bondholder delegate and assign to the Insurer, to the fullest extent permitted by law, the rights of the Paying Agent and each Bondholder in the conduct of any Insolvency Proceeding, including, without limitation, all rights of any party to an adversary proceeding or action with respect to any court order issued in connection with any such Insolvency Proceeding. Remedies granted to the Bondholders shall expressly include mandamus.
- (c) If acceleration is permitted under the Bond Resolution the maturity of Bonds insured by the Insurer shall not be accelerated without the consent of the Insurer and in the event the maturity of the Bonds is accelerated, the Insurer may elect, in its sole discretion, to pay accelerated principal and interest accrued on such principal to the date of acceleration (to the extent unpaid by the City) and the Paying Agent shall be required to accept such amounts. Upon payment of such accelerated principal and interest accrued to the acceleration date as provided above, the Insurer's obligations under the Insurance Policy with respect to such Bonds shall be fully discharged.
- (d) No grace period for a covenant default shall exceed 30 days or be extended for more than 60 days, without the prior written consent of the Insurer. No grace period shall be permitted for payment defaults.
- (e) The Insurer shall be included as a third party beneficiary to the Bond Resolution.
- (f) Upon the occurrence of an extraordinary optional, special or extraordinary mandatory redemption in part, the selection of Bonds to be redeemed shall be subject to the approval of the Insurer. The exercise of any provision of the Bond Resolution which permits the

purchase of Bonds in lieu of redemption shall require the prior written approval of the Insurer if any Bond so purchased is not cancelled upon purchase.

- (g) Any amendment, supplement, modification to, or waiver of, the Bond Resolution or any other transaction document, including any underlying security agreement (each a "Related Document"), that requires the consent of Bondowners or adversely affects the rights and interests of the Insurer shall be subject to the prior written consent of the Insurer.
- (h) The rights granted to the Insurer under the Bond Resolution or any other Related Document to request, consent to or direct any action are rights granted to the Insurer in consideration of its issuance of the Insurance Policy. Any exercise by the Insurer of such rights is merely an exercise of the Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit, or on behalf, of the Bondholders and such action does not evidence any position of the Insurer, affirmative or negative, as to whether the consent of the Bondowners or any other person is required in addition to the consent of the Insurer.
- (i) Only (1) cash, (2) non-callable direct obligations of the United States of America ("Treasuries"), (3) evidences of ownership of proportionate interests in future interest and principal payments on Treasuries held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor and the underlying Treasuries are not available to any person claiming through the custodian or to whom the custodian may be obligated, (4) subject to the prior written consent of the Insurer, pre-refunded municipal obligations rated "AAA" and "Aaa" by S&P and Moody's, respectively, or (5) subject to the prior written consent of the Insurer, securities eligible for "AAA" defeasance under then existing criteria of S & P or any combination thereof, shall be used to effect defeasance of the Bonds unless the Insurer otherwise approves.

To accomplish defeasance, the City shall cause to be delivered to the Insurer (i) a report of an independent firm of nationally recognized certified public accountants or such other accountant as shall be acceptable to the Insurer ("Accountant") verifying the sufficiency of the escrow established to pay the Bonds in full on the maturity or redemption date ("Verification"), (ii) an Escrow Deposit Agreement (which shall be acceptable in form and substance to the Insurer), (iii) an opinion of nationally recognized bond counsel to the effect that the Bonds are no longer "Outstanding" under the Bond Resolution and (iv) a certificate of discharge of the Paying Agent with respect to the Bonds; each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the City, Paying Agent and Insurer. The Insurer shall be provided with final drafts of the above-referenced documentation not less than five business days prior to the funding of the escrow.

Bonds shall be deemed "Outstanding" under the Bond Resolution unless and until they are in fact paid and retired or the above criteria are met.

- (j) Amounts paid by the Insurer under the Bond Insurance Policy shall not be deemed paid for purposes of the Bond Resolution and the Bonds relating to such payments shall remain Outstanding and continue to be due and owing until paid by the City in

accordance with the Bond Resolution. The Bond Resolution shall not be discharged unless all amounts due or to become due to the Insurer have been paid in full or duly provided for.

- (k) Each of the City and Paying Agent covenant and agree to take such action (including, as applicable, filing of UCC financing statements and continuations thereof) as is necessary from time to time to preserve the priority of the pledge of the Trust Estate under applicable law.
- (l) Claims Upon the Bond Insurance Policy and Payments by and to the Insurer.

If, on the third Business Day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Paying Agent, after making all transfers and deposits required under the Bond Resolution, moneys sufficient to pay the principal of and interest on the Bonds due on such Payment Date, the Paying Agent shall give notice to the Insurer and to its designated agent (if any) (the "Insurer's Fiscal Agent") by telephone or telecopy of the amount of such deficiency by 12:00 noon, New York City time, on such Business Day. If, on the second Business Day prior to the related Payment Date, there continues to be a deficiency in the amount available to pay the principal of and interest on the Bonds due on such Payment Date, the Paying Agent shall make a claim under the Insurance Policy and give notice to the Insurer and the Insurer's Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Bonds and the amount required to pay principal of the Bonds, confirmed in writing to the Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second Business Day by filling in the form of Notice of Claim and Certificate delivered with the Insurance Policy.

The Paying Agent shall designate any portion of payment of principal on Bonds paid by the Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Insurer, registered in the name of Assured Guaranty Municipal Corp., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent's failure to so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the City on any Bond or the subrogation rights of the Insurer.

The Paying Agent shall keep a complete and accurate record of all funds deposited by the Insurer into the Policy Payments Account (defined below) and the allocation of such funds to payment of interest on and principal of any Bond. The Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent.

Upon payment of a claim under the Insurance Policy, the Paying Agent shall establish a separate special purpose trust account for the benefit of Bondholders referred to herein as the "Policy Payments Account" and over which the Paying Agent shall have exclusive control and sole right of withdrawal. The Paying Agent shall receive any amount paid

under the Insurance Policy in trust on behalf of Bondholders and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent to Bondholders in the same manner as principal and interest payments are to be made with respect to the Bonds under the sections hereof regarding payment of Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments. Notwithstanding anything herein to the contrary, the City agrees to pay to the Insurer (i) a sum equal to the total of all amounts paid by the Insurer under the Insurance Policy (the "Insurer Advances"); and (ii) interest on such Insurer Advances from the date paid by the Insurer until payment thereof in full, payable to the Insurer at the Late Payment Rate per annum (collectively, the "Insurer Reimbursement Amounts"). "Late Payment Rate" means the lesser of (a) the greater of (i) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in The City of New York, as its prime or base lending rate (any change in such rate of interest to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (ii) the then applicable highest rate of interest on the Bonds and (b) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. The City hereby covenants and agrees that the Insurer Reimbursement Amounts are secured by a lien on and pledge of the Pledged Revenues and payable from such Pledged Revenues on a parity with debt service due on the Bonds.

Funds held in the Policy Payments Account shall not be invested by the Paying Agent and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent. Any funds remaining in the Policy Payments Account following a Bond payment date shall promptly be remitted to the Insurer.

- (m) The Insurer shall, to the extent it makes any payment of principal or interest on the Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Bond Insurance Policy (which subrogation rights shall also include the rights of any such recipients in connection with any Insolvency Proceeding). Each obligation of the City to the Insurer under the Related Documents shall survive discharge or termination of such Related Documents.
- (n) The City shall pay or reimburse the Insurer, from Pledged net Revenues, any and all charges, fees, costs and expenses that the Insurer may reasonably pay or incur in connection with (i) the administration, enforcement, defense or preservation of any rights or security in any Related Document; (ii) the pursuit of any remedies under the Bond Resolution or any other Related Document or otherwise afforded by law or equity, (iii) any amendment, waiver or other action with respect to, or related to, the Bond Resolution or any other Related Document whether or not executed or completed, or (iv) any litigation or other dispute in connection with the Bond Resolution or any other Related Document or the transactions contemplated thereby, other than costs resulting from the failure of the Insurer to honor its obligations under the Bond Insurance Policy. The Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of the Bond Resolution or any other Related Document.

- (o) After payment of reasonable expenses of the Paying Agent, the application of funds realized upon default shall be applied to the payment of expenses of the City or rebate only after the payment of past due and current debt service on the Bonds and amounts required to restore the Debt Service Reserve Fund to the Debt Service Reserve Requirement.
- (p) The Insurer shall be entitled to pay principal or interest on the Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the City (as such terms are defined in the Bond Insurance Policy) and any amounts due on the Bonds as a result of acceleration of the maturity thereof in accordance with the Bond Resolution, whether or not the Insurer has received a Notice of Nonpayment (as such terms are defined in the Bond Insurance Policy) or a claim upon the Insurance Policy.
- (q) The notice address of the Insurer is: Assured Guaranty Municipal Corp., 31 West 52nd Street, New York, New York 10019, Attention: Managing Director – Surveillance, Re: Policy No.: 217305-R, Telephone: (212) 974-0100; Telecopier: (212) 339-3556. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the Deputy General Counsel – Public Finance and shall be marked to indicate "URGENT MATERIAL ENCLOSED."
- (r) The Insurer shall be provided with the following information by the City or Paying Agent, as the case may be:
  - (i) Annual audited financial statements within 180 days after the end of the City's fiscal year (together with a certification of the City that it is not aware of any default or Event of Default under the Bond Resolution), and the City's annual budget within 30 days after the approval thereof together with such other information, data or reports as the Insurer shall reasonably request from time to time;
  - (ii) Notice of any draw upon the Debt Service Reserve Fund within two Business Days after knowledge thereof other than (i) withdrawals of amounts in excess of the Debt Service Reserve Requirement and (ii) withdrawals in connection with a refunding of Bonds;
  - (iii) Notice of any default known to the Paying Agent or City within five Business Days after knowledge thereof;
  - (iv) Prior notice of the advance refunding or redemption of any of the Bonds, including the principal amount, maturities and CUSIP numbers thereof;
  - (v) Notice of the resignation or removal of the Paying Agent and Bond Registrar and the appointment of, and acceptance of duties by, any successor thereto;
  - (vi) Notice of the commencement of any proceeding by or against the City commenced under the United States Bankruptcy Code or any other



applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding");

- (vii) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Bonds;
- (viii) A full original transcript of all proceedings relating to the execution of any amendment, supplement, or waiver to the Related Documents;
- (ix) All reports, notices and correspondence to be delivered to Bondholders under the terms of the Related Documents; and
- (x) All information furnished pursuant to any continuing disclosure agreement, covenant or undertaking with respect to the Bonds shall also be provided to the Insurer, simultaneously with the furnishing of such information.
- (s) The Insurer shall have the right to receive such additional information as it may reasonably request.
- (t) The City will permit the Insurer to discuss the affairs, finances and accounts of the City or any information the Insurer may reasonably request regarding the security for the Bonds with appropriate officers of the City and will use commercially reasonable efforts to enable the Insurer to have access to the facilities, books and records of the City on any business day upon reasonable prior notice.
- (u) The City shall notify the Insurer of any failure of the City to provide notices, certificates and other information under the transaction documents.
- (v) Notwithstanding satisfaction of the other conditions to the issuance of Additional Bonds set forth in the Bond Resolution, no such issuance may occur (1) if an Event of Default (or any event which, once all notice or grace periods have passed, would constitute an Event of Default) exists unless such default shall be cured upon such issuance and (2) unless the Debt Service Reserve Fund is fully funded at the Debt Service Reserve Requirement (including the proposed issue) upon the issuance of such Additional Bonds, in either case unless otherwise permitted by the Insurer.
- (w) In determining whether any amendment, consent, waiver or other action to be taken, or any failure to take action, under the Bond Resolution would adversely affect the security for the Bonds or the rights of the Bondholders, the Paying Agent shall consider the effect of any such amendment, consent, waiver, action or inaction as if there were no Bond Insurance Policy.
- (x) No contract shall be entered into or any action taken by which the rights of the Insurer or security for or sources of payment of the Bonds may be impaired or prejudiced in any material respect except upon obtaining the prior written consent of the Insurer.
- (y) Any interest rate exchange agreement ("Swap Agreement") entered into by the City, secured by and payable from Pledged Net Revenues of the System, shall meet the

following conditions: (i) the Swap Agreement must be entered into to manage interest costs related to, or a hedge against (a) assets then held, or (b) debt then outstanding, or (iii) debt reasonably expected to be issued within the next twelve (12) months, and (ii) the Swap Agreement shall not contain any leverage element or multiplier component greater than 1.0x unless there is a matching hedge arrangement which effectively off-sets the exposure from any such element or component. Unless otherwise consented to in writing by the Insurer, any uninsured net settlement, breakage or other termination amount then in effect shall be subordinate to debt service on the Bonds and on any debt on parity with the Bonds. The City shall not terminate a Swap Agreement unless it demonstrates to the satisfaction of the Insurer prior to the payment of any such termination amount that such payment will not cause the City to be in default under the Related Documents, including but not limited to, any monetary obligations thereunder. All counterparties or guarantors to any Swap Agreement must have a rating of at least "A-" and "A3" by Standard & Poor's ("S&P") and Moody's Investors Service ("Moody's"). If the counterparty or guarantor's rating falls below "A-" or "A3" by either S&P or Moody's, the counterparty or guarantor shall execute a credit support annex to the Swap Agreement, which credit support annex shall be acceptable to the Insurer. If the counterparty or the guarantor's long term unsecured rating falls below "Baa1" or "BBB+" by either Moody's or S&P, a replacement counterparty or guarantor, acceptable to the Insurer, shall be required.

**SECTION 59.** (a) The City shall repay any draws under the Surety Bond Policy and pay all related reasonable expenses incurred by the Bond Insurer and shall pay interest thereon from the date of payment by the Bond Insurer at the Late Payment Rate. "Late Payment Rate" means the lesser of (x) the greater of (i) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in the City of New York, as its prime or base lending rate ("Prime Rate") (any change in such Prime Rate to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (ii) the then applicable highest rate of interest on the Bonds and (y) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. In the event JPMorgan Chase Bank ceases to announce its Prime Rate publicly, Prime Rate shall be the publicly announced prime or base lending rate of such national bank as AGM shall specify. If the interest provisions of this subparagraph (a) shall result in an effective rate of interest which, for any period, exceeds the limit of the usury or any other laws applicable to the indebtedness created herein, then all sums in excess of those lawfully collectible as interest for the period in question shall, without further agreement or notice between or by any party hereto, be applied as additional interest for any later periods of time when amounts are outstanding hereunder to the extent that interest otherwise due hereunder for such periods plus such additional interest would not exceed the limit of the usury or such other laws, and any excess shall be applied upon principal immediately upon receipt of such moneys by AGM, with the same force and effect as if the City had specifically designated such extra sums to be so applied and AGM had agreed to accept such extra payment(s) as additional interest for such later periods. In no event shall any agreed-to or actual exaction as consideration for the indebtedness created herein exceed the limits imposed or provided by the law applicable to this transaction for the use or detention of money or for forbearance in seeking its collection.

Repayment of draws and payment of expenses and accrued interest thereon at the Late Payment Rate (collectively, "Surety Bond Policy Costs") shall commence in the first month

following each draw, and each such monthly payment shall be in an amount at least equal to 1/12 of the aggregate of Surety Bond Policy Costs related to such draw.

Amounts in respect of Surety Bond Policy Costs paid to the Bond Insurer shall be credited first to interest due, then to the expenses due and then to principal due. As and to the extent that payments are made to the Bond Insurer on account of principal due, the coverage under the Surety Bond Policy will be increased by a like amount, subject to the terms of the Reserve Policy. The obligation to pay Surety Bond Policy Costs shall be secured by a valid lien on all revenues and other collateral pledged as security for the Bonds (subject only to the priority of payment provisions set forth under the Bond Resolution).

All cash and investments in the Debt Service Reserve Fund shall be transferred to the debt service fund for payment of debt service on Bonds before any drawing may be made on the Surety Bond Policy or any other credit facility credited to the Debt Service Reserve Fund in lieu of cash ("Credit Facility"). Payment of any Surety Bond Policy Costs shall be made prior to replenishment of any such cash amounts. Draws on all Credit Facilities (including the Surety Bond Policy) on which there is available coverage shall be made on a pro-rata basis (calculated by reference to the coverage then available thereunder) after applying all available cash and investments in the Debt Service Reserve Fund. Payment of Policy Costs and reimbursement of amounts with respect to other Credit Facilities shall be made on a pro-rata basis prior to replenishment of any cash drawn from the Debt Service Reserve Fund. For the avoidance of doubt, "available coverage" means the coverage then available for disbursement pursuant to the terms of the applicable alternative credit instrument without regard to the legal or financial ability or willingness of the provider of such instrument to honor a claim or draw thereon or the failure of such provider to honor any such claim or draw.

(b) If the City shall fail to pay any Surety Bond Policy Costs in accordance with the requirements of SECTION 59, subparagraph (a) hereof, the Bond Insurer shall be entitled to exercise any and all legal and equitable remedies available to it, including those provided under the Bond Resolution other than (i) acceleration of the maturity of the Bonds or (ii) remedies which would adversely affect owners of the Bonds.

(c) The Bond Resolution shall not be discharged until all Surety Bond Policy Costs owing to the Bond Insurer shall have been paid in full. The City's obligation to pay such amounts shall expressly survive payment in full of the Bonds.

(d) The City shall include any Surety Bond Policy Costs then due and owing the Bond Insurer in the calculation of the additional bonds test and the rate covenant in the Bond Resolution.

(e) The Paying Agent shall ascertain the necessity for a claim upon the Surety Bond Policy in accordance with the provisions of subparagraph (a) hereof and provide notice to the Bond Insurer in accordance with the terms of the Surety Bond Policy at least five business days prior to each date upon which interest or principal is due on the Bonds. Where deposits are required to be made by the City with the Paying Agent to the debt service fund for the Bonds more often than semi-annually, the Paying Agent shall be instructed to give notice to the Bond Insurer of any failure of the City to make timely payment in full of such deposits within two business days of the date due.

MINUTES  
December 15, 2015

(a) The Debt Service Reserve Fund is hereby established in order to meet any deficiency in the 2015 Debt Service Fund in future years. The Debt Service Reserve Fund may be funded by the City with cash reserves, Bond proceeds, a Surety Bond, or any combination of the foregoing in an amount to equal the Debt Service Reserve Requirement at which amount said Debt Service Reserve Fund shall thereafter be maintained; provided however, the Debt Service Reserve Fund shall initially be funded with a Surety Bond. The Debt Service Reserve Fund shall be used only to pay maturing principal and accruing interest, or both, and only whenever and to the extent that funds otherwise available in the 2015 Debt Service Fund are insufficient for that purpose. If and to the extent that cash has also been deposited in the Debt Service Reserve Fund, all such cash shall be used (or investments purchased with such cash shall be liquidated and the proceeds applied as required) prior to any drawing under the Surety Bond Policy, and repayment of any policy costs under the Surety Bond Policy shall be made prior to replenishment of any such cash amounts. No funds paid into the Debt Service Reserve Fund shall be used to prepay the principal unless such prepayment is for the entire balance of the principal amount of the Bonds. If the amount on deposit in the Debt Service Reserve Fund as valued on the last day of any Bond Year is more than the Debt Service Reserve Account Requirement, the amount of such excess shall be transferred to the 2015 Debt Service Fund.

(b) The annual deposits into the Debt Service Reserve Fund shall at all times equal the aggregate Debt Service Reserve Requirement for each respective series of Bonds.

This Resolution shall become effective immediately upon the adoption hereof.

Council Member TAYLOR moved and Council Member MICKENS seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Council Member Gene Taylor	Voted: _____
Council Member Joseph Mickens	Voted: _____
Council Member Charles E. Box	Voted: _____
Council Member Fred Stewart	Voted: _____
Council Member Kabir Karriem	Voted: _____
Council Member Bill Gavin	Voted: _____

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 15th day of December, 2015.

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**MAYOR**

**ATTEST:**

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**CITY CLERK**

**(SEAL)**

**K. Discuss/Approve new Deputy Fire Marshal position at Columbus Fire & Rescue Department.**

Council Member Box made a motion to approve the new Deputy Fire Marshal position at the Columbus Fire and Rescue Department at an annual salary of \$44,000, \$21.1538 hourly. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion passed.

**L. Discuss/Approve new Property and Casualty Insurance quote.**

Pat Mitchell, Human Resources Director, requested that the Council approve the renewal of the City's Property and Casualty Insurance with Traveler's at \$278,258.00. Council Member Box made a motion to renew the City's Property and Casualty Insurance with Traveler's at an annual rate of \$278,258.00. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**M. Discuss/Approve Resolution to Approve Improvements of 14<sup>th</sup> Avenue Drainage Ditch.**

Council Member Mickens made a motion to approve a Resolution approving Improvements to the 14<sup>th</sup> Avenue Drainage Ditch. Council Member Turner seconded the motion, with the vote taken thereon being as follows:

COUNCIL MEMBER TAYLOR	voted: <u>AYE</u>
COUNCIL MEMBER MICKENS	voted: <u>AYE</u>
COUNCIL MEMBER BOX	voted: <u>AYE</u>
COUNCIL MEMBER TURNER	voted: <u>AYE</u>
COUNCIL MEMBER KARRIEM	voted: <u>AYE</u>
COUNCIL MEMBER GAVIN	voted: <u>AYE</u>

**THE RESOLUTION FOLLOWS:**

**RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF COLUMBUS  
AUTHORIZING THE CITY TO ALTER BY IMPROVEMENT  
OF WATER COURSES, CHANNELS OF STREAMS, DRAINAGE DITCHES, CREEKS OR  
CHANNELS IN ORDER TO PROMOTE THE  
HEALTH, COMFORT AND CONVENIENCE OF  
THE INHABITANTS OF THE MUNICIPALITY AND TO INCUR  
COSTS AND PAY NECESSARY EXPENSES IN PROVIDING LABOR, MATERIALS AND  
SUPPLIES NECESSARY TO CLEAN AND CLEAR DITCHES, CREEKS OR CHANNELS,  
WHETHER ON PUBLIC OR PRIVATE PROPERTY**

WHEREAS, there exist in the City of Columbus certain drainage ditches, creeks, water courses and channels described below that are in significant need of clearing, alteration and improvement; and

WHEREAS, the failure of such clearing, alteration and improvement will result erosion of private property as well as damage to municipal roads and other infrastructure; and

WHEREAS, the City of Columbus is empowered by Section 21-19-13 of the Mississippi Code of 1972 to alter and change channels of streams or other water courses and to incur costs and pay necessary expenses in providing labor, materials and supplies to clean or clear drainage ditches, creeks or channels, whether on public or private property, and to incur costs and pay necessary expenses in providing labor, materials and supplies in order to prevent erosion where such erosion has been caused or will be caused by such drainage ditches, creeks or channels, among other things; and

WHEREAS, those ditches, water courses and channels of streams in need of such repairs for the reasons stated above are located generally as follows:

Approximately 3,500 linear feet of municipal ditch that meanders between various public and privately owned properties, carrying various waters from throughout the City drainage system. More specifically, beginning at the upstream end, this cleaning will begin at the east end of the recently upgraded 14th Ave Ditch Improvement Project, just west of the BNSF and C&G rail crossings, then commence south/southeasterly under the railroad crossings, under and along Moss Street, under Marvin Street, along and through various private backyards, under Waterworks Road, through Maranatha Church property, then easterly along the north side of 7th Ave North to the end of a ditch improvement project which stopped at the entry to Propst Park.

NOW THEREFORE, BE IT RESOLVED that the City of Columbus finds that the facts set forth above are true and correct and that improvements to, and the alteration, change of the channels of streams and other water courses described above are necessary, and further, that it is right, property and justified for the city to incur costs and pay necessary expenses in providing labor materials and supplies in order to prevent erosion where such erosion has been caused or will be caused by such drainages ditches, creeks or channels in order to promote the health, comfort and convenience of the inhabitants of the municipality;

**Error! Unknown document property name.**

RESOLVED FURTHER, that before any such work is performed or costs incurred or paid on private property where no easement has been heretofore been granted, that permission shall be first obtained by the City or its agents or assigns from the owners of such privately owned property through which flows said ditches, creeks, water courses and channels of streams.

The above resolution was introduced by motion for passage by Council Member MICKENS. The Motion was seconded by Council Member TURNER. After careful deliberation upon passage of the same by the Mayor and City Council, the Mayor called for a vote on the motion and the votes were recorded as follows:

	Yes	No
Council Member Gene Taylor	<u>X</u>	_____
Council Member Joseph W. Mickens, Jr.	<u>X</u>	_____
Council Member Charlie Box	<u>X</u>	_____
Council Member Marty Turner	<u>X</u>	_____
Council Member Kabir Karriem	<u>X</u>	_____
Council Member Bill Gavin	<u>X</u>	_____

The Mayor then announced that the above and foregoing resolution passed on a vote of 6 to 0 and that the resolution of the City of Columbus was duly adopted and would be spread upon the minutes of the Meeting of the Mayor and City Council.

This the 15<sup>th</sup> day of December, 2015.

\_\_\_\_\_  
Robert E. Smith, Sr., Mayor

Attested:

\_\_\_\_\_  
Milton Rawle, Secretary Treasurer

**CLOSED DETERMINATION:**

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

All Council Members voted in favor of the motion.

The motion carried.

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

Mayor Smith apprised the Council of one (1) matter concerning Acquisition of Real Property and remarked that this item warrants being heard in executive session.

Council Member Karriem made a motion to go into Executive Session. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

The Chief Operations Officer then announced to the general public outside the Council Chambers that the Council was going into Executive Session to discuss the Acquisition of Real Property.

## **IX. EXECUTIVE SESSION:**

### **ACQUISITION OF REAL PROPERTY (1)**

The Mayor and Council discussed the purchase of the old Regal Cleaners, located on 4<sup>th</sup> Street North, behind the Convention Center. Council Member Gavin made a motion to approve the purchase Real Property, offer up to the appraised value of \$80,000 and pay for the purchase out of the General Fund. Council Member Karriem seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

### **OPEN SESSION:**

Council Member Karriem made a motion to return to Open Session. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

The Chief Operations Officer then announced to the general public outside the Council Chambers that the Council was back in Open Session.

Council Member Mickens made a motion to approve for the Mayor, Council Members, the COO, and select Department Heads to attend the Mid-Winter MML Conference to be held in Jackson, MS, January 12 – 14, 2016. Council Member Taylor seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

The General Counsel announced that the Council voted to go in Executive Session and entered into negotiations to purchase real property.



**ADJOURNMENT:**

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

Approved by: \_\_\_\_\_  
**Robert E. Smith, Sr., Mayor**

\_\_\_\_\_  
**Milton Rawle, Jr.,  
CFO- Secretary-Treasurer**

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