

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

**DECEMBER 22, 2020
3:30 P.M.**

PLEASE TAKE NOTICE that the Mayor and City Council of the City of Columbus will have a Special Meeting.

The meeting will be held at 3:30 P.M., Tuesday, December 22, 2020, via Zoom, in Columbus, MS, as Ordered by the Mayor and City Council. (Please see the attached instruction for the Zoom meeting).

The following topic will be discussed:

A. DISCUSS PERMITTED USE REQUEST OF MAGNOLIA ENTERPRISES.

So Ordered, on this the 22nd day of December 2020.

As Determined by the Mayor and City Council

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3:30 P.M.**

The Mayor and City Council met in a Special Called Meeting on Tuesday, December 22, 2020 at 3:30 p.m., proper notice being posted, after having adjourned from their last Regular meeting of December 15, 2020. The meeting was held in the in the Municipal Complex, located at 1501 Main Street, Columbus, MS and was conducted via ZOOM. Mayor Robert E. Smith, Sr. presided over the meeting and all Council Members were present, with the exception of Council Member Gavin, who was absent. Also present were the CFO, General Counsel, Police Chief, Assistant Police Chief, and HR Director.

I. CALL MEETING TO ORDER AND INVOCATION

Mayor Smith called the meeting to order and called upon Council Member Box to offer the Invocation.

II. DISCUSS PERMITTED USE REQUEST OF MAGNOLIA ENTERPRISES.

General Counsel Turnage reported that when this matter was discussed at the previous meeting, there were no findings of facts. The Mayor and Council heard from those in favor and the objectors. Council Member Beard offered a statement and motion, stating that the Mayor and Council have already heard pros and cons at length about the application and stated he wanted to be sure the minutes are complete and reflect what we intended to do at our last meeting. First Mr. Beard stated that the application was made by Magnolia Enterprises. However, he noted that at both the Planning Commission and at the last meeting of the Mayor and City Council, Magnolia Enterprises stated that the operator of the restaurant and bar was to be Yo' Bar, LLC, a Mississippi Limited Liability Company, if permitted use was granted by the Planning Commission and the City Council. Secondly, Mr. Beard stated that normally, when the Council approves a Permitted Use request, the City Council adopts the findings of the Planning Commission, which findings are recorded in its minutes. When the City Council met last on December 15, the City Council

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did not have the minutes of the Planning Commission to adopt. Mr. Beard stated that he had reviewed the video of that meeting and noted that the Planning Commission did not make factual findings. Thus, to make sure the City's minutes are adequate, Mr. Beard made a motion that he stated would hopefully clarify what he intended for his motion to be so that the general public will understand what the City Council and Mayor did and why. With that having been said, Mr. Beard offered the following motion: That the Council accept the recommendation of the Planning Commission and that Permitted Use be granted to Yo' Bar, LLC, on whose behalf Magnolia Enterprises requested a Permitted Use. This motion is based upon the following factual bases:

Number 1. That the location is appropriate with regard to transportation, traffic and access and that ingress and egress from the location will not disrupt traffic flow and that traffic flow will not cause traffic congestion and therefore will not overburden Bluecutt Road;

Number 2. The water supply, waste disposal will not be a problem. The location, having been a business for many years, is already connected to City water and sewer and the operators of the Yo' Bar will have to make any renovations to the facility to pursuant to permitting and inspection by the Columbus City Building Official. Thus, any renovations will have to comply with any and all municipal codes including water, sewer and waste disposal;

Number 3. Any construction and renovations at the location will have to comply with the City's version of the International Codes, including the International Fire Code for the requested use. Also, the site being on a major roadway and located in close proximity to the road right-of-way, it would be easy for the City's Fire and Rescue Department to access the site and provide fire and rescue services; and

Number 4. Finally, the location and site is in harmony with the orderly and appropriate development of the district in question. As I said in the last meeting, Columbus has restaurants and bars in numerous locations throughout this City. In the City's Central Business District, you have Zachary's, Harvey's, Huck's and J. Brouard's. As we know, these businesses are situated near professional offices, residential lofts, and R1 neighborhoods. Closer to the site in question, the VFW, operates and has often had very large crowds. The Burning Piano operates almost directly from a church and a brokerage firm is right down the road. Tampico Bay is very close to MUW and is only a few doors down from single family homes. These establishments operate in harmony with their neighbors and encourage the orderly and appropriate development. Mr. Beard then noted that the Chart of Permitted uses authorizes restaurants and bars to locate

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in this zoning district with Planning Commission and City Council approval. Necessary to that approval are the findings that the site and location meet the characteristics described above. Mr. Beard summarized his motion that the Yo' Bar be granted Permitted Use and that the factual findings (1 – 4 above) be adopted as the findings of the Mayor and City Council.

Mayor Smith remarked that we have a motion to grant permitted use to Yo' Bar, on whose behalf Magnolia Enterprises made application for permitted use and that the factual findings 1 through 4 be adopted. Council Member Stewart seconded the motion.

The Mayor then called for discussion and thereafter called for the vote.

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

The motion carried 4/1 in favor.

ADJOURNMENT:

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

Approved by: _____
Robert E. Smith, Sr., Mayor

Deliah T. Vaughn
CFO/Secretary-Treasurer

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