

**BE IT REMEMBERED** that a Regular Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 6:00 p.m. on February 9, 2016, being the second Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Melvin Priester, President, Ward 2; Tyrone Hendrix, Vice-President, Ward 6; Ashby Foote, Ward 1 and De'Keither Stamps, Ward 4. Directors: Tony Yarber, Mayor; Debra Jones, Assistant City Clerk; Angela Harris, Deputy City Clerk; Allice Lattimore, Deputy City Clerk and Monica Joiner, City Attorney.

Absent: Kenneth Stokes, Ward 3; Charles Tillman, Ward 5 and Margaret Barrett-Simon, Ward 7.

\*\*\*\*\*

The meeting was called to order by **President Melvin Priester, Jr.**

\*\*\*\*\*

The invocation was offered by **Pastor Joe Jackson** of Crossroads International House of Worship.

\*\*\*\*\*

**President Priester** recognized **Mayor Tony Yarber** who introduced the following individuals during the meeting:

- **Dr. Rosie Pridgen**
- **Mr. Carl Newman**
- **Members of the Jackson Municipal Airport Authority**

\*\*\*\*\*

**President Priester** recognized the following individuals who provided public comments during the meeting:

- **Bridget Archer**, Dance Director of the City of Jackson Champion Center Dance program, invited citizens to attend "The Dance of the Lion King" on February 19, 2016 at Thalia Mara Hall.
- **Devon Curtis** expressed concerns regarding the conditions of the streets of Jackson and what is the 1% sales tax funds being used for.
- **Anthony Scarbrough** spoke in favor of the Uber.
- **Burrell Brooks** requested equality for the taxi cab drivers.
- **Edward Hightower** expressed concerns regarding the Jackson airport and violence within the city of Jackson.
- **Ineva Mae Pittman** expressed concerns regarding the conditions of the streets within the city of Jackson.

\*\*\*\*\*

**RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND BASED ON ADMINISTRATIVE HEARINGS HELD JULY 28, 2015, 2015 FOR THE FOLLOWING CASES:**

2014-2838	2014-2840	2014-2841	2014-2843	2014-3191	2014-3430
2015-1728	2015-1733	2015-2169	2015-2198	2015-2222	2015-2336
2015-2426	2015-2513	2015-2514	2015-2515	2015-2516	2015-2523
2015-2570	2015-2572	2015-2573	2015-2577	2015-2579	2015-2584
2015-2703	2015-2755				

WHEREAS, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community; and

WHEREAS, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

WHEREAS, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on July 28, 2015; and

WHEREAS, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

WHEREAS, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2014-2838: Parcel #207-9** located at 118 Ferguson Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris and wooden boards.

- 2) **Case #2014-2840: Parcel #207-34** located at 135 Ferguson Drive/Lot E of 141 Ferguson Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, sapling and remove trash and debris.

- 3) **Case #2014-2841: Parcel #207-14** located at 148 Ferguson Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash and debris.

- 4) **Case #2014-2843: Parcel #207-19** located at 178 Ferguson Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash and debris.

- 5) **Case #2014-3191: Parcel #74-45-5** located at 927 Blair Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, fence-line and remove trash, debris and clean curbside.

- 6) **Case #2014-3430: Parcel #164-53** located at 1918 Dalton Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Cut grass and weeds, fence-line and remove trash, debris, tree limbs, gas tank and clean curbside.

- 7) **Case #2015-1728: Parcel #107-327** located at 0 Ann Banks Street/Lot E of 952 Ann Banks Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cut grass and weeds, bushes, saplings and remove trash, debris, tree limbs and parts, tires and clean curbside and ditch.

- 8) **Case #2015-1733: Parcel #811-24** located at 5643 Magnolia Drive: Cedric Whalen is deceased. Lakeisha Whalen, heir of Cedric Whalen appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded twenty-one (21) days to cure expiring August 18, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, wooden boards, building materials, tires, items from carport and back yard, barrels, grills, roof turbine vent and clean curbside.

- 9) **Case #2015-2169: Parcel #425-624** located at 0 Eminence Row/Lot W of 1120 Eminence Row: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, tires and clean curbside.

- 10) **Case #2015-2198: Parcel #422-207-6** located at 3368 Edwards Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, bushes, saplings and remove trash, debris, tree limbs and parts, furniture, tires, fencing and clean curbside.

- 11) **Case #2015-2222: Parcel #628-445** located at 3128 Meadow Forest Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 6

**Scope of Work:** Cut grass and weeds, bushes, saplings and remove trash and debris.

- 12) **Case #2015-2336: Parcel #211-343** located at 924 Winn Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts.

- 13) **Case #2015-2426: Parcel #48-94** located at 3220 N. State Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, wooden boards, appliances, building materials, furniture, bricks and clean curbside.

- 14) **Case #2015-2513: Parcel #116-121** located at 239 Tennessee Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 4

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, fallen tree, wooden boards, crates, appliances, building materials, furniture, bricks, tires and clean curbside.

- 15) **Case #2015-2514: Parcel #306-291** located at 4201 Pyle Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, fallen tree, wooden boards, crates, appliances, building materials, furniture, bricks, tires and clean curbside.

- 16) **Case #2015-2515: Parcel #116-120** located at 233 Tennessee Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, fallen tree, wooden boards, crates, appliances, building materials, furniture, bricks, tires and clean curbside.

- 17) **Case #2015-2516: Parcel #306-245** located at 4308 Pyle Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 4

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, fallen tree, wooden boards, crates, appliances, building materials, furniture, bricks, tires and clean curbside.

- 18) **Case #2015-2523: Parcel #153-60** located at 838 AB Rhodes Lane: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Ward 5

**Scope of Work:** Cut grass and weeds, fence-line, bushes and remove trash, debris, tree limbs and clean curbside.

- 19) **Case #2015-2570: Parcel #500-802** located at 346 Bounds Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Cut grass and weeds, fence-line, bushes, saplings and remove trash, debris and clean curbside.

- 20) **Case #2015-2572: Parcel #95-17** located at 1314 Bailey Avenue: Charlene Nelson, great granddaughter of Louella Nelson who is deceased, appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded fourteen (14) days to cure expiring August 11, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, wooden boards, crates, bricks and tires..

- 21) **Case #2015-2573: Parcel #309-149** located at 427 Broadview Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree parts, wooden boards, appliances, building materials and furniture.

- 22) **Case #2015-2577: Parcel #141-5** located at 0 Earl Street/Lot E of 438 formerly 430 Earl Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and clean curbside.

- 23) **Case #2015-2579: Parcel #95-68-1** located at 0 Bailey Avenue/2<sup>nd</sup> Lot N of 1407 Bailey Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree parts and fallen tree.

- 24) **Case #2015-2584: Parcel #68-20-1** located at 0 McKee Street/Lot W of 320 McKee Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, fence-line, bushes and remove trash, debris, tree limbs and clean curbside.

- 25) **Case #2015-2703: Parcel #615-55** located at 2853 Fairhill Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash and debris.

26) **Case #2015-2755: Parcel #56-38-5** located at 215 Stonewall Street: Regina McClendon, tenant appeared and Brenetha Walker- Principal Quick Properties, LLC was also present. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded (14) days to cure expiring August 11, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree parts, wooden boards, crates, appliances, building materials, furniture and vehicle.

**IT IS HEREBY ORDERED** that the above parcels be adjudicated a menace to public health as recommended by the hearing officer.

**IT IS HEREBY ORDERED** that a copy of the notices mailed and posted to owners and interested parties of the above parcels shall be included in the minutes along with this resolution pursuant to Section 21-19-11 of the Mississippi Code as amended.

**IT IS HEREBY ORDERED** that the Administration shall be authorized to remedy conditions on the parcels posing a threat to public health and safety using municipal resources or contract labor if the owners fail to do so.

**IT IS HEREBY ORDERED** that the adjudication of penalties, if any, shall be reserved until such time that a resolution is approved assessing actual costs.

**Council Member Stamps** moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

The Notices of Hearing pursuant to Section 21-19-11 of the Mississippi Code, as it relates to each parcel of property, is incorporated herein in their entirety, and located in Public Notices Docket Book 2014 B, located in the City Clerk’s Office of the City of Jackson, Mississippi.

\*\*\*\*\*

**RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND BASED ON ADMINISTRATIVE HEARINGS HELD AUGUST 4, 2015 FOR THE FOLLOWING CASES:**

2012-2000	2012-3248	2014-2364	2014-2591	2014-2616	2014-2617
2014-3358	2015-1973	2015-1985	2015-1986	2015-1996	2015-2395
2015-2518	2015-2568	2015-2575	2015-2578	2015-2581	2015-2582
2015-2583	2015-2705	2015-2727	2015-2730	2015-2740	2015-2741
2015-2754					

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community; and

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

**WHEREAS**, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on August 4, 2015; and

**WHEREAS**, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

WHEREAS, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2012-2000: Parcel #162-364** located at 1611-13 Hill Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, fence-line, bushes and remove trash, debris, tree limbs, fallen tree, tires and clean curbside.

- 2) **Case #2012-3248: Parcel #160-124** located at 0 Wiggins Street/Lot S of 1101 Wiggins Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs, tires and clean curbside.

- 3) **Case #2014-2364: Parcel #408-403** located at 3733 Medgar Evers Boulevard: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Demolish and remove remains of dilapidated structure, steps, foundation and driveway. Cut grass and weeds and remove trash and debris.

- 4) **Case #2014-2591: Parcel #22-19** located at 804 N. Jefferson Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Demolish and remove remains of dilapidated structure, steps, foundation and driveway. Cut grass and weeds and remove trash and debris.

- 5) **Case #2014-2616: Parcel #163-79** located at 0 Cox Street/Lot W of 1420 Cox Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Cut grass and weeds, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, tires and clean curbside.

- 6) **Case #2014-2617: Parcel #163-78** located at 1420 Cox Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Cut grass and weeds, fence-line, bushes, saplings and remove trash, debris, tree limbs, tires and clean curbside.

- 7) **Case #2014-3358: Parcel #308-184** located at 0 Breazeale Street/House E of 4233 Breazeale Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 4

**Scope of Work:** Demolish and remove remains of burned structure, steps, foundation and driveway. Cut grass and weeds and remove trash and debris.

- 8) **Case #2015-1973: Parcel #642-301** located at 403 Queen Julianna Lane: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

---

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, tires and clean curbside.

- 9) **Case #2015-1985: Parcel #806-200** located at 834 Flag Chapel Road: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, wooden boards, crates, appliances, building materials, furniture, tires and clean curbside.

- 10) **Case #2015-1986: Parcel #802-147** located at 6622 Franklin D Roosevelt Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris and clean curbside and back yard.

- 11) **Case #2015-1996: Parcel #410-348** located at 2617 Skyline Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cut grass and weeds, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, tires, buckets and clean curbside.

- 12) **Case #2015-2395: Parcel #153-59** located at 834 Rhodes Lane: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs, furniture and clean curbside.

- 13) **Case #2015-2518: Parcel #306-290** located at 0 Pyle Avenue/Lot W of 4201 Pyle Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, fallen tree, wooden boards, crates, appliances, building materials, furniture, bricks, tires and clean curbside.

- 14) **Case #2015-2568: Parcel #95-69-6** located at 0 Bailey Avenue/3<sup>rd</sup> Lot N of 1407 Bailey Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Ward 3

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, sapling and remove trash, debris, tree limbs and fallen tree.

- 15) **Case #2015-2575: Parcel #425-121-1** located at 3825 Bishop Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts, crates and furniture.

- 16) **Case #2015-2578: Parcel #65-12** located at 0 E. Ash Street/Lot W of 135 Ash Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts.

- 17) **Case #2015-2581: Parcel #441-66** located at 4082 Robin Drive: Nancy Brammer, tenant appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded seven (7) days to cure expiring August 11, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts.

- 18) **Case #2015-2582: Parcel #425-135** located at 3804 Bailey Avenue/Lot S of 3806 Bailey Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Ward 3

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts and furniture.

- 19) **Case #2015-2583: Parcel #425-103** located at 0 Bailey Avenue/Lot N of 3806 Bailey Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 3

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts and furniture.

- 20) **Case #2015-2705: Parcel #162-462** located at 1713 Jones Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated structure, steps, foundation and driveway. Cut grass and weeds and remove trash and debris.

- 21) **Case #2015-2727: Parcel #631-227** located at 153 Catalina Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Demolish and remove remains of dilapidated structure, steps, foundation and driveway. Cut grass and weeds and remove trash and debris.

- 22) **Case #2015-2730: Parcel #119-443:** located at 204 Road of Remembrance: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 4

**Scope of Work:** Demolish and remove remains of dilapidated structure, steps, foundation and driveway. Cut grass and weeds and remove trash and debris.

- 23) **Case #2015-2740: Parcel #443-11** located at 3817 Montrose Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree limbs and parts.

- 24) **Case #2015-2741: Parcel #436-17-3** located at 939 Meadowbrook Road: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Ward 7

**Scope of Work:** Board-up and secure structure. Cut grass and weeds, shrubbery, fence-line, bushes, saplings and remove trash, debris, tree parts, wooden boards, crates, appliances, building materials, furniture and clean curbside.

- 25) **Case #2015-2754: Parcel #164-22-6** located at 1216 Rosemont Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated structure, steps, foundation and driveway. Cut grass and weeds and remove trash and debris.

**IT IS HEREBY ORDERED** that the above parcels be adjudicated a menace to public health as recommended by the hearing officer.

**IT IS HEREBY ORDERED** that a copy of the notices mailed and posted to owners and interested parties of the above parcels shall be included in the minutes along with this resolution pursuant to Section 21-19-11 of the Mississippi Code as amended.

**IT IS HEREBY ORDERED** that the Administration shall be authorized to remedy conditions on the parcels posing a threat to public health and safety using municipal resources or contract labor if the owners fail to do so.

**IT IS HEREBY ORDERED** that the adjudication of penalties, if any, shall be reserved until such time that a resolution is approved assessing actual costs.

**Council Member Stamps** moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

The Notices of Hearing pursuant to Section 21-19-11 of the Mississippi Code, as it relates to each parcel of property, is incorporated herein in their entirety, and located in Public Notices Docket Book 2014 B, located in the City Clerk's Office of the City of Jackson, Mississippi.

\*\*\*\*\*

**RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND BASED ON ADMINISTRATIVE HEARINGS HELD OCTOBER 13, 2015 FOR THE FOLLOWING CASES:**

**2015-2481 2015-2493 2015-2495 2015-2600 2015-2614 2015-2626 2015-2627**

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community; and

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

**WHEREAS**, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on October 13, 2015; and

**WHEREAS**, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

**WHEREAS**, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2015-2481: Parcel #527-470** located at 4306 Watkins Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris and tree limbs, clean curbside.

- 2) **Case #2015-2493: Parcel #425-56** located at 3839 Bailey Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, tires, tree limbs and parts, clean curbside.

- 3) **Case #2015-2495: Parcel #425-105** located at Bailey Avenue/2<sup>nd</sup> Lot S of 3833 Bailey Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash, debris, tires, tree limbs and parts, clean curbside.

- 4) **Case #2015-2600: Parcel #409-611** located at Ridgeway Street/Lot W of 1923 Ridgeway Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 3

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash, debris, tires, tree limbs and parts, clean curbside.

- 5) **Case #2015-2614: Parcel #732-791** located at 1803 Linda Lane: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, appliances, old furniture, tires, tree limbs and parts, clean curbside. Remove all inoperable vehicles from front and back yards.

- 6) **Case #2015-2626: Parcel #711-268** located at 725 Westfield Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Cutting of grass, weeds, remove trash and debris. Remove vehicle (green Chevrolet Malibu), appears inoperable and expired tag and sticker.

- 7) **Case #2015-2627: Parcel #432-371** located at 4833 N State Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cutting of grass, weeds, fence line and bushes, remove trash and debris, clean curbside.

**IT IS HEREBY ORDERED** that the above parcels be adjudicated a menace to public health as recommended by the hearing officer.

**IT IS HEREBY ORDERED** that a copy of the notices mailed and posted to owners and interested parties of the above parcels shall be included in the minutes along with this resolution pursuant to Section 21-19-11 of the Mississippi Code as amended.

**IT IS HEREBY ORDERED** that the Administration shall be authorized to remedy conditions on the parcels posing a threat to public health and safety using municipal resources or contract labor if the owners fail to do so.

**IT IS HEREBY ORDERED** that the adjudication of penalties, if any, shall be reserved until such time that a resolution is approved assessing actual costs.

**Council Member Stamps** moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

The Notices of Hearing pursuant to Section 21-19-11 of the Mississippi Code, as it relates to each parcel of property, is incorporated herein in their entirety, and located in Public Notices Docket Book 2014 B, located in the City Clerk's Office of the City of Jackson, Mississippi.

\*\*\*\*\*

**RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND BASED ON ADMINISTRATIVE HEARINGS HELD OCTOBER 20, 2015 FOR THE FOLLOWING CASES:**

2015-2490	2015-2491	2015-2501	2015-2628	2015-2632	2015-2633
2015-2636	2015-3013	2015-3041	2015-3044	2015-3045	2015-3046
2015-3047	2015-3048	2015-3051			

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community; and

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

**WHEREAS**, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on October 20, 2015; and

**WHEREAS**, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

**WHEREAS**, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2015-2490: Parcel #97-21** located at Jennings St./Lot between 360 and 368 Jennings St.: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 3

---

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash, debris, tree limbs and tires, clean curbside.

- 2) **Case #2015-2491: Parcel #97-10** located at 0 Jennings St./Lot W of 363 Jennings St.: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, wooden boards, building materials, tree limbs and tires, clean curbside.

- 3) **Case #2015-2501: Parcel #101-150** located at 2977 Bailey Avenue: Freddie and Lucille Perkins appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested parties shall be afforded thirty (30) days to cure expiring November 19, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs. Ward 3

**Scope of Work:** Board-up and secure house, cut grass, weeds, fence line, bushes and saplings, remove trash, debris, building materials, tires, tree limbs and parts, clean curbside.

- 4) **Case #2015-2628: Parcel #432-370** located at 4829 N State Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash, debris and fallen tree, clean curbside. Repair leak in front yard.

- 5) **Case #2015-2632: Parcel #429-402** located at 4020 Del Rosa Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cutting of grass, weeds, shrubbery and fence line, clean curbside.

- 6) **Case #2015-2633: Parcel #429-331** located at 4104 Del Rosa Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Ward 3

**Scope of Work:** Cutting of grass, weeds, shrubbery and fence-line, clean curbside. Remove abandon vehicle. (White Dodge truck).

- 7) **Case #2015-2636: Parcel #429-332** located at 4112 Del Rosa Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cutting of grass, weeds and fence-line, remove all trash, debris and building material.

- 8) **Case #2015-3013: Parcel #427-68** located at 0 Azalea Drive/Lot N of 3933 Azalea Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 3

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line and bushes, remove trash, debris and tree limb, clean curbside.

- 9) **Case #2015-3041: Parcel #161-32** located at 2101 Florence Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Demolish and remove remains of burned house, trash, debris, foundation, steps, driveway and cut grass and weeds.

- 10) **Case #2015-3044: Parcel #698-338** located at 3277 Washington Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and cut grass and weeds.

- 11) **Case #2015-3045: Parcel #96-62** located at 432 Huron Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$250.00. Ward 3

**Scope of Work:** Remove inoperable white Mercedes Benz 380 SL; no tag, expired sticker, low/flat tires.

- 12) **Case #2015-3046: Parcel #61-17** located at 350 AD Adelle Street or 350 Adelle Street Apt. AD: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Demolish and remove remains of burned apartments, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 13) **Case #2015-3047: Parcel #820-381** located at 0 Reddix Street/1325 Reddix Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 4

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 14) **Case #2015-3048: Parcel #86-64** located at 118 N Mill Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 15) **Case #2015-3051: Parcel #161-36** located at 1915 Florence Avenue (1941-43 Florence Avenue): No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

**IT IS HEREBY ORDERED** that the above parcels be adjudicated a menace to public health as recommended by the hearing officer.

**IT IS HEREBY ORDERED** that a copy of the notices mailed and posted to owners and interested parties of the above parcels shall be included in the minutes along with this resolution pursuant to Section 21-19-11 of the Mississippi Code as amended.

**IT IS HEREBY ORDERED** that the Administration shall be authorized to remedy conditions on the parcels posing a threat to public health and safety using municipal resources or contract labor if the owners fail to do so.

**IT IS HEREBY ORDERED** that the adjudication of penalties, if any, shall be reserved until such time that a resolution is approved assessing actual costs.

**Council Member Stamps** moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

The Notices of Hearing pursuant to Section 21-19-11 of the Mississippi Code, as it relates to each parcel of property, is incorporated herein in their entirety, and located in Public Notices Docket Book 2014 B, located in the City Clerk’s Office of the City of Jackson, Mississippi.

\*\*\*\*\*

**RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND BASED ON ADMINISTRATIVE HEARINGS HELD NOVEMBER 3, 2015 FOR THE FOLLOWING CASES:**

2015-2652	2015-2668	2015-3117	2015-3120	2015-3122	2015-3123
2015-3124	2015-3125	2015-3126	2015-3127	2015-3140	

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community; and

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

**WHEREAS**, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on November 3, 2015; and

**WHEREAS**, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

**WHEREAS**, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2015-2652: Parcel #96-20-8** located at 438 Derrick Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, old furniture, pile of debris in backyard, tires and tree limbs, clean curbside.

- 2) **Case #2015-2668: Parcel #410-74** located at 0 Ridgeway St/Lot E of 2440 Ridgeway St.: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$250.00.

---

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, tires, tree limbs and parts, clean curbside.

- 3) **Case #2015-3117: Parcel #210-79** located at 2430 Paden Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00.

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 4) **Case #2015-3120: Parcel #210-78** located at 2422 Paden Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs.

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 5) **Case #2015-3122: Parcel #152-64** located at 1313 Central Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Demolish and remove remains of burned duplex house, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 6) **Case #2015-3123: Parcel #114-121** located at 240 N. Denver Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs.

**Scope of Work:** Demolish and remove remains of burned apts., trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 7) **Case #2015-3124: Parcel #152-24** located at 1313 Robinson Street: Joe Eckman appeared and stated that he is currently unemployed and has no income. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded ninety (90) days to cure expiring February 1, 2016. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Demolish and remove remains of burned house, trash, debris, foundation, steps, driveway, tires and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 8) **Case #2015-3125: Parcel #139-26** located at 146 Minerva Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Demolish and remove remains of burned structure, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 9) **Case #2015-3126: Parcel #163-387** located at 1812 Booker Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Demolish and remove remains of burned house, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 10) **Case #2015-3127: Parcel #159-100** located at 1261-67 Newton Street: Dennis Williams, Sr. appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded fourteen (14) days to enter into a rehabilitation contract expiring November 17, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Demolish and remove remains of burned duplex, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

- 11) **Case #2015-3140: Parcel #114-70** located at 241 Bon Air Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Demolish and remove remains of burned house, trash, debris, foundation, steps, driveway and any other items to insure property is clear and free of any and all health hazards. Cut grass and weeds.

**IT IS HEREBY ORDERED** that the above parcels be adjudicated a menace to public health as recommended by the hearing officer.

**IT IS HEREBY ORDERED** that a copy of the notices mailed and posted to owners and interested parties of the above parcels shall be included in the minutes along with this resolution pursuant to Section 21-19-11 of the Mississippi Code as amended.

**IT IS HEREBY ORDERED** that the Administration shall be authorized to remedy conditions on the parcels posing a threat to public health and safety using municipal resources or contract labor if the owners fail to do so.

**IT IS HEREBY ORDERED** that the adjudication of penalties, if any, shall be reserved until such time that a resolution is approved assessing actual costs.

**Council Member Stamps** moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

The Notices of Hearing pursuant to Section 21-19-11 of the Mississippi Code, as it relates to each parcel of property, is incorporated herein in their entirety, and located in Public Notices Docket Book 2014 B, located in the City Clerk's Office of the City of Jackson, Mississippi.

\*\*\*\*\*

**RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND BASED ON ADMINISTRATIVE HEARINGS HELD NOVEMBER 10, 2015 FOR THE FOLLOWING CASES:**

2015-2605	2015-2659	2015-2688	2015-2746	2015-2747	2015-2758
2015-2778	2015-3098	2015-3109	2015-3167	2015-3169	2015-3203

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community; and

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

**WHEREAS**, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on November 10, 2015; and

**WHEREAS**, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

**WHEREAS**, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2015-2605: Parcel #642-182** located at 0 Queen Anne Lane/Lot between 208 & 220 Queen Anne Lane: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs.

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash, debris, tires, tree limbs and parts.

- 2) **Case #2015-2659: Parcel #642-144** located at 5421 Queen Mary Lane: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Board-up and secure house and cut grass, weeds, fence line, bushes and saplings, remove trash, debris, appliances, tires, tree limbs and parts, clean curbside.

- 3) **Case #2015-2688: Parcel #630-539** located at 1769 Dorgan Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Cut grass & weeds, fence-line, bushes, saplings and remove trash, debris, wooden boards, tires and mattresses.

- 4) **Case #2015-2746: Parcel #805-329** located at 0 Abraham Lincoln/Lot E of 104 Grover Cleveland: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Cutting of grass, weeds and fence line, remove trash and debris, clean curbside.

- 5) **Case #2015-2747: Parcel #721-20** located at 0 Forest Ave/Lot W of 1284 Forest Ave: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash and debris, clean curbside.

- 6) **Case #2015-2758: Parcel #408-825** located at 2222 Margaret Walker Alexander: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

---

---

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, tree limbs and tires, clean curbside.

- 7) **Case #2015-2778: Parcel #802-312** located at 103 William McKinley Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$250.00.

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line and saplings, remove trash and debris, clean curbside.

- 8) **Case #2015-3098: Parcel #65-5** located at 121 E. Ash Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes, saplings and removing of trash and debris, wooden boards, building materials, old bricks. Clean curbside.

- 9) **Case #2015-3109: Parcel #450-160** located at 0 Roxbury Road/SW Corner of Simwood Place: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes, saplings and removing of trash and debris, tree limbs. Clean curbside.

- 10) **Case #2015-3167: Parcel #737-191** located at 1212 Springdale Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Removing abandon vehicle(s) white GMC Envoy, (tire on flat, no tag, appears inoperable).

- 11) **Case #2015-3169: Parcel #839-379** located at 3229 Ridgeland Drive: Pam Pace, alleged heir appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded fourteen (14) days to cure expiring November 24, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Board-up and secure house and cut grass, weeds, bushes shrubbery, saplings and removal of trash and debris, wooden boards, appliances, building materials, old furniture, tree parts.

- 12) **Case #2015-3203: Parcel #837-85** located at 2015 Raymond Road: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00.

**Scope of Work:** Cutting of grass, weeds and removing of trash and debris, cut bushes, saplings, shrubbery, fence line, remove wooden boards, crates, tires, remove vehicle (black Chevy truck, wrecked-no tag, flat tires), remove truck parts and AC-unit.

**IT IS HEREBY ORDERED** that the above parcels be adjudicated a menace to public health as recommended by the hearing officer.

**IT IS HEREBY ORDERED** that a copy of the notices mailed and posted to owners and interested parties of the above parcels shall be included in the minutes along with this resolution pursuant to Section 21-19-11 of the Mississippi Code as amended.

**IT IS HEREBY ORDERED** that the Administration shall be authorized to remedy conditions on the parcels posing a threat to public health and safety using municipal resources or contract labor if the owners fail to do so.

**IT IS HEREBY ORDERED** that the adjudication of penalties, if any, shall be reserved until such time that a resolution is approved assessing actual costs.

**Council Member Stamps** moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

The Notices of Hearing pursuant to Section 21-19-11 of the Mississippi Code, as it relates to each parcel of property, is incorporated herein in their entirety, and located in Public Notices Docket Book 2014 B, located in the City Clerk's Office of the City of Jackson, Mississippi.

\*\*\*\*\*

**RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND BASED ON ADMINISTRATIVE HEARINGS HELD DECEMBER 1, 2015 FOR THE FOLLOWING CASES:**

2013-2594	2015-2847	2015-3042	2015-3080	2015-3081	2015-3082
2015-3084	2015-3095	2015-3118	2015-3119	2015-3141	2015-3149
2015-3150	2015-3153	2015-3198	2015-3200	2015-3215	2015-3216
2015-3228	2015-3230	2015-3232	2015-3233	2015-3234	2015-3236
2015-3259	2015-3262	2015-3263	2015-3264	2015-3266	2015-3272
2015-3279	2015-3280	2015-3281	2015-3284	2015-3285	2015-3298
2015-3299					

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community; and

**WHEREAS**, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

**WHEREAS**, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on December 1, 2015; and

**WHEREAS**, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

**WHEREAS**, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2013-2594: Parcel #74-67-2** located at 921 Bloom Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 2) **Case #2015-2847: Parcel #168-133** located at 807 Evergreen Street: Edwin Ephrom appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested parties shall be afforded fifteen (15) days to cure expiring December 16, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Board-up and secure house, cut grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris and tree limbs, clean curbside.

- 3) **Case #2015-3042: Parcel #827-755** located at 6169 McRaven Road: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$250.00. Ward 4

**Scope of Work:** Cutting of grass, weeds, fence line bushes and saplings, remove trash and debris.

- 4) **Case #2015-3080: Parcel #118-16** located at 200 Beach Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, fallen tree, tires, tree limbs and parts, clean curbside.

- 5) **Case #2015-3081 Parcel #820-412** located at 1320 Reddix Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash and debris, clean curbside.

- 6) **Case #2015-3082: Parcel #820-414** located at 0 Reddix Street/HSE N of 1320 Reddix Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$250.00. Ward 4

**Scope of Work:** Cutting of grass, weeds, fence line and bushes, remove trash and debris, clean curbside.

- 7) **Case #2015-3084: Parcel #118-13** located at 130 Beach Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$250.00. Ward 4

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove tires, tree limbs and parts, clean curbside.

- 8) **Case #2015-3095: Parcel #118-19** located at 220 Beach Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Board-up and secure house, cut grass, weeds, shrubbery, fence line, bushes and saplings, remove tree limbs and tree parts and tires, clean curbside.

- 9) **Case #2015-3118: Parcel #210-77** located at 2416 Paden Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

---

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 10) **Case #2015-3119: Parcel #210-42** located at 2370 Paden Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 11) **Case #2015-3141: Parcel #74-12** located at 114 Bow Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 7

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 12) **Case #2015-3149: Parcel #854-140** located at 3506 Rainey Road: Perry Williams appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded thirty (30) days to cure expiring December 31, 2015. If there is a default, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line bushes and saplings, remove tree limbs and tree parts.

- 13) **Case #2015-3150: Parcel #210-24** located at 2325 Paden Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line bushes and saplings, remove trash, debris and tree parts.

- 14) **Case #2015-3153: Parcel #211-165** located at 2540 Shepwood Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Cutting of grass, weeds and fence line, remove trash, debris, tree parts and tires, clean curbside.

- 15) **Case #2015-3198: Parcel #635-216** located at 1779 Camellia Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 7

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, tree limbs, fallen tree and tires.

- 16) **Case #2015-3200: Parcel #210-117** located at 610 McDowell Road: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Board-up and secure house, cut grass, weeds, shrubbery, tree limbs and tree parts, bushes and saplings. Remove trash and debris.

- 17) **Case #2015-3215: Parcel #804-8-2** located at 6400 Medgar Evers Boulevard: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Demolish and remove remains of structure, trash, debris, foundation, steps and driveway, cut grass and weeds.

- 18) **Case #2015-3216: Parcel #721-342** located at 5103 Pennswood Place: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Demolish and remove remains of structure, trash, debris, foundation, steps and driveway, cut grass and weeds.

- 19) **Case #2015-3228: Parcel #625-31** located at 193 Woody Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Board-up and secure house, cut grass, weeds, shrubbery, tree limbs and tree parts, bushes and saplings. Remove trash and debris.

- 20) **Case #2015-3230: Parcel #31-38** located at 0 Patann Street/Lot E of 4331 Patann Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash and debris, clean curbside.

- 21) **Case #2015-3232: Parcel #523-320** located at 654 Forest Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 2

**Scope of Work:** Cutting of grass, weeds, shrubbery and fence line, remove trash, debris, tires and inoperable vehicles.

- 22) **Case #2015-3233: Parcel #432-369** located at 4825 N State Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 3

**Scope of Work:** Cutting of grass, weeds, fence line, bushes and saplings, remove trash, debris, fallen tree, tree limbs and tires, clean curbside. .

- 23) **Case #2015-3234: Parcel #511-420** located at 1439 Winchester Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 1

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 24) **Case #2015-3236: Parcel #731-24** located at 4324 Patann Street: J.C. Johnson appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded thirty (30) days to cure expiring December 31, 2015. If there a default, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, tree limbs and tires, clean curbside.

- 25) **Case #2015-3259: Parcel #623-226** located at 945 Haynes Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Board-up and secure house, cut grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, fallen tree, wooden boards, crates, tree limbs and tree parts, clean curbside.

- 26) **Case #2015-3262: Parcel #623-220** located at 956 Haynes Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, fallen tree, wooden boards, crates, appliances, building materials, old furniture, tree limbs and tires, clean curbside.

- 27) **Case #2015-3263: Parcel #874-326** located at 0 Vineland Drive/Lot S of 537 Vineland Drive: Marty Craddeth appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested parties shall be afforded fifteen (15) days to cure expiring December 16, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, tree limbs and tree parts, clean curbside.

- 28) **Case #2015-3264: Parcel #874-325** located at 0 Vineland Drive/Lot N of 549 Vineland Drive: Marty Craddeth appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested parties shall be afforded fifteen (15) days to cure expiring December 16, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 6

**Scope of Work:** Cutting of grass, weeds, shrubbery, fence line, bushes and saplings, remove trash, debris, tree limbs and tree parts, clean curbside.

- 29) **Case #2015-3266: Parcel #833-142** located at 5221 Gertrude Drive: Felecia & Kenyata Dixon appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested parties shall be afforded fifteen (15) days to cure expiring December 16, 2015. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Cutting of grass and weeds, remove trash, debris, tree limbs and tree parts.

- 30) **Case #2015-3272: Parcel #209-149** located at 412-16 McDowell Road/Small Structure: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Cutting of grass, weed, shrubbery, fence line, bushes and saplings, remove trash and debris, clean curbside.

- 31) **Case #2015-3279: Parcel #822-164** located at 4934 Sunnybrook Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 4

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 32) **Case #2015-3280: Parcel #120-5** located at 238 Culbertson Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 33) **Case #2015-3281: Parcel #120-29** located at 148 Culbertson Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 34) **Case #2015-3284: Parcel #120-65** located at 212 Myer Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 35) **Case #2015-3285: Parcel #116-3** located at 225 Parkside Place: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 36) **Case #2015-3298: Parcel #116-108** located at 3600 W Capitol Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Ward 4

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

- 37) **Case #2015-3299: Parcel #130-39** located at 1541 W Capitol Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Ward 5

**Scope of Work:** Demolish and remove remains of dilapidated house, trash, debris, foundation, steps, driveway and any other items to ensure property is clear and free of any and all health hazards. Cut grass and weeds.

**IT IS HEREBY ORDERED** that the above parcels be adjudicated a menace to public health as recommended by the hearing officer.

**IT IS HEREBY ORDERED** that a copy of the notices mailed and posted to owners and interested parties of the above parcels shall be included in the minutes along with this resolution pursuant to Section 21-19-11 of the Mississippi Code as amended.

**IT IS HEREBY ORDERED** that the Administration shall be authorized to remedy conditions on the parcels posing a threat to public health and safety using municipal resources or contract labor if the owners fail to do so.

**IT IS HEREBY ORDERED** that the adjudication of penalties, if any, shall be reserved until such time that a resolution is approved assessing actual costs.

**Council Member Stamps** moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

The Notices of Hearing pursuant to Section 21-19-11 of the Mississippi Code, as it relates to each parcel of property, is incorporated herein in their entirety, and located in Public Notices Docket Book 2014 B, located in the City Clerk's Office of the City of Jackson, Mississippi.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND HARDISON, KEN/DBA HARDISON ENTERPRISES - 2279 FLOWOOD DRIVE, FLOWOOD, MS 39232, FOR THE DEMOLITION AND REMOVAL OF STRUCTURE(S), FOUNDATION, STEPS, DRIVEWAY, THE CUTTING OF GRASS AND WEEDS AND REMOVAL OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE ACCORDING TO THE MISSISSIPPI CODE ANNOTATED SECTION 21-19-11. CASE #2014-1606 - 757 LAWRENCE ROAD - \$6,415.00.**

**WHEREAS**, on October 21, 2014 the City Council adopted the resolutions, declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety and welfare pursuant to Section 21-19-11 of the Mississippi Code pursuant to Administrative Hearing held on June 24, 2014 for the following case: Case #2014-1606 located in Ward 3; and

**WHEREAS**, on November 6, 2015, the Jackson Police Department, Community Improvement Unit, solicited quotes from the qualified contractors to provide the stated services; and

**WHEREAS**, on November 10, 2015, quotes were received by the Office of the City Clerk; and

**WHEREAS**, the Chief of Police determined that Hardison, Ken/DbA Hardison Enterprises submitted the lowest and best quote to provide stated services for the property located at: 1.) 757 Lawrence Road; and

**WHEREAS**, the quote submitted by Hardison, Ken/DbA Hardison Enterprises for the demolishing and cleaning of the aforementioned parcel was \$6,415.00.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to execute a contract with Hardison, Ken/DbA Hardison Enterprises providing for the demolition and removal of structure and the cutting of grass and weeds on the stated property.

**IT IS, THEREFORE, ORDERED** that the payment for the said contract be made from the Community Improvement's General Funds.

Council Member Stamps moved adoption; Council Member Hendrix seconded.

Yeas- Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

There came on for Introduction Agenda Item No. 11:

**ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI ESTABLISHING THE RENAMING OF VALLEY STREET FROM HIGHWAY 80 TO RAYMOND TO REV. DR. R. L. T. SMITH DRIVE.** Said item was referred to the Planning Committee.

\*\*\*\*\*

There came on for Introduction Agenda Item No.12:

**ORDINANCE OF THE CITY COUNCIL OF JACKSON MISSISSIPPI REGULATING THE ANNUAL WATER SAMPLING OF MUNICIPAL WATER FOR THE DETECTION OF CONTAMINANTS OF LEAD OR COPPER.** Said item was referred to the Planning Committee.

\*\*\*\*\*

**ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI REGULATING TRANSPORTATION NETWORK COMPANIES.**

**WHEREAS**, the City of Jackson wishes to oversee transportation network companies in a manner that establishes safety and consumer protections and ensures marketplace fairness, therefore it is hereby resolved as follows:

**SECTION 1.** Chapter 126 of the General Laws of the City of Jackson, Mississippi is hereby amended by inserting after ARTICLE IX an "Article X" entitled "Transportation Network Companies."

**SECTION 2.** Chapter 126 of the General Laws of the City of Jackson is hereby amended by inserting into "Article X – Transportation Network Companies" the following sections:

**Section 126-501. –Definitions.**

The following words and phrases used in Article X of this chapter shall have the following meanings, unless the context clearly requires otherwise. To the extent that the vehicle, passenger, driver, company, or matter being addressed pertains to a Transportation Network Company as defined in this Section 126-501, the definition provided in this Section 126-501 supersedes any conflicting definition contained elsewhere in this Chapter unless expressly specified in this Article X:

"Committee" means the Transportation Permit and Review Committee as defined in Chapter 126 Article 1, Sec. 126-3 of the General Laws of the City of Jackson.

"Department," means the Police Department of the City of Jackson.

"Prearranged Ride," a period of time that begins when a transportation network driver accepts a requested ride through a digital network, continues while said driver transports the transportation network company rider, and ends when said rider departs from the vehicle.

"Transportation Network Company," a corporation, partnership, sole proprietorship or other entity, operating in the City of Jackson that uses a digital network to connect riders to drivers for the purposes of pre-arranging and providing transportation.

“Transportation Network Company Permit” or “Permit,” a document that may be issued by the Committee to a qualifying transportation network company under section 126-504 of this chapter, effective for a period of two years. A Transportation Network Company shall not be deemed to control, direct or manage the Vehicles or Transportation Network Drivers that connect to its digital network, except where agreed to by written contract.

“Transportation Network Driver,” a driver certified by a transportation network company pursuant to section 126-505.

“Transportation Network Driver Certificate,” a certificate issued by a transportation network company pursuant to section 126-505, effective for a period of one year, and which may be provided in an electronic form.

“Transportation Network Rider” or “Rider,” a passenger in a pre-arranged ride provided by a transportation network driver, provided that the passenger personally arranged the ride or an arrangement was made on his or her behalf.

“Transportation Network Services” or “Services,” the offering or providing of pre-arranged rides for compensation or on a promotional basis to riders or prospective riders through the transportation network company’s digital network, covering the period beginning when a transportation network driver is logged onto the transportation network company’s digital network and is available to receive a prearranged ride or while in the course of providing a prearranged ride.

“Vehicle,” a vehicle that is used by a transportation network driver to provide transportation network services.

**Section 126-502. Administration.**

The Committee shall have general supervision of all transportation network companies and the manner in which transportation network services are provided with reference to the safety and convenience of the public, as expressly set forth in sections 126-501 through 126-512 of this chapter. Transportation network companies are not subject to the department or committee’s rate, certificate of necessity, or common carrier requirements, other than those expressly set forth in sections 126-501 through 126-512 of this Chapter, nor are transportation network companies subject to any other provision of this chapter, other than those expressly set forth in sections 126-501 through 126-512.

**Section 126-503. City Permit Required.**

- (a) No transportation network company shall operate in the City of Jackson without a permit issued to it by the Committee. Unless the Committee can show good cause for delay, such as the failure to submit information required in this Article or failure to comply with this article, the Committee shall issue permits to transportation network companies who apply within 30 days of the applicant submitting a completed application. Any transportation network company operating in the City of Jackson at the time of the enactment of this ordinance may continue operating so long as it submits a completed application within 30 days of the effective date of this ordinance. If it completes the application within 30 days, said company may operate unless/until its application is reviewed and rejected.
- (b) No transportation network driver shall provide transportation network services unless, said driver: (i) is affiliated with a transportation network company that holds a permit issued to it by the committee; (ii) holds a current and valid transportation network driver certificate issued to him by a transportation network company identifying him as a transportation network driver; (iii) uses a vehicle that is listed on his transportation network driver certificate and bears the recognizable external marker required by subsection (f) of section 126-505; and (iv) carries the proof of insurance required by section 126-506.

---

---

**Section 126-504. Application.**

(a) A transportation network company shall apply for a permit to be issued by the committee. The applicant must pay a \$5000 registration fee. The registration must include:

1. The transportation network company's name, business address, and phone number;
2. If the transportation network company is registered in another state, the name, address, and phone number of the transportation network company's agent for service of process (said agent must be in Mississippi);
3. The name, address, email address and phone number of the transportation network company's main contact person for communications with the committee;
4. a certification that the applicant has a company policy of nondiscrimination on the basis of destination, age, race, color, creed, sex, sexual orientation, gender identity, national origin, intellectual disability, or physical disability with respect to all passengers and potential passengers.

(b) Each applicant for a transportation network company permit must meet the following requirements:

- (1) Adequate insurance as set forth in section 126-506 of this chapter.
- (2) Agree to driver background checks as described herein.
  - (i) The transportation network company shall not allow the provision of transportation network services by any driver who has not been determined to be suitable to provide transportation network services through the process set forth in this chapter.
  - (ii) The transportation network company shall submit a verification setting forth, in detail, its background check process under this chapter.
- (3) Agree to Vehicle safety The vehicle used by a TNC driver to provide TNC services shall be inspected by a qualified garage or mechanic within 60 days of the driver being authorized to drive on the TNC's platform.
- (4) Transparent pricing. The digital network used by the transportation network company to pre-arrange rides must have a straightforward explanation of the total cost or pricing structure applicable to each pre-arranged ride before such ride begins. The company agrees to disclose this pricing structure to each passenger via its website, app, and/or digital network before the passenger incurs any fees.

**Section 126-505. Driver Requirements.**

(a) Prior to permitting an individual to act as a TNC Driver on its digital platform, the TNC shall:

- (1) Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC and this ordinance;
- (2) Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:
  - a. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search): and
  - b. National Sex Offender Registry database.

- 
- (b) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:
- (1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);
  - (2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror, If at any time during the application process the applicant is charged with any criminal offense, consideration of the application shall be suspended until entry of a judgment or dismissal. A plea of nolo contendere to a criminal offense shall constitute a conviction;
  - (3) Is a match in the National Sex Offender Registry database;
  - (4) Does not possess a valid driver's license;
  - (5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC Services;
  - (6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNS Services; or
  - (7) Is not at least nineteen (19) years of age.
- (c) The driver shall provide to the TNC information regarding prior experience in the transportation of passengers. The lack of prior experience in the transportation of passengers shall not disqualify a driver from driving on the TNC's platform. The TNC may decline to allow the issuance of a certificate to a driver if the driver is shown to have previously injured, endangered, harmed, or harassed passengers in his prior experiences in the transportation of passengers.
- (d) The transportation network company shall verify that the vehicle or, where appropriate, each of the vehicles, to be used by the driver to provide transportation network services is currently registered in the State of Mississippi. The transportation network company shall make sure that all vehicles pass an inspection by a qualified garage or mechanic licensed no later than 60 days after a driver is permitted to pick up passengers on the TNC's platform and annually thereafter,
- (e) The certification requirements set forth herein shall apply to each renewal of a transportation network company permit.
- (f) When requested, and no more frequently than on a quarterly basis, the TNC shall allow the City to visually inspect or audit the records of the TNC for purposes of verifying that the TNC is in compliance with the requirements of this Chapter including, but not limited to, vehicle inspections, proper completion of criminal background checks, and proper insurance. The audit shall take place at a mutually agreed locale in the City of Jackson. The City does not assume any responsibility for the operations of the TNC, its drivers or any actions or omissions arising in connection with its activities, which, at all times, shall remain the responsibility of the TNC.
- (g) The transportation network driver certificate provided by the TNC to its authorized drivers shall contain the name, address, and picture of the driver, and the license plate number of each vehicle used by him to provide transportation network services.
- (h) A recognizable external marker shall be displayed on a vehicle at all times it is used to provide transportation network services.

---

---

**Section 126-506. Insurance.**

- (a) On or before the effective date of this Ordinance and thereafter, TNCs and TNC Drivers shall comply with the automobile insurance requirements of this Section 126-506.
- (b) The following automobile insurance requirements shall apply during the time that a TNC Driver is logged into the TNC's network and available to receive requests for transportation but is not performing TNC services:
  - (1) Automobile liability insurance that provides at least the minimum coverage amounts required under Mississippi Code Section 63-15-3(j),.
  - (2) Automobile liability insurance in the amounts required in paragraph (1) Of subsection (b) shall be maintained by a TNC and provide coverage in the event of participating TNC Driver's own automobile liability policy excludes coverage according to its policy terms or does not provide coverage of at least the limits required in paragraph (1) of subsection (b).
- (c) The following automobile liability insurance requirements shall apply while a TNC Driver is providing TNC services:
  - (1) Automobile liability insurance as required by Mississippi Code Section 63-15-3(j).
  - (2) The coverage requirements of this subsection (b)(1) may be satisfied by any of the following:
    - (A) Automobile liability insurance maintained by the TNC Driver; or
    - (B) Automobile liability insurance maintained by the TNC; or
    - (C) Any combination of subparagraphs (A) and (B).
- (d) Each TNC shall carry general liability insurance as required by this Section for claims against the TNC arising out of its operations.
- (e) In every instance where insurance maintained by a TNC Driver to fulfill the insurance requirements of this Section 7 has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim.
- (f) Insurance required by this Section may be placed with an insurer authorized to do business in the state of Mississippi or with an eligible surplus lines insurer in accordance with Mississippi Code.
- (g) TNC drivers shall carry proof of the insurance required under section at all times that the TNC driver is in his or her vehicle and either logged into the TNC service or providing TNC services. If the insurance is maintained by the TNC such proof of the insurance shall, at a minimum, identify the TNC's insurance company, policy number, effective dates of the policy, and instructions for filing a claim. Proof of insurance may be displayed electronically through the TNC's digital platform

**Section 126-507. Right to Revoke Permit with Hearing and Notice.**

The committee may, following notice and a hearing, suspend or revoke a transportation network company permit or an individual for due cause. The term "due cause" for the revocation or suspension of a transportation network company or driver shall include, but not be limited to, the following:

- a. The failure of the transportation network company permit holder and/or driver to maintain any and all general qualifications applicable to the issuance of a certificate or permit;

- b. Providing false information to the committee or police department or obtaining a transportation network company permit;
- c. Conviction, pleading guilty or nolo contendere of any criminal offense of the city, the State of Mississippi, any other state, or of the United States;
- d. Refusing to accept via its network/website/software a genuine passenger who meets the requirements for service set by the transportation network company unless the passenger is obviously intoxicated or deemed to be dangerous.
- e. If the holder of the transportation network company permit has knowledge of any criminal offense or should have had such knowledge of the violation of a driver who is affiliated with the TNC;
- f. Whenever it shall appear that a driver has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his or her ability to drive safely.

**Section 126-508. Immediate Suspension of Drivers.**

- (a) The committee or the chief of police (personally or by his designee) may order a transportation network company to immediately revoke the permit of a transportation network driver, and to report to the committee and to the police department within 24 hours upon having done so, upon receipt of information indicating that the driver is not suitable to provide transportation network services and poses a danger to the public. If the committee or the police department exercise their right to suspend a driver under this paragraph, the driver and/or company may request, in writing, via certified mail addressed to the committee that the committee hold a hearing reviewing whether there is due cause to suspend the driver. The request for a hearing must be mailed within 5 business days of the suspension and the committee shall hear the appeal with 10 business days of receiving the written request for a hearing or later if all involved parties agree.
- (b) The committee or department may order a transportation network company to suspend a transportation network driver certificate, and to report to the committee and department immediately upon having done so, upon the driver's arrest for a crime that would render him unsuitable to provide transportation network services or upon his citation for a driving infraction that would render him unsuitable to provide transportation network services for such period of time as necessary to determine whether continued provision of transportation network services by said driver is consistent with the public interest.

**Section 126-509. Penalties.**

- (a) Whenever the committee determines that any transportation network company is in violation of any provision of sections 126-501 through 126-512 of this chapter or any regulation or rule promulgated thereunder, the committee shall issue a monetary penalty up to \$500 for a first offense and between \$1,000 and \$2,000 for each subsequent offense in any calendar year. The committee may also suspend or revoke a permit, or take such other action that the committee deems equitable if a transportation network company has multiple violations of this article. In determining the amount of the penalty, the committee shall consider the size of the transportation network company, the gravity of the violation, the good faith, if any, of the transportation network company in attempting to achieve compliance and remedying non-compliance, and any previous violations.
- (b) Any driver who is certified under this article and who provides for-hire transportation services without going through a digital network or app for a transportation network company he is certified with (e.g., accepting a street hail) has committed a civil motor vehicle infraction under the Jackson Municipal Code and may be issued a ticket by the committee or the department and, if so cited, shall be subject to a fine of 350 dollars and \$500 for each subsequent offense.

---

---

**Section 126-510. Annual Fees.**

(a). In addition to the application fee, each transportation network company shall pay an annual fee of \$500.

(b) The payment to the City of Jackson of the annual fee described in Section 126-510(a) is not a tax. The payment to the City of Jackson of the annual fee described in Section 126-510(a) does not relieve the obligation of the transportation network company or its drivers to pay any taxes or fees for providing vehicle-for-hire services imposed by the State, including, but not limited to, any taxes or fees related to Jackson Convention and Visitors Bureau or the Jackson Convention Complex.

**Section 126-511. Miscellaneous.**

(a) The committee may establish forms and procedures appropriate to effectuate sections 126-501 through 126-512 of this chapter. In so doing, it shall consider comments provided to it by transportation network companies.

(b) The committee shall monitor and examine the provision of service by transportation network companies to all citizens of Jackson, regardless of race, class, location in the city, or special needs and shall report to the City Council and Mayor on an annual basis about whether further regulation of transportation network companies is necessary to address the fair provision of service to all citizens of Jackson.

(c) Records shall be maintained by transportation network companies, including, but not limited to, records pertaining to service, accessibility, and pricing in the City of Jackson. Transportation network companies shall retain individual trip records for at least two year and driver records for at least two years after the driver's activation on the digital network or app ends.

(d) Any record furnished to the department may exclude information that would tend to identify specific passengers, unless such information is pertinent to the enforcement processes.

(e) Any driver who has a valid and current certification under this article as a transportation network company driver and who is displaying on his or her vehicle the external markings required in Section 126-505(f) shall be authorized to pick-up and drop-off passengers using the transportation network company system at any Jackson Municipal Airport subject to any geofencing regulations, rules, or fees required by the Jackson Municipal Airport Authority. While at the airport, the driver shall not be allowed to access any parking or waiting zones that are not available for a private car or personal vehicle and the driver shall not be allowed to pick up fares or be hailed by people who are not using the transportation network company app or website unless authorized by the Jackson Municipal Airport Authority.

**Section 126-512. Public Records.**

(a) Any record furnished to the committee or the police department by a transportation network company pursuant to sections 126-501 through 126-512 of this chapter, including but not limited to information on permitted transportation network drivers required shall be considered a public record as that term is used in Mississippi Code Section 25-61-1 et seq. except in so far as said document or information may be withheld from disclosure, in whole or in part, for reasons set forth in Mississippi Code Section 25-61-1 et seq.

**SECTION 3.** Chapter 126-3 of the General Laws of the City of Jackson, Mississippi is hereby amended by adding the follow language to the end of the definition of "Transportation permit and review committee (committee)":

Within 30 days of the enactment of this ordinance, a new Transportation Permit and Review Committee will be empanelled. This new committee and the Transportation Permit and Review Committee thereafter will be comprised of two representatives from the department of Planning and Development who will serve at the discretion of the mayor, with one serving as chairperson, one representative appointed by the Jackson Municipal Airport Authority for a term not to exceed two years; one representative appointed by the Jackson Convention and Visitors Bureau for a term not to exceed two years; two representatives from the police department who will serve at the discretion of the mayor; and one at-large member who represents the interests of the consumer. The at-large member will be nominated by the Mayor and approved by the City Council and will serve a two year term. The representatives of the Department of Planning and Development, the Jackson Municipal Airport Authority, the Jackson Convention and Visitors Bureau, the Police Department, and Consumers shall be the voting members of the committee. One representative from the taxicab companies operating in the City of Jackson; one representative from limousine companies operating in the City of Jackson; one representative from the transportation network companies operating in the City or Jackson, and one representative from the City of Jackson legal department shall serve on the committee in an advisory capacity. The mayor shall be responsible for taking the steps necessary to oversee and monitor the appointment of the advisory members.

**SECTION 4. Effective Date.**

Except as otherwise provided, this Article shall take effect 30 days from its enactment.

**Council Member Priester** moved adoption; **Council Member Foote** seconded.

-----

**President Priester** offered the following amendments to the proposed Ordinance:

- Page 4, (2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, uses of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror. If at any time during the application process the applicant is charged with any criminal offense that would disqualify a driver upon conviction under this ordinance, consideration of the application shall be suspended until entry of a judgment or dismissal. A plea of nolo contendere to a criminal offense shall constitute a conviction;

~~Page 5, (c) The driver shall provide to the TNC information regarding prior experience in the transportation of passengers. The lack of prior experience in the transportation of passengers shall not disqualify a driver from driving on the TNC's platform. The TNC may decline to allow the issuance of a certificate to a driver if the driver is shown to have previously injured, endangered, harmed, or harassed passengers in his prior experiences in the transportation of passengers.~~ (c) The transportation network company shall verify that the vehicle or, where appropriate, each of the vehicles, to be used by the driver to provide transportation network services is currently registered in the State of Mississippi. The requirement that the vehicle must be currently registered in Mississippi shall not apply to drivers who, because of their status as a student or as a member of the military or as a dependent of a student or military member, are not required by Mississippi state law to register in Mississippi the vehicle they will use to provide transportation network services. If the student or military exception applies, the transportation network company shall verify that the vehicle or, where appropriate, each of the vehicles, to be used by the driver to provide transportation network services is currently registered by a state or jurisdiction of the United States of America. The transportation network company shall make sure that all vehicles pass an inspection by a qualified garage or licensed mechanic no later than 60 days after a driver is permitted to pick up passengers on the TNC's platform and annually thereafter.

- Page 6, (c) The following automobile liability insurance requirements shall apply while a TNC Driver is ~~providing TNC services~~ conducting a prearranged ride:

~~(1) Automobile liability insurance as required by Mississippi Code Section 3-15-3(j) Primary automobile liability insurance with limits not less than \$1,000,000 for bodily injury or property damage per accident.~~

~~(d) Each TNC shall carry general liability insurance with limits not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate as required by this Section for claims against the TNC arising out of its operations.~~

~~(f) Insurance required by this Section may be placed with an insurer authorized to do business in the state of Mississippi or with an eligible surplus lines insurer in accordance with Mississippi Code.~~

• ~~Page 8, delete (b) The committee or department may order a transportation network company to suspend a transportation network driver certificate, and to report to the committee and department immediately upon having done so, upon the driver's arrest for a crime that would render him unsuitable to provide transportation network services or upon his citation for a driving infraction that would render him unsuitable to provide transportation network services for such period of time as necessary to determine whether continued provision of transportation network services by said driver is consistent with the public interest.~~

• Page 8 Section 126-509- Penalties.

~~(a) Whenever the committee determines that any transportation network company is in violation of any provision of sections 126-501 through 126-512 of this chapter or any regulation or rule promulgated thereunder, the committee shall issue a monetary penalty up to \$500 for a first offense and between \$1,000 and \$2,000 for each subsequent offense in any calendar year. The committee may also suspend or revoke a permit, or take such other action that the committee deems equitable if a transportation network company has multiple violations of this article. In determining the amount of the penalty, the committee shall consider the size of the transportation network company, the gravity of the violation, the good faith, if any, of the transportation network company in attempting to achieve compliance and remedying non-compliance, and any previous violations. The committee shall not issue a permit unless the transportation network company submits an application and registration fee in compliance with the provisions set forth herein. The committee may suspend or revoke a duly issued permit if the transportation network company fails to comply with the provisions set forth herein.~~

~~(b) Any driver who is certified under this article and who provides for hire transportation services without going through a digital network or app for a transportation network company he is certified with (e.g., accepting a street hail) has committed a civil motor vehicle infraction under the Jackson Municipal Code and may be issued a ticket by the committee or the department and, if so cited, shall be subject to a fine of 350 dollars and \$500 for each subsequent offense. If a transportation network company operates without a permit issued by the committee, the transportation network company will be subject to criminal misdemeanor prosecution and be subject to punishment by a fine not exceeding \$1,000 or by imprisonment up to but not exceeding 90 days which is the maximum allowed under state law, or both such fine and imprisonment. Every day any such violation shall continue shall constitute a separate offense.~~

~~(c) Any driver who is certified by transportation network company permitted under this ordinance and who provided for hire transportation services using the vehicle authorized by a TNC without going through a digital network or app for a transportation network company he is certified with (e.g., accepting a street hail) will be subject to criminal misdemeanor prosecution and be subject to punishment by a fine not exceeding \$1,000 or by imprisonment up to but not exceeding 90 days which is the maximum allowed under state law, or both such fine and imprisonment. Every day any such violation shall continue shall constitute a separate offense.~~

(d) Any driver who is not certified by a transportation network company permitted under this ordinance and who provides for-hire transportation services using a TNC platform or a vehicle authorized by a TNC will be subject to criminal misdemeanor prosecution and be subject to punishment by a fine not exceeding \$1,000 or by imprisonment up to but not exceeding 90 days which is the maximum allowed under state law, or both such fine and imprisonment. Every day any such violation shall continue shall constitute a separate offense.

- Page 9, (a) Any record furnished to the committee or the police department by a transportation network company pursuant to sections 126-501 through 126-512 of this chapter, including but not limited to information on permitted transportation network drivers required shall be considered confidential and is not subject to public disclosure to a third party without the TNC's express written permission unless required to disclosed by applicable law or court order, including without limitation a public record as that term is used in Mississippi Code Section 25-61-1 et seq. except in so far as said document or information may be withheld from disclosure, in whole or in part, for reasons set forth in Mississippi Code Section 25-61-1 et seq., provided that the City notifies the TNC of such requirement promptly prior to disclosure pursuant to any available bases set forth in Mississippi Code Section 25-61-1 et seq. or other applicable law. If the City is required to release the TNC's confidential information, it shall use any available authorities to redact personal or business confidential information from such records to the extent consistent with applicable law and the final judgment.

-----  
**Council Member Foote** moved, seconded by **Council Member Priester** to accept the amendments as stated. The motion prevailed by the following vote:

Yeas- Foote, Hendrix and Priester.  
Nays- Stamps.  
Absent- Barrett-Simon, Stokes and Tillman.

-----  
**President Priester** recognized **Council Member Stamps**, who motion to amend the sections that would re-instate the drug testing and background check policies. The motion failed for a lack of a second.

-----  
**President Priester** recognized **Kristen Blanchard**, Deputy City Attorney, who recommended the following amendments to the proposed Ordinance:

- Section 126-506. Insurance (a) On or before the effective date of this Ordinance and thereafter, TNCs and TNC Drivers shall comply with automobile insurance requirements of this Section 126-506 and Mississippi Code § 21-27-133.
- Subsection (f) Insurance required by this Section may be placed with an insurer authorized to do business in the state of Mississippi ~~or with an eligible surplus lines insurer eligible under Mississippi Code 83-21-1, et seq.~~

-----  
**Council Member Priester** moved, seconded by **Council Member Foote** to accept the amendments as stated by the Legal Department. The motion prevailed by the following vote:

Yeas- Foote, Hendrix and Priester.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

Thereafter, **President Priester** called for a vote on the Ordinance as amended:

**ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI REGULATING  
TRANSPORTATION NETWORK COMPANIES.**

**WHEREAS**, the City of Jackson wishes to oversee transportation network companies in a manner that establishes safety and consumer protections and ensures marketplace fairness, therefore it is hereby resolved as follows.

**SECTION 1.** Chapter 126 of the General Laws of the City of Jackson, Mississippi is hereby amended by inserting after ARTICLE IX an "Article X" entitled "Transportation Network Companies."

**SECTION 2.** Chapter 126 of the General Laws of the City of Jackson is hereby amended by inserting into "Article X – Transportation Network Companies" the following sections:

**Section 126-501. –Definitions.**

The following words and phrases used in Article X of this chapter shall have the following meanings, unless the context clearly requires otherwise. To the extent that the vehicle, passenger, driver, company, or matter being addressed pertains to a Transportation Network Company as defined in this Section 126-501, the definition provided in this Section 126-501 supersedes any conflicting definition contained elsewhere in this Chapter unless expressly specified in this Article X:

"Committee" means the Transportation Permit and Review Committee as defined in Chapter 126 Article 1, Sec. 126-3 of the General Laws of the City of Jackson.

"Department," means the Police Department of the City of Jackson.

"Prearranged Ride," a period of time that begins when a transportation network driver accepts a requested ride through a digital network, continues while said driver transports the transportation network company rider, and ends when said rider departs from the vehicle.

"Transportation Network Company," a corporation, partnership, sole proprietorship or other entity, operating in the City of Jackson that uses a digital network to connect riders to drivers for the purposes of pre-arranging and providing transportation.

"Transportation Network Company Permit" or "Permit," a document that may be issued by the Committee to a qualifying transportation network company under section 126-504 of this chapter, effective for a period of two years. A Transportation Network Company shall not be deemed to control, direct or manage the Vehicles or Transportation Network Drivers that connect to its digital network, except where agreed to by written contract.

"Transportation Network Driver," a driver certified by a transportation network company pursuant to section 126-505.

"Transportation Network Driver Certificate," a certificate issued by a transportation network company pursuant to section 126-505, effective for a period of one year, and which may be provided in an electronic form.

"Transportation Network Rider" or "Rider," a passenger in a pre-arranged ride provided by a transportation network driver, provided that the passenger personally arranged the ride or an arrangement was made on his or her behalf.

“Transportation Network Services” or “Services,” the offering or providing of pre-arranged rides for compensation or on a promotional basis to riders or prospective riders through the transportation network company’s digital network, covering the period beginning when a transportation network driver is logged onto the transportation network company’s digital network and is available to receive a prearranged ride or while in the course of providing a prearranged ride.

“Vehicle,” a vehicle that is used by a transportation network driver to provide transportation network services.

**Section 126-502. Administration.**

The Committee shall have general supervision of all transportation network companies and the manner in which transportation network services are provided with reference to the safety and convenience of the public, as expressly set forth in sections 126-501 through 126-512 of this chapter. Transportation network companies are not subject to the department or committee’s rate, certificate of necessity, or common carrier requirements, other than those expressly set forth in sections 126-501 through 126-512 of this Chapter, nor are transportation network companies subject to any other provision of this chapter, other than those expressly set forth in sections 126-501 through 126-512.

**Section 126-503. City Permit Required.**

(a) No transportation network company shall operate in the City of Jackson without a permit issued to it by the Committee. Unless the Committee can show good cause for delay, such as the failure to submit information required in this Article or failure to comply with this article, the Committee shall issue permits to transportation network companies who apply within 30 days of the applicant submitting a completed application. Any transportation network company operating in the City of Jackson at the time of the enactment of this ordinance may continue operating so long as it submits a completed application within 30 days of the effective date of this ordinance. If it completes the application within 30 days, said company may operate unless/until its application is reviewed and rejected.

(b) No transportation network driver shall provide transportation network services unless, said driver: (i) is affiliated with a transportation network company that holds a permit issued to it by the committee or is otherwise authorized to operate on an interim basis under section 126-503(a); (ii) holds a current and valid transportation network driver certificate issued to him by a transportation network company identifying him as a transportation network driver; (iii) uses a vehicle that is listed on his transportation network driver certificate and bears the recognizable external marker required by subsection (f) of section 126-505; and (iv) carries the proof of insurance required by section 126-506.

**Section 126-504. Application.**

(a) A transportation network company shall apply for a permit to be issued by the committee. The applicant must pay a \$5000 registration fee. The registration must include:

1. The transportation network company's name, business address, and phone number;
2. If the transportation network company is registered in another state, the name, address, and phone number of the transportation network company's agent for service of process (said agent must be in Mississippi);
3. The name, address, email address and phone number of the transportation network company's main contact person for communications with the committee;

4. A certification that the applicant has a company policy of nondiscrimination on the basis of destination, age, race, color, creed, sex, sexual orientation, gender identity, national origin, intellectual disability, or physical disability with respect to all passengers and potential passengers.

(b) Each applicant for a transportation network company permit must meet the following requirements:

(1) Adequate insurance as set forth in section 126-506 of this chapter.

(2) Agree to driver background checks as described herein.

(i) The transportation network company shall not allow the provision of transportation network services by any driver who has not been determined to be suitable to provide transportation network services through the process set forth in this chapter.

(ii) The transportation network company shall submit a verification setting forth, in detail, its background check process under this chapter.

(3) Agree to Vehicle safety The vehicle used by a TNC driver to provide TNC services shall be inspected by a qualified garage or mechanic within 60 days of the driver being authorized to drive on the TNC's platform.

(4) Transparent pricing. The digital network used by the transportation network company to pre-arrange rides must have a straightforward explanation of the total cost or pricing structure applicable to each pre-arranged ride before such ride begins. The company agrees to disclose this pricing structure to each passenger via its website, app, and/or digital network before the passenger incurs any fees.

**Section 126-505. Driver Requirements.**

(a) Prior to permitting an individual to act as a TNC Driver on its digital platform, the TNC shall:

(1) Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC and this ordinance;

(2) Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

a. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

b. National Sex Offender Registry database.

(b) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:

(1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

(2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror, If at any time during the application process the applicant is charged with any criminal offense that would disqualify a driver upon conviction under this ordinance, consideration of the application shall be suspended until entry of a judgment or dismissal. A plea of nolo contendere to a criminal offense shall constitute a conviction;

(3) Is a match in the National Sex Offender Registry database;

(4) Does not possess a valid driver's license;

(5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC Services;

(6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNS Services; or

(7) Is not at least nineteen (19) years of age.

(c) The transportation network company shall verify that the vehicle or, where appropriate, each of the vehicles, to be used by the driver to provide transportation network services is currently registered in the State of Mississippi. The requirement that the vehicle must be currently registered in Mississippi shall not apply to drivers who, because of their status as a student or as a member of the military or as a dependent of a student or military member, are not required by Mississippi state law to register in Mississippi the vehicle they will use to provide transportation network services. If the student or military exception applies, the transportation network company shall verify that the vehicle or, where appropriate, each of the vehicles, to be used by the driver to provide transportation network services is currently registered by a state or jurisdiction of the United States of America. The transportation network company shall make sure that all vehicles pass an inspection by a qualified garage or licensed mechanic no later than 60 days after a driver is permitted to pick up passengers on the TNC's platform and annually thereafter.

(d) The certification requirements set forth herein shall apply to each renewal of a transportation network company permit.

(e) When requested, and no more frequently than on a quarterly basis, the TNC shall allow the City to visually inspect or audit the records of the TNC for purposes of verifying that the TNC is in compliance with the requirements of this Chapter including, but not limited to, vehicle inspections, proper completion of criminal background checks, and proper insurance. The audit shall take place at a mutually agreed locale in the City of Jackson. The City does not assume any responsibility for the operations of the TNC, its drivers or any actions or omissions arising in connection with its activities, which, at all times, shall remain the responsibility of the TNC.

(f) The transportation network driver certificate provided by the TNC to its authorized drivers shall contain the name of the driver and the license plate number of each vehicle used by him to provide transportation network services.

(g) A recognizable external marker shall be displayed on a vehicle at all times it is used to provide transportation network services.

**Section 126-506. Insurance.**

(a) On or before the effective date of this Ordinance and thereafter, TNCs and TNC Drivers shall comply with the automobile insurance requirements of this Section 126-506 and Mississippi Code § 21-27-133.

(b) The following automobile insurance requirements shall apply during the time that a TNC Driver is logged into the TNC's network and available to receive requests for transportation but is not conducting a prearranged ride:

(1) Automobile liability insurance that provides at least the minimum coverage amounts required under Mississippi Code Section 63-15-3(j).

(2) Automobile liability insurance in the amounts required in paragraph (1) Of subsection (b) shall be maintained by a TNC and provide coverage in the event of participating TNC Driver's own automobile liability policy excludes coverage according to its policy terms or does not provide coverage of at least the limits required in paragraph (1) of subsection (b).

(c) The following automobile liability insurance requirements shall apply while a TNC Driver is conducting a prearranged ride:

(1) Primary automobile liability insurance with limits not less than \$1,000,000 for bodily injury or property damage per accident.

(2) The coverage requirements of this subsection (b)(1) may be satisfied by any of the following:

(A) Automobile liability insurance maintained by the TNC Driver; or

(B) Automobile liability insurance maintained by the TNC; or

(C) Any combination of subparagraphs (A) and (B).

(d) Each TNC shall carry general liability insurance with limits not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate for claims against the TNC arising out of its operations.

(e) In every instance where insurance maintained by a TNC Driver to fulfill the insurance requirements of this Section 7 has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim.

(f) Insurance required by this Section may be placed with an insurer authorized to do business in the state of Mississippi

(g) TNC drivers shall carry proof of the insurance required under this section 126-506 at all times that the TNC driver is in his or her vehicle and providing TNC services. If the insurance is maintained by the TNC such proof of the insurance shall, at a minimum, identify the TNC's insurance company, policy number, effective dates of the policy, and instructions for filing a claim. Proof of insurance may be displayed electronically through the TNC's digital platform

**Section 126-507. Right to Revoke Permit with Hearing and Notice.**

The committee may, following notice and a hearing, suspend or revoke a transportation network company permit or an individual driver for due cause. The term "due cause" for the revocation or suspension of a transportation network company or driver shall include, but not be limited to, the following:

- a. The failure of the transportation network company permit holder and/or driver to maintain any and all general qualifications applicable to the issuance of a certificate or permit;
- b. Providing false information to the committee or police department or in the application to obtain a transportation network company permit;
- c. Conviction, pleading guilty or nolo contendere of any disqualifying criminal offense of the city, the State of Mississippi, any other state, or of the United States, listed in section 126-505(b);
- d. Refusing to accept via its network/website/software a genuine passenger who meets the requirements for service set by the transportation network company unless the passenger is obviously intoxicated, deemed to be dangerous, or other good cause.
- e. If the holder of the transportation network company permit has knowledge of any disqualifying criminal offense or reasonably should have had such knowledge of the violation of a driver and nevertheless authorized the driver to provide transportation network services affiliated with the TNC;
- f. Whenever it shall appear that a driver has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his or her ability to drive safely.

**Section 126-508. Immediate Suspension of Drivers.**

- (a) The committee or the chief of police (personally or by his designee) may order a transportation network company to immediately suspend the certificate of a transportation network driver, and to report to the committee and to the police department within 24 hours upon having done so, upon receipt of information from the committee or the police department indicating that the driver is not suitable to provide transportation network services and poses a danger to the public. If the committee or the police department exercise their right to suspend a driver under this paragraph, the driver may request, in writing, addressed to the committee that the committee hold a hearing reviewing whether there is due cause to suspend the driver. The request for a hearing must be sent within 5 business days of the suspension and the committee shall hear the appeal within 10 business days of receiving the written request for a hearing or later if all involved parties agree.

**Section 126-509. Penalties.**

- (a) The committee shall not issue a permit unless the transportation network company submits an application and registration fee in compliance with the provisions set forth herein. The committee may suspend or revoke a duly issued permit if the transportation network company fails to comply with the provisions set forth herein
- (b) If a transportation network company operates without a permit issued by the committee, the transportation network company will be subject to criminal misdemeanor prosecution and be subject to punishment by a fine not exceeding \$1,000 or by imprisonment up to but not exceeding 90 days which is the maximum allowed under state law, or both such fine and imprisonment. Every day any such violation shall continue shall constitute a separate offense.
- (c) Any driver who is certified by transportation network company permitted under this ordinance and who provides for-hire transportation services using the vehicle authorized by a TNC without going through a digital network or app for a transportation network company he is certified with (e.g., accepting a street hail) will be subject to criminal misdemeanor prosecution and be subject to punishment by a fine not exceeding \$1,000 or by imprisonment up to but not exceeding 90 days which is the maximum allowed under state law, or both such fine and imprisonment. Every day any such violation shall continue shall constitute a separate offense.

(d) Any driver who is not certified by a transportation network company permitted under this ordinance and who provides for-hire transportation services using a TNC platform or a vehicle authorized by a TNC will be subject to criminal misdemeanor prosecution and be subject to punishment by a fine not exceeding \$1,000 or by imprisonment up to but not exceeding 90 days which is the maximum allowed under state law, or both such fine and imprisonment. Every day any such violation shall continue shall constitute a separate offense.

**Section 126-510. Annual Fees.**

(a) In addition to the application fee, each transportation network company shall pay an annual fee of \$500.

(b) The payment to the City of Jackson of the annual fee described in Section 126-510(a) is not a tax. The payment to the City of Jackson of the annual fee described in Section 126-510(a) does not relieve the obligation of the transportation network company or its drivers to pay any applicable taxes or fees for providing vehicle-for-hire services imposed by the State, including, but not limited to, any taxes or fees related to Jackson Convention and Visitors Bureau or the Jackson Convention Complex.

**Section 126-511. Miscellaneous.**

(a) The committee may establish forms and procedures appropriate to effectuate sections 126-501 through 126-512 of this chapter. In so doing, it shall consider comments provided to it by transportation network companies.

(b) The committee shall monitor and examine the provision of service by transportation network companies to all citizens of Jackson, regardless of race, class, location in the city, or special needs and shall report to the City Council and Mayor on an annual basis about whether further regulation of transportation network companies is necessary to address the fair provision of service to all citizens of Jackson.

(c) Records shall be maintained by transportation network companies, including, but not limited to, records pertaining to service, accessibility, and pricing pertaining to the City of Jackson. Transportation network companies shall retain individual trip records for at least two year and driver records for at least two years after the driver's activation on the digital network or app ends.

(d) Any record furnished to the department may exclude information that would tend to identify specific drivers or passengers, unless such information is pertinent to the enforcement processes.

(e) Any driver who has a valid and current certification under this article as a transportation network company driver and who is displaying on his or her vehicle the external markings required in Section 126-505(f) shall be authorized to pick-up and drop-off passengers using the transportation network company system at any Jackson Municipal Airport subject to any geofencing regulations, rules, or fees required by the Jackson Municipal Airport Authority. While at the airport, the driver shall not be allowed to access any parking or waiting zones that are restricted to commercial vehicles and the driver shall not be allowed to pick up fares or be hailed by people who are not using the transportation network company app or website unless authorized by the Jackson Municipal Airport Authority.

**Section 126-512. Public Records.**

(a) Any record furnished to the committee or the police department by a transportation network company pursuant to sections 126-501 through 126-512 of this chapter, including but not limited to information on permitted transportation network drivers required shall be considered confidential and is not subject to public disclosure to a third party without the TNC's express written permission unless required to be disclosed by applicable law or court order, including without limitation Mississippi Code Section 25-61-1 et seq., provided that the City notifies the TNC of such requirement promptly prior to disclosure, and provided further that the City makes diligent efforts to limit disclosure pursuant to any available bases set forth in Mississippi Code Section 25-61-1 et seq. or other applicable law. If the City is required to release the TNC's confidential information, it shall use any available authorities to redact personal or business confidential information from such records to the extent consistent with applicable law and the final judgment.

**SECTION 3.** Chapter 126-3 of the General Laws of the City of Jackson, Mississippi is hereby amended by adding the following language to the end of the definition of "Transportation permit and review committee (committee)":

Within 30 days of the enactment of this ordinance, a new Transportation Permit and Review Committee will be empanelled. This new committee and the Transportation Permit and Review Committee thereafter will be comprised of two representatives from the department of Planning and Development who will serve at the discretion of the mayor, with one serving as chairperson, one representative appointed by the Jackson Municipal Airport Authority for a term not to exceed two years; one representative appointed by the Jackson Convention and Visitors Bureau for a term not to exceed two years; two representatives from the police department who will serve at the discretion of the mayor; and one at-large member who represents the interests of the consumer. The at-large member will be nominated by the Mayor and approved by the City Council and will serve a two year term. The representatives of the Department of Planning and Development, the Jackson Municipal Airport Authority, the Jackson Convention and Visitors Bureau, the Police Department, and Consumers shall be the voting members of the committee. One representative from the taxicab companies operating in the City of Jackson; one representative from limousine companies operating in the City of Jackson; one representative from the transportation network companies operating in the City or Jackson, and one representative from the City of Jackson legal department shall serve on the committee in an advisory capacity. The mayor shall be responsible for taking the steps necessary to oversee and monitor the appointment of the advisory members.

**SECTION 4. Effective Date.**

Except as otherwise provided, this Article shall take effect 30 days from its enactment.

-----  
Yeas- Foote, Hendrix and Priester.

Nays- Stamps.

Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI  
PROHIBITING THE SALE, TRANSFER AND DISTRIBUTION OF CERTAIN  
CAFFEINE PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE.**

**WHEREAS,** the City of Jackson, Mississippi is dedicated to protecting the health, welfare and safety of its residents, and is particularly interested in the health of children; and

**WHEREAS**, the Jackson City Council finds that caffeine in small quantities is generally not dangerous for human consumption, but large quantities of caffeine can be extremely dangerous, even lethal; and

**WHEREAS**, the City finds that companies are increasingly selling pure caffeine powder to consumers as a dietary supplement. These supplements are intended to be taken at very low doses (1/16 of a teaspoon) but some users do not follow these guidelines because few packages include a spoon or scoop frequently sold with other dietary supplements. The estimated lethal dosage of caffeine powder is between 1 and 3 teaspoons, and children may experience toxicity at an even lower dosage; and

**WHEREAS**, accidental overdoses of powdered caffeine and caffeine pills have claimed the lives of teenagers and young adults throughout the United States and around the world. Among them was Noah Smith, a 17 year old from Yalobusha County, Mississippi, who overdosed from caffeine pills; and

**WHEREAS**, the Food and Drug Administration advises consumers to avoid powdered pure caffeine, as pure caffeine products are potentially dangerous, and serious adverse events can result, including death; and

**WHEREAS**, a review of scientific reports and articles reveals that the effects of caffeine powder and caffeine pills as defined herein are detrimental to the youth in Jackson, Mississippi. In 2015, the Mississippi Poison Control Center received referrals and incident reporting that involved the ingestion of caffeine powder and caffeine pills by minors residing in the City of Jackson; and

**WHEREAS**, the City Council of Jackson, Mississippi has determined that there is a need to establish regulations restricting the sale and purchase of caffeine powder and caffeine pills to persons under the age of 18 years in the City of Jackson.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JACKSON, MISSISSIPPI**, that an ordinance prohibiting the sale, transfer and distribution of caffeine pills or caffeine powder to persons under 18 years of age is in the best interest and welfare of the citizenry of the City, and that a new ordinance shall be added to the Jackson, Mississippi Code of Ordinances and shall read as follows:

#### **CAFFEINE ORDINANCE**

**Short Title.** This chapter shall be known as the "Caffeine Ordinance".

#### **Findings.**

- (1) In response to a trend in which caffeine is being added to a growing number of products, the Food and Drug Administration has announced that it will investigate the safety of caffeine in food products, particularly its effects on children and adolescents.
- (2) The Food and Drug Administration (FDA) has cited 400 milligrams a day as a safe amount of daily caffeine for healthy adults. However, the Food and Drug Administration has not set a level for children.
- (3) Food and Drug Administration Deputy Commissioner for Foods and Veterinary Medicine Michael R. Taylor has stated that the agency is concerned about children and adolescents and the responsibility FDA and the food industry have to protect public health and respect social norms that suggest that stimulants, such as caffeine, should not be marketed to children.
- (4) The American Academy of Pediatrics discourages the consumption of caffeine and other stimulants by children and adolescents.

- (5) The FDA advises consumers to avoid powdered pure caffeine, as pure caffeine products are potentially dangerous, and serious adverse events can result, including death. Pure caffeine is a powerful stimulant, and very small amounts may cause accidental overdose. The FDA further advised that people with pre-existing heart conditions should not use them.
- (6) Several deaths due to caffeine overdose have involved teens and young adults. Noah Smith, a 17 year old from Yalobusha County, Mississippi, overdosed from caffeine pills. Logan Stiner, an 18 year old from Lagrange, Ohio suffered cardiac arrhythmia (irregular heartbeat) and a seizure after consuming caffeine powder. The death of a 19 year old Connecticut resident, James Stone, has been blamed on "caffeine toxicity" from a dose of two dozen No-Doz tablets.
- (7) The Office of the Mississippi Attorney General has opined that a municipality has the authority to enact an ordinance, under Home Rule, restricting or prohibiting the sale or distribution of caffeine pills or powder to minors under the age of eighteen, provided that the ordinance comports with constitutional due process requirements.
- (8) Many states and political subdivisions have banned the sale of powdered caffeine to minors. Suffolk County, New York banned the sale of caffeine powder in November of 2014. Similar proposals to crack down on caffeine powder sales have been introduced in Illinois, New Jersey, New York and Rhode Island.
- (9) Six U.S. senators have asked the FDA to fully ban the sale of caffeine powder.
- (10) According to the American Academy of Pediatrics, the American Association of Poison Control Centers reported more than 4600 calls received for questions regarding caffeine in 2005. Of those calls, 2600 involved patients younger than 19 year, and 2345 patients required treatment, although the number of pediatric patients who required treatment was not defined. Pediatrics Volume 127, Number 6 June 2011.
- (11) Dietary supplement manufacturers and distributors are not required to obtain approval from FDA before marketing dietary supplements.
- (12) Caffeine is generally recognized as safe. Dietary ingredients (the "active ingredients" in dietary supplements) require no FDA preapproval to be used in a dietary supplement, and the Federal Food Drug and Cosmetic Act (FFDCA) requires FDA to prove that a product is unsafe under the conditions of use suggested in the labeling in order to take the product off the market.
- (13) A food additive cannot be used in a conventional food unless it has been approved for that use by FDA. However, substances that are generally recognized as safe by qualified experts are not considered to be food additives, and can therefore be added to conventional foods without preapproval from FDA.
- (14) Manufacturers, packers, and distributors of dietary supplements are required by law to report any serious adverse events to the FDA within 15 business days, and to provide (also within 15 business days) any additional medical information they obtain within a year of the adverse event report. However, the FFDCA does not require manufacturers, packers, or distributors of conventional foods to report serious adverse events to FDA. Therefore, all adverse event reports that FDA has received in connection with these products are voluntary.

- (15) Manufacturers can add it to products if they decide it meets the relevant safety standards, and if they include it on the ingredient list. While various uses may meet federal food safety standards, the only time FDA explicitly approved adding caffeine was for colas in the 1950s. Existing rules never anticipated the current proliferation of caffeinated products.
- (16) Labeling requirements for beverages and other conventional foods differ from those for dietary supplements. For example, beverages and other conventional foods are required to bear nutrition information in the form of Nutrition Facts rather than Supplement Facts, and all ingredients in a beverage and other conventional food must be declared in the ingredient statement by their common and usual names, in descending order of predominance.
- (17) A review of scientific reports and articles reveals that the effects of caffeine powder and caffeine pills as defined herein are detrimental to the youth in Jackson, Mississippi. In 2015, the Mississippi Poison Control Center received referrals and incident reporting that involved the ingestion of caffeine powder and caffeine pills by minors residing in the City of Jackson.
- (18) The City Council of Jackson, Mississippi has determined that there is a need to establish regulations restricting the sale and purchase of caffeine powder and caffeine pills to persons under the age of 18 years in the City of Jackson.

**Definitions.**

*"Dealer"* shall mean every person, firm, corporation or association of persons, except retailers as defined herein, who receive caffeine pills or caffeine powder from a manufacturer of caffeine pills or caffeine powder for distribution, sale, use, or consumption in Jackson, Mississippi.

*"Photographic identification"* shall mean any government-issued card that includes a photograph of the person seeking to purchase caffeine pills or caffeine powder and that is accepted as proof of age under Mississippi law.

*"Point of sale"* shall mean a store, stand, or any other place of business or point of distribution maintained by a seller from which caffeine pills and caffeine powder are made available for sale or distribution to consumers.

*"Retailer"* shall include every company, corporation, partnership, business association, joint venture, estate, trust, or any other combination acting as a unit or legal entity other than a wholesale dealer as defined below, whose business is that of selling merchandise at retail, who shall sell or offer for sale caffeine pills or caffeine powder to the consumer.

*"Seller"* shall mean any natural person, company, corporation, firm, partnership, organization or other legal entity who sells, dispenses, distributes or issues caffeine pills or caffeine powder for commercial purposes.

*"Caffeine pill"* shall mean any pill, tablet, capsule, caplet or globular mass in a unit-dose form ingested for medicinal or dietary purpose that is composed of at least 25 percent (25%) caffeine.

*"Caffeine products"* shall mean any caffeine pill or caffeine powder, as defined in this Ordinance.

*"Wholesaler"* includes dealers whose principal business is that of wholesale dealer or jobber, who is known to the retail trade as such, and whose place of business is located in Mississippi or in a state which affords reciprocity to wholesalers domiciled in Mississippi, who shall sell any taxable caffeine pill or caffeine powder to retail dealers only for the purpose of resale.

---

---

**Prohibition of Certain Caffeine Products to Minors.**

It shall be unlawful for any person or retailer to sell, barter, deliver or give caffeine pills or caffeine powder to any individual under eighteen (18) years of age. This prohibition shall not apply to a parent or legal guardian giving the prohibited caffeine pills or caffeine powder to their child that is under eighteen (18) years of age. This prohibition shall not apply to any individual under eighteen (18) years of age with a medical necessity, as determined by a licensed physician, for the prohibited caffeine pills or caffeine powder.

It shall be an absolute affirmative defense that the person selling, bartering, delivering or giving caffeine pills or caffeine powder over the counter in a retail establishment to an individual under eighteen (18) years of age in violation of this ordinance had requested and examined a government-issued photographic identification from such person establishing his age as at least eighteen (18) years prior to selling such person a caffeine pill or caffeine powder. The failure of a seller, barterer, deliverer or giver of caffeine pills or caffeine powder over the counter in a retail establishment to request and examine photographic identification from a person under eighteen (18) years of age prior to the sale of a caffeine pill or caffeine powder to such person if the individual is not known to the seller, barterer, deliverer or giver of the caffeine pills or caffeine powder to be over the age of eighteen (18) years, shall be construed against the seller, barterer, deliverer or giver and form a conclusive basis for the seller's violation of this ordinance.

It shall be an absolute affirmative defense that the person or entity giving caffeine pills or caffeine powder through the mail to an individual under eighteen (18) years of age in violation of this ordinance had requested and received documentary or written evidence from such person purportedly establishing his age to be at least eighteen (18) years of age.

Any person who violates this section shall be liable as follows: for a first conviction, a fine of fifty dollars (\$50.00); for a second conviction, a fine of seventy-five dollars (\$75.00); and for all subsequent convictions, a fine of one hundred fifty dollars (\$150.00) shall be imposed.

Any person, including, but not limited to, the owner and seller of caffeine pills or caffeine powder found in violation of this section shall be issued a citation by the Jackson Police Department and the owner of the business shall be sent notification of this citation by registered mail by the Jackson Police Department. Notification shall include the opportunity for hearing before the appropriate court.

It is the responsibility of the Jackson Police Department to ensure that the provisions of this ordinance are enforced.

It shall not be considered a violation of this section on the part of any Jackson Police Department officer or person under eighteen (18) years of age for any Jackson Police Department officer to use persons under eighteen (18) years of age to purchase or attempt to purchase prohibited caffeine pills or caffeine powder for the purpose of monitoring compliance with this ordinance, as long as those persons are supervised by duly authorized law enforcement officials.

Any Jackson Police Department officer conducting enforcement efforts undertaken pursuant to this ordinance shall prepare a report which includes the number of unannounced inspections conducted by the Jackson Police Department, a summary of enforcement actions taken pursuant to this ordinance, the name and final judicial disposition of all enforcement actions. Reports shall be forwarded to the Mayor's Office within twenty (20) working days of the final judicial disposition.

**Duty of Business to Inform Employees of Law.**

Every person engaged in the business of selling caffeine pills or caffeine powder shall notify each individual employed by that person that municipal law:

- (a) Prohibits the sale or distribution of certain caffeine pills or caffeine powder including samples, to any person under eighteen (18) years of age and the purchase or receipt of such caffeine pills or caffeine powder by any person under eighteen (18) years of age; and

- (b) Requires that proof of age be demanded from a prospective purchaser or recipient if the prospective purchaser or recipient is under the age of eighteen (18) years. Every person employed by a person engaged in the business of selling caffeine pill or caffeine powder at any retail shall sign an agreement with his employer in substantially the following or similar form.

“I understand that municipal law prohibits the sale or distribution of certain caffeine pills or caffeine powder to a person under the age of eighteen (18) years and out-of-package sales, and requires that proof of age be demanded from a prospective purchaser or recipient under eighteen (18) years of age if the individual is not known to the seller, barterer, deliverer or giver of the prohibited caffeine pill or caffeine powder to be over the age of eighteen (18) years. I promise, as a condition of my employment, to observe this law.”

Any person violating the provisions of this section shall be penalized not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

No retailer who instructs his employee as provided in this section shall be liable for any violations committed by such employees.

**Violation of Ordinance by Person Under Eighteen (18) Years of Age.**

No person under eighteen (18) years of age shall purchase any caffeine pill or caffeine powder prohibited by this ordinance. No student of any high school, junior high school or elementary school shall possess or use caffeine pills or caffeine powder that are prohibited by this ordinance on any educational property as defined in by Mississippi Code of 1972 Section 97-37-17(a).

If a person under eighteen (18) years of age is found by a court to be in violation of any other statute and is also found to be in possession of such caffeine pills or caffeine powder the court may order the minor to perform up to three hours of community service, in addition any other punishment imposed by the court.

A violation under this section is not to be recorded on the criminal history of the minor and, upon proof of satisfaction of the court's order; the record shall be expunged from any records other than youth court records.

It is the responsibility of all law enforcement officers and law enforcement agencies of this city to ensure that the provisions of this ordinance are enforced.

**Point of Sale Warning.**

Point of sale warning signs are required, and each seller shall place and maintain in legible condition, at each point of sale of prohibited caffeine pills and caffeine powder to consumers, a sign no smaller than eight and one-half by eleven inches or ninety-three square inches stating: “MUNICIPAL LAW PROHIBITS THE SALE OF CERTAIN CAFFEINE PRODUCTS TO PERSONS UNDER THE AGE OF 18 YEARS. PROOF OF AGE REQUIRED.”

Any person who violates this section shall be punished by a penalty of not more than one hundred dollars.

**Penalty for Misrepresenting Age.** Any person under the age of eighteen years who falsely states he is eighteen years of age or older, or presents any document that indicates he is eighteen years of age or older, for the purpose of purchasing or possessing prohibited caffeine pills or caffeine powder shall be penalized not less than twenty-five dollars nor more than two hundred dollars or required to complete at least thirty days of community service, or both.

**Vending Machine Sales of Certain Caffeine Products.** It shall be unlawful for any person to sell caffeine pills or caffeine powder that are prohibited by this ordinance through a vending machine, unless the vending machine is located in an establishment to which individuals under the age of eighteen years are denied access or are required to be accompanied by an adult. A person who violates this section shall be punished by a penalty of not more than two hundred fifty dollars.

**Duty to Sell Caffeine Pills or Caffeine Powders in Sealed Package.**

No retailer shall distribute caffeine pills or caffeine powders that are prohibited by this ordinance other than in a sealed package provided by the manufacturer. A retailer who is in violation of this section shall be liable for a penalty of not more than one hundred dollars for the first violation not more than two hundred dollars for a second violation within one year of prior violation; and a penalty of three hundred dollars for all subsequent violations.

**Inspection of Locations.**

The Jackson Police Department shall, at least annually, conduct random, unannounced inspections at locations where caffeine pills or caffeine powder that are prohibited by this ordinance are sold or distributed to ensure compliance with this ordinance. Persons under the age of eighteen years may be enlisted by the Jackson Police Department to test compliance with this ordinance, provided that the parent or legal guardian of the person under eighteen years of age so utilized has given prior written consent for the minor's participation in unannounced inspections. The Jackson Police Department shall prepare a report of the findings, and report these findings to the governing authorities by December 31 of each year.

**Prohibition of Publishing Name or Identity.**

It shall be unlawful to publish the name or identity of any person under the age of eighteen years who is convicted or adjudicated of any violation of this ordinance.

**Council Member Stamps** moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER APPROVING CLAIMS NUMBER 3476 TO 3932, APPEARING AT PAGES 545 TO 613 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$7,697,419.34 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that claims numbered 3476 to 3932 appearing at pages 545 to 613, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$7,697,419.34 are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

**IT IS FURTHER ORDERED** that there is appropriated from the various funds the sums necessary to be transferred to other funds for the purpose of paying the claims as follows:

**TO  
ACCOUNTS PAYABLE**

**FROM:**

**FUND**

1% INFRASTRUCTURE TAX	35,442.94
2007 TAX INR LO BONDS	230,590.75
2010 GO REFUNDING/RESTRUCTURIN	496,043.50
2012 ED BYRNE MEMORIAL JUSTICE	199.95
2012 WATER SEWER REFUNDING B&I	1,499,937.50
AMERICORP CAPITAL CITY REBUILD	827.24
CONVEN REFUNDING, SERIES 2013A	1,324,843.75
EARLY CHILDHOOD (DAYCARE)	3,606.56
EMPLOYEES GROUP INSURANCE FUND	221,751.31
G O PUB IMP CONS BD 2003 (\$20M)	54.00
G O PUBLIC IMP 2003 B & I (\$20M)	149,362.50

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, FEBRUARY 9, 2016 6:00 P.M.**

472

GENERAL FUND	537,139.53
HAIL DAMAGE MARCH 2013	10,260.10
HOME PROGRAM FUND	46,647.00
HOUSING COMM DEV ACT (CDBG) FD	15,892.40
LANDFILL/SANITAITON FUND	583,475.92
MADISON SEWAGE DISP OP & MAINT	132.13
NCSC SENIOR AIDES	449.18
P E G ACCESS- PROGRAMMING FUND	1,346.06
PARKS & RECR FUND	31,655.06
SAMSHA – 1 U79 SMO61630-01	193,800.23
SEIZURE & FORFEITED PROP – FED	12,212.30
SEIZURE & FORFEITED PROP – STATE	10,544.98
STATE TORT CLAIMS FUND	175.00
TECHNOLOGY FUND	109,837.51
TRANSPORTATION FUND	37,713.76
UNEMPLOYMENT COMPENSATION REVO	23,756.75
WATER/SEWER CAPITAL IMPR FUND	202,072.06
WATER/SEWER OP & MAINT FUND	457,285.41
WATER/SEWER REVENUE FUND	55,271.21
WATER SEWER REFD B & I 2005 \$27,180	432,755.00
WATER SEWER REFD B & I 2011 \$50,663	972,337.75

**TOTAL** **\$7,697,419.34**

**Council Member Priester** moved adoption; **Council Member Hendrix** seconded.

-----

**President Priester** recognized, **Michelle Day**, Deputy Director of Administration, who provided the Council with a brief overview of the Claims Docket at the request of **President Priester**.

-----

Thereafter, **President Priester** called for a final vote on the Claims Docket:

Yeas- Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 3476 TO 3932 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that payroll deduction claims numbered 3476 to 3932 inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$236,540.79 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

**IT IS FINALLY ORDERED** that the following expenditures from the accounts payable fund be made in order to pay amounts transferred thereto from the payroll fund for payment of the payroll deduction claims authorized herein for payment:

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		1,946,192.29
PARKS & RECR		61,278.11

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, FEBRUARY 9, 2016 6:00 P.M.**

473

LANDFILL FUND		18,619.97
SENIOR AIDES		2,320.85
WATER/SEWER OPER & MAINT		202,016.95
PAYROLL FUND		1,048.50
PAYROLL	236,540.79	
EARLY CHILDHOOD		31,218.25
HOUSING COMM DEV		6,205.23
TITLE III AGING PROGRAMS		3,764.44
AMERICORP CAPITAL CITY REBUILD		10,447.08
TRANSPORTATION FUND		7,671.85
T-WARNER PA/GA FUND		4,012.32
SAMSHA		2,406.80

**TOTAL** **\$2,297,202.64**

**Council Member Stamps** moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH IMMIX TECHNOLOGY, INC., FOR THE MAINTENANCE FOR ORACLE TALEO SOFTWARE.**

**WHEREAS**, on October 2014, the City of Jackson purchased Oracle Taleo software from Oracle; and

**WHEREAS**, the referenced software is used to support the City's JIMS/CAYENTA/HR system; and

**WHEREAS**, it is a cloud based system that provides application tracking; and

**WHEREAS**, the City is in the process of implementing the new system; and

**WHEREAS**, Immix Technology, Inc., has proposed a one-year maintenance agreement through the GSA that covers the Oracle Taleo Software; and

**WHEREAS**, maintenance needs for all Oracle software have been analyzed and execution of maintenance agreement for the Oracle software is recommended.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to execute agreements with Immix Technology, Inc., to provide maintenance for the Oracle Taleo software, said maintenance being provided at a cost of \$37,209.55 for the period beginning on the last date of execution by both parties through July 21, 2016.

**Council Member Stamps** moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE A 48-MONTH RENTAL AGREEMENT WITH ADVANTAGE BUSINESS SYSTEMS FOR A MINOLTA BIZHUB C654e DIGITAL COPIER TO BE USED BY THE OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF THE PLANNING AND DEVELOPMENT DEPARTMENT.**

**WHEREAS**, the City of Jackson, Mississippi, desires to enter into a 48-Month Rental agreement for a copier to be used by the Office of Housing and Community Development of the Department of Planning & Development; and

**WHEREAS**, Advantage Business System, the authorized dealer/distributor in Jackson, Mississippi for Konica Minolta Bizhub is to provide through, the State Contract Number 8200017756, a Minolta Bizhub C654e Digital Copier, along with all parts, ink toner, developer, drums, and any repair labor; and

**WHEREAS**, it is the recommendation of the Department of Planning and Development this contract is approved.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to execute the necessary documents for a contract with Advantage Business Systems, 5442 Executive Place, Jackson, MS 39206, to provide a 48-month rental of a Minolta Bizhub C654e Digital Copier, at a cost of \$350.00 per month which includes all labor, parts, ink toner, developer, drums and any repair labor, billed at \$0.0086 per black/white page and \$0.059 per color page, for the C654e, to be used by the Office of Housing and Community Development.

**IT IS FURTHER ORDERED** that payment for said copier rental be made from the Community Development Block Grant funds.

**Council Member Hendrix** moved adoption; **Council Member Stamps** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS BETWEEN THE CITY OF JACKSON AND VARIOUS CONTRACTORS FOR THE USE OF 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO IMPLEMENT LIMITED HOUSING REPAIR ACTIVITIES.**

**WHEREAS**, on August 11, 2015, found at Minute Book 6-H Page 550, the Mayor was authorized to submit the City of Jackson's 2015 – 2019 Five Year Consolidated Plan containing its 2015 One-year Action Plan to the U. S. Department of Housing and Urban Development; and

**WHEREAS**, on December 2, 2015, HUD notified the City of its approval of the 2015 One Year Action Plan and issued Grant Agreements; and

**WHEREAS**, the Housing Rehabilitation component of the Consolidated Plan described projects the City of Jackson would undertake with 2015 Program Year funds; and

**WHEREAS**, on September 4-10, 2014 and October 2-8, 2015, the Department of Planning and Development through the Office of Housing and Community Development advertised to accept Request for Qualifications (RFQs) for the Neighborhood Enhancement Division (NED) to invest Community Development Block Grant (CDBG) funds for the rehabilitation of owner-occupied homes; and

**WHEREAS**, on September 19, 2015 and October 17, 2015, the Office of Housing and Community Development received Five (5) RFQ's; and

**WHEREAS**, five (5) contractors met all the qualification to be included in OHCD's list of approved contractors eligible to bid on rehabilitation contracts; and

WHEREAS, two (2) contractors were the lowest and best bidders for the rehabilitation of the first four (4) units on the list of homes scheduled to receive limited housing repair activities and will be required to enter into HUD approved contract agreements with the City of Jackson to perform Limited Housing Rehabilitation activities for low to moderate income households; and

WHEREAS, the City wants to award contracts to various contractors to perform emergency housing repair activities subject to completion and acceptance of the appropriate environmental evaluations for an amount not to exceed \$20,000 per unit.

IT, IS THEREFORE, ORDERED that the Mayor is authorized to execute contracts and any and all documents necessary with various contractors for the use of 2015 Program Year CDBG funds for the rehabilitation of the first four (4) units on the list of homes scheduled to receive limited housing repair activities as follows:

Ben Wiggins	3 Units	\$50,952.00
Anderson and Associates	1 Unit	\$17,000.00

Council Member Stamps moved adoption; Council Member Priester seconded.

President Priester recognized Mayor Yarber who stated that the proposed order has the following amendments:

- IT, IS THEREFORE, ORDERED that the Mayor is authorized to execute contracts and any and all document necessary with various contractors for the use of 2015 Program Year CDBG funds for the rehabilitation of the first ~~four (4)~~ three (3) units on the list of homes scheduled to receive limited housing repair activities as follows:

Ben Wiggins	<del>3</del> <u>2</u> Units	<del>\$50,952.00</del> 20,669.00
Anderson and Associates	1 Unit	\$17,000.00

Council Member Foote moved, seconded by Council Member Priester to accept the amendments as stated by the Mayor. The motion prevailed by the following vote:

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

President Priester requested that the Clerk read the Order as amended:

**ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS BETWEEN THE CITY OF JACKSON AND VARIOUS CONTRACTORS FOR THE USE OF 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO IMPLEMENT EMERGENCY HOUSING REHABILITATION REPAIR ACTIVITIES.**

WHEREAS, on August 11, 2015, found at Minute Book 6-H Page 550, the Mayor was authorized to submit the City of Jackson's 2015 – 2019 Five Year Consolidated Plan containing its 2015 One-year Action Plan to the U. S. Department of Housing and Urban Development; and

WHEREAS, on December 2, 2015, HUD notified the City of its approval of the 2015 One Year Action Plan and issued Grant Agreements; and

WHEREAS, the Housing Rehabilitation component of the Consolidated Plan described projects the City of Jackson would undertake with 2015 Program Year funds; and

**WHEREAS**, on September 4-10, 2014 and October 2-8, 2015, the Department of Planning and Development through the Office of Housing and Community Development advertised to accept Request for Qualifications (RFQs) for the Neighborhood Enhancement Division (NED) to invest Community Development Block Grant (CDBG) funds for the rehabilitation of owner-occupied homes; and

**WHEREAS**, on September 19, 2015 and October 17, 2015, the Office of Housing and Community Development received Five (5) RFQ's; and

**WHEREAS**, five (5) contractors met all the qualification to be included in OHCD's list of approved contractors eligible to bid on rehabilitation contracts; and

**WHEREAS**, two (2) contractors were the lowest and best bidders for the rehabilitation of the first four (4) units on the list of homes scheduled to receive limited housing repair activities and will be required to enter into HUD approved contract agreements with the City of Jackson to perform Limited Housing Rehabilitation activities for low to moderate income households; and

**WHEREAS**, the City wants to award contracts to various contractors to perform emergency housing repair activities subject to completion and acceptance of the appropriate environmental evaluations for an amount not to exceed \$20,000 per unit.

**IT, IS THEREFORE, ORDERED** that the Mayor is authorized to execute contracts and any and all documents necessary with various contractors for the use of 2015 Program Year CDBG funds for the rehabilitation of the first three (3) units on the list of homes scheduled to receive limited housing repair activities as follows:

Ben Wiggins	2 Units	\$20,669.00
Anderson and Associates	1 Unit	\$17,000.00

Thereafter, **President Priester** called for a vote on Order as amended:

- Yeas- Foote, Hendrix, Priester and Stamps.
- Nays- None.
- Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACT #1516-25, 1536-25, 1196-25, AND 1036-26 WITH CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT/AREA AGENCY ON AGING FOR THE 2015-2016 FISCAL YEAR FOR THE CONGREGATE MEALS, HOME DELIVERED MEALS, TRANSPORTATION, AND OUTREACH PROGRAMS OF THE CITY OF JACKSON.**

**WHEREAS**, the City of Jackson, Mississippi ("City of Jackson"), implemented Congregate Meals, Home Delivered Meals, Transportation, and Outreach Services in 1972, and has continued the provision of said services since that time; and

**WHEREAS**, in Fiscal Year 2014-15 the City of Jackson served 472 persons in the Congregate Meals Program; 499 persons in the Home Delivered Meals Program; 332 persons in the Transportation Program; and 3,021 persons in the Outreach Program; and

**WHEREAS**, the Central Mississippi Planning and Development District/Area Agency on Aging has informed the City of Jackson that it is eligible to receive federal funds in the amount of Four Hundred Forty Seven Thousand and Four Hundred and Eighty Dollars (\$447,480) and state funds in the amount of Three Thousand and Seventy One Dollars (\$3,071); and

**WHEREAS**, the City must provide a local cash match of Two Hundred Ninety Eight Thousand and Six hundred and Eight dollars (\$298,608).

**IT IS HEREBY ORDERED** that the Mayor be authorized to execute Contract #1516-25, 1536-25, 1196-25, 1036-25 with Central Mississippi Planning and Development District/Area Agency on Aging for funding of Congregate Meals, Home Delivered Meals, Transportation, and Outreach Services for the period of October 1, 2015 through September 30, 2016.

**IT IS FURTHER ORDERED** that the local match of Two Hundred Ninety Eight Thousand and Six hundred and Eight Dollars (\$298,608) be provided from the General Fund.

**Council Member Stamps** moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO APPROVE INTERNET SERVICE CONTRACT WITH COMCAST BUSINESS TO PROVIDE A DEDICATED INTERNET CONNECTION FOR MONITORING AND MAINTENANCE OPERATIONS OF THE CITY OF JACKSON'S HARRIS P25 RADIO SYSTEM.**

**WHEREAS**, the City of Jackson has entered into a contract with Hurricane Electronics, Inc. to provide monitoring and maintenance services for the City of Jackson's Harris P25 Radio System; and

**WHEREAS**, the current City of Jackson internet system is incapable of providing the required internet connection for Hurricane Electronics, Inc. to conduct monitoring of the radio system; and

**WHEREAS**, a dedicated internet connection is required to provide the necessary monitoring and service for the maintenance of the Radio System; and

**WHEREAS**, Comcast Business has been selected to provide the required internet service connection for the City of Jackson's Harris P25 Radio System.

**IT IS HEREBY ORDERED** that the Mayor be authorized to execute an Internet Service Contract with Comcast Business to provide internet service for the monitoring and maintenance of the Harris P25 Radio System at a cost of \$139.85 per month including equipment rental, and a one-time cost of \$199.00 for installation. There shall be one year cancellable terms at the listed rate.

**Council Member Priester** moved adoption; **Council Member Foote** seconded.

Yeas- Foote, Hendrix and Priester.

Nays- Stamps.

Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE, AND CITY CLERK TO ATTEST A MAINTENANCE AGREEMENT WITH COMPASSCOM TO PROVIDE MAINTENANCE AND SERVICE UPGRADES TO THE COMPASSCOM AVL SOFTWARE, FOR A TERM PERIOD BEGINNING LAST DATE OF EXECUTION BY BOTH PARTIES AND ENDING JANUARY 31, 2017.**

**WHEREAS**, the City of Jackson uses CompassCom Automatic Vehicle Locator (AVL) software; and

**WHEREAS**, the City of Jackson's software maintenance agreement for the AVL software expires on January 31, 2016; and

**WHEREAS**, it is necessary to execute a maintenance agreement with CompassCom to ensure the continued maintenance of the City's AVL software; and

**WHEREAS**, CompassCom will perform one year of maintenance service to the City's AVL software, including but not limited to, necessary service upgrades, at a cost of five thousand six hundred and thirty dollars (\$5,630.00) for a term period beginning last date of execution by both parties and ending January 31, 2017; and

**WHEREAS**, the Information Systems Division of the Department of Administration recommends the execution of a software maintenance agreement with CompassCom.

**IT IS THEREFORE, ORDERED** that the Mayor is authorized to execute, and the City Clerk to attest, a maintenance agreement with CompassCom, to provide maintenance and service upgrades to the City's AVL software, at a cost not to exceed five thousand six hundred and thirty dollars (\$5,630.00) for a term period beginning last date of execution by both parties and ending January 31, 2017.

**Council Member Stamps** moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER REVISING THE FISCAL YEAR 2015-2016 BUDGET IN AN AMOUNT OF TWENTY THOUSAND DOLLARS.**

**WHEREAS**, Hinds County Board of Supervisors approved allocating \$90,000 from the 2007A Bond Funds for recreation purposes to construct a Community Center for the Willow Wood Community; and

**WHEREAS**, an additional \$20,000 is needed for completion of the Willow Wood Community Center; and

**WHEREAS**, the City of Jackson, Mississippi finds that community centers benefit its citizenry greatly by providing an ideal venue for social support, public meetings, and group activities; and

**WHEREAS**, said amount shall be made available in the fund balance of the City of Jackson annual budget.

**IT IS THEREFORE ORDERED** that the City Council of Jackson, Mississippi hereby authorizes a budget revision for the Office of the City Clerk in the amount of \$20,000, from fund balance 5899, Fund 1, to the Human and Cultural Services Department's budget fund/account number 001-43300-6742, ostensibly for the purpose of completing the Willow Wood Community Center.

**Council Member Stamps** moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER AUTHORIZING THE TRANSFER OF SEIZURE AND FORFEITED PROPERTY-STATE FUNDS FROM LAW ENFORCEMENT SUPPLIES ACCOUNT TO SPECIAL POLICE EQUIPMENT ACCOUNT.**

**WHEREAS**, the City of Jackson Police Department wishes to purchase Rifles for the Police Department; and

**WHEREAS**, the City of Jackson is in need of funds in the amount of \$50,000.00 to cover the purchase of the Rifles; and

**WHEREAS**, the City of Jackson Police Department has identified funds in the Jackson Police Department Seizure and Forfeited Prop-State Funds Account No. 002-907-00-6224 to cover the cost of this purchase.

**IT IS, THEREFORE, ORDERED** that funds in the amount of \$50,000.00 be transferred from Seizure & Forfeited Prop-State Account number 002-907-00-6224 Law Enforcement Supplies to Seizure & Forfeited Prop-State Account number 002-907-00-6855 Special Police Equipment.

**Council Member Stamps** moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**ORDER AUTHORIZING THE CITY OF JACKSON POLICE DEPARTMENT TO PARTICIPATE IN THE MISSISSIPPI LAW ENFORCEMENT OFFICERS TRAINING ACADEMY.**

**WHEREAS**, the City of Jackson Police Department is requesting to send applicants for the 55<sup>th</sup> Recruit Class to the Mississippi Law Enforcement Officer's Training Academy (MLEOTA), Pearl, MS to be a part of their Basic Class Number 252; and

**WHEREAS**, MLEOTA has agreed to allow applicants that were tentatively scheduled prior to the passage of the FY15-16 municipal budget, for the City of Jackson's 55<sup>th</sup> Police Recruit class to attend the upcoming Basic Class Number 252 which commences Sunday, May 15, 2016 and ends Thursday, August 4, 2016; and

**WHEREAS**, the City of Jackson Police Department will not conduct a police recruit class this year due to the budgetary constraints and it has been determined that by sending the current qualified 30 to 40 applicants to MLEOTA would allow the City of Jackson Police Department to reach its goal of 450 officers; and

**WHEREAS**, the City of Jackson Police Department is in need of police officers to fill the vacancies within its rank and file; and

**WHEREAS**, by sending the qualified applicants to MLEOTA for training would be of no cost to the City of Jackson Police Department; and

**WHEREAS**, the City of Jackson will be reimbursed by the state for the training costs of all successful applicants who complete the training and that reimbursement would be transferred to MLEOTA, at an amount of \$3,600.00 per police recruit; and

**WHEREAS**, the amount of \$3,600.00 includes tuition, meals, physical training uniform, ammunition for firearms training, and lodging, for the 12-week course; and

**WHEREAS**, the MLEOTA, conducts the same 480-hour training curriculum as the City of Jackson Police Department Training Academy.

**IT IS, THEREFORE, ORDERED** that upon successful completion of the background and hiring process, approximately 30-40 applicants will be sent to MLEOTA, Pearl, MS and a member of the City of Jackson Police Department Training Staff will assist with monitoring the progress of the applicants.

**IT IS FURTHER ORDERED** that upon graduation, the new officers will immediately begin working for the City of Jackson Police Department.

**IT IS FINALLY ORDERED** that upon receipt of funds from the state of \$3,600.00 per applicant/recruit that successfully completes training with MLEOTA, said funds are authorized to be immediately transferred to MLEOTA.

**Council Member Priester** moved adoption; **Council Member Stamps** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

There came on for consideration Agenda Item No. 26:

**ORDER AUTHORIZING A ONE YEAR MORATORIUM ON CERTAIN NEW BUSINESS LICNESES IN THE CITY OF JACKSON.** Said item was referred to the Planning Committee.

\*\*\*\*\*

**President Priester** requested that Agenda Items No. 32, 33, 35 and 34 be moved forward on the Agenda. Hearing no objections, the following was presented:

**President Priester** recognized **Mayor Tony** who recognized **Ashley Drummer** who **PRESENTED THE FOLLOWING PRESENTATIONS TO THE 2015 CITY OF JACKSON CHRISTMAS PARADE WINNERS:**

City of Jackson Non-Departmental Winners

- 3<sup>rd</sup> Place – Montage Theater of Dance from Hinds Community College
- 2<sup>nd</sup> Place – Cheerleaders of Davis Magnet School
- 1<sup>st</sup> Place- Early Morning Prayer Brothers of Abraham

City of Jackson Departmental Winners

- 3<sup>rd</sup> Place- Jackson Fire Department
- 2<sup>nd</sup> Place- Parks & Recreation
- 1<sup>st</sup> Place- Jackson Police Department

\*\*\*\*\*

**President Priester** recognized **Ethel Mangum** who **PRESENTED THE DR. GENE YOUNG AWARD TO FRANK FIGGERS.** Accepting the Award with appropriate remarks was **Frank Figgers.**

\*\*\*\*\*

**President Priester** recognized **Ethel Mangum** on behalf of **Council Member Stokes** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MOTHER EVELYN MARSHALL.** Accepting the Resolution with appropriate remarks was **Ethel Mangum.**

\*\*\*\*\*

**President Priester** recognized **Council Member Stamps** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MR. DELMER C. STAMPS FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY AND UPON HIS RETIREMENT AFTER 39 YEARS OF DISTINGUISHED SERVICE AT THE UNITED STATES DEPARTMENT OF AGRICULTURE.** Accepting the Resolution with appropriate remarks was **Mr. Delmer C. Stamps.**

\*\*\*\*\*

**President Priester** requested that Agenda Item No. 31 be moved forward on the Agenda. Hearing no objections, the following was discussed:

**DISCUSSION: JMAA BOARD OF COMMISSIONERS, DR. ROSIE L.T. PRIDGEN, CHAIRMAN:** **President Priester** recognized **Dr. Rosie Pridgen**, Chairman of the Jackson Municipal Airport Authority, who provided the Council with a brief presentation regarding the airport's history and progress of the Medgar Evers Wiley and Hawkins Field airports.

\*\*\*\*\*

There came on for consideration Agenda Item No. 27:

**DISCUSSION: SWAP:** **President Priester** recognized **Mayor Yarber** who requested that said item be discussed in Executive Session. **President Priester** moved said item to the end of the Agenda.

\*\*\*\*\*

**DISCUSSION: WEST CAPITAL STREET AND BEVERLY CIRCLE:** **President Priester** recognized **Council Member Stamps** who expressed concerns from a resident of Ward 4 regarding a bus stop sign located in front of her residence and illegal activity being conducted in an abandon house across the street of her residence.

\*\*\*\*\*

There came on for consideration Agenda Item No. 29:

**DISCUSSION: SUMMER JOBS:** Said item would be held due to the absence of **Council Member Stokes**.

\*\*\*\*\*

There came on for consideration Agenda Item No. 30:

**DISCUSSION: UPDATE ON PROPERTY AT MONUMENT STREET AND PALYMYRA STREET:** Said item would be held due to the absence of **Council Member Stokes**.

\*\*\*\*\*

**Council Member Priester** moved, seconded by **Council Member Foote** to consider going into Executive Session to discuss matters that might lead to potential litigation regarding Agenda Item No. 27. The motion prevailed by the following vote:

- Yeas- Foote, Hendrix, Priester and Stamps.
- Nays- None.
- Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**Council Member Priester** moved and **Council Member Hendrix** seconded to go into Executive Session to discuss matters that might lead to potential litigation. The motion prevailed by the following vote:

- Yeas- Foote, Hendrix, Priester and Stamps.
- Nays- None.
- Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**Council Member Priester** moved and **Council Member Hendrix** seconded to come out of Executive Session. The motion prevailed by the following vote:

Yeas- Foote, Hendrix, Priester and Stamps.  
Nays- None.  
Absent- Barrett-Simon, Stokes and Tillman.

\*\*\*\*\*

**President Priester** announced to the public that the Council voted to come out of Executive Session and no action was taken.

\*\*\*\*\*

The following reports/announcements were provided during the meeting:

- **Mayor Yarber** announced the following:
  - The City of Jackson would host Amnesty Day on Friday, February 19, 2016 from 9:00 a.m.- 7:00 p.m. and on Saturday, February 20, 2016 from 9:00 a.m.- 3:00 p.m.
  - We Are Jackson Winter Listening Tour 2016 would be held on Tuesday, February 23, 2016 at Forest Hill High School from 6:00 - 7:30 p.m., Tuesday, March 1, 2016, Callaway High School from 6:00 - 7:30 p.m. and Tuesday, March 15, 2016, Provine High School from 6:00 - 7:30 p.m.
  - The Department of Parks and Recreation Summer Enhancement Program would be held on June 6, 2016 thru July 21, 2016. Registration begins February 1<sup>st</sup> until May 20, 2016.
  - Applications for the Mayor’s Summer Youth Employment Program will be accepted until Tuesday, March 1, 2016 at the Family and Youth Division Office at the Metrocenter Mall. Applicants must be between 16 and 24 years of age to apply.
- **Council Member Stamps** announced that an Expungement Workshop would be held on February 20, 2016 at 10:00 a.m. in the center court of the Metrocenter Mall.
- **Council Member Hendrix** announced that “South Jackson Day of Service” would be held on February 20, 2016 at Wingfield High School at 8:30 a.m.

\*\*\*\*\*

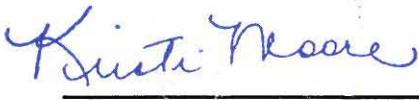
The meeting was closed in memory of the following individuals:

- **Sutter Levon Owens**
- **Willie Richardson**

\*\*\*\*\*

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Zoning Council Meeting at 2:30 p.m. on Monday, February 22, 2016; at 9:10 p.m., the Council stood adjourned.

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED:

  
\_\_\_\_\_  
MAYOR      DATE 3.8.16

\*\*\*\*\*