REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, SEPTEMBER 10, 2013, 10:00 A.M.

BE IT REMEMBERED that a Regular Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 10:00 a.m. on September 10, 2013, being the second Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President; Melvin Priester, Jr., Vice President; Quentin Whitwell, Ward 1; LaRita Cooper-Stokes, Ward 3; De'Keither Stamps, Ward 4; Tony Yarber, Ward 6 and Margaret Barrett-Simon, Ward 7. Directors: Chokwe Lumumba, Mayor; Brenda Pree, City Clerk; Beatrice Byrd, Deputy City Clerk; Toya Martin, Deputy City Clerk and Pieter Teeuwissen, City Attorney.

Absent: None.

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The meeting was called to order by **President Charles Tillman.**

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The invocation was offered by **Pastor Barron Banks** of Jackson State University's National Alumni Association, National Chaplain.

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President Tillman recognized the following individuals who provided public comments:

- **Teresa Sterling** expressed concerns regarding crime throughout the City of Jackson.
- **Larry Nelson** expressed concerns regarding crime throughout the City of Jackson.
- **Belinda Barber** expressed concerns regarding crime throughout the City of Jackson.
- **Rander Adams** expressed opposition of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.
- **Tonya Porter** expressed concerns regarding crime throughout the City of Jackson.
- **Janice Adams** expressed opposition of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.

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ORDER ACCEPTING PAYMENT OF $3,654.93 FROM ALLSTATE INSURANCE COMPANY ON BEHALF OF ITS INSURED (FARRAH CARR), AS A PROPERTY DAMAGE SETTLEMENT.

IT IS HEREBY ORDERED by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment in the amount of $3,654.93 as a property damage settlement for damage sustained to a City of Jackson vehicle (PC-1513) on May 4, 2013.

Council Member Barrett-Simon moved adoption; **Council Member Priester** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays-None.
Absent- None.

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President Tillman requested that **Agenda Items No. 18 and 23** to be presented be moved forward on the Agenda. Hearing no objections, **President Tillman** requested that the Clerk read the following:

RESOLUTION ACKNOWLEDGING THE OBSERVANCE OF SEPTEMBER 17, 2013 THROUGH SEPTEMBER 23, 2013 AS CONSTITUTION WEEK.

WHEREAS, September 17, 2013 marks the two hundred twenty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuance of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, BE IT RESOLVED that the City of Jackson does hereby acknowledge the observance of Constitution Week and urge all citizens to recognize and participate in its observance.

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

Yeas- Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays-None.
Absent- None.

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RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI RECOGNIZING THE 24TH ANNUAL SOUTHERN HERITAGE CLASSIC AND IN CELEBRATION OF THE ATHLETIC AND ACADEMIC IMPACT OF JACKSON STATE UNIVERSITY AND TENNESSEE STATE UNIVERSITY. Accepting the Resolution with appropriate remarks was **Mrs. Jean Frazier.**

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Council Member Cooper-Stokes left the meeting at 10:42 a.m.

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Council Member Stamps left the meeting at 10:42 a.m.

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President Tillman, presiding, took the following vote to allow consideration of an Agenda Item, which had not been submitted to the City Clerk by the agenda deadline of 3:00 P.M., Wednesday, September 4, 2013 as mandated by Section 19 of the Rules of Procedure Ordinance adopted August 13, 1985:

Council Member Yarber moved, seconded by **Council Member Priester,** to allow the item to be added to the agenda. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Priester, Tillman, Whitwell and Yarber.
Nays- None.
Absent- Cooper-Stokes and Stamps.

Council Member Stamps returned to the meeting at 10:43 a.m.

ORDER AUTHORIZING THE USE OF THALIA MARA HALL, THE MISSISSIPPI MUSEUM OF ART, THE PLANETERIUM AND OTHER VENUES IN DOWNTOWN JACKSON AS A LOCATION FOR A NATIONAL COMMERCIAL PRODUCED BY TOYOTA MOTOR CORPORATION.

WHEREAS, the City of Jackson seeks opportunities to promote the capital of the State of Mississippi as a tourist attraction; and

WHEREAS, Thalia Mara Hall, AND OTHER Downtown landmarks provides citizens and visitors various venues for education and entertainment; and

WHEREAS, Toyota Motor Corporation will produce a national commercial with Thalia Mara Hall and various other venues as filming locations; and

WHEREAS, Toyota Motor Corporation will reimburse the City of Jackson a fee of $300.00 for the use of the lights and fountains as a backdrop, and $1,557.78 for eight (8) police officers required for commercial filming in downtown Jackson, for a total of $1,857.78; and

WHEREAS, the best interest of the City of Jackson and its citizenry would be served by authorizing the use of various Downtown Landmarks as filming sites for a national commercial by Toyota Motor Corporation and the reimbursement of the monies aforementioned.

IT IS HEREBY ORDERED that Thalia Mara Hall and various other venues be used as a backdrop for a national commercial to be produced by Toyota Motor Corporation.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays-None.
Absent- Cooper-Stokes.

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ORDER APPROVING CLAIMS NUMBERED 16803 TO 17131, APPEARING AT PAGES 2608 TO 2658, INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF $2,977,990.32 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 16803 to 17131, appearing at pages 2608 to 2658 , inclusive thereon, in the Municipal "Docket of Claims", in the

aggregate amount of $2,977,990.32 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:

FROM:	**TO ACCOUNTS PAYABLE FUND**
2008 GO STREET CONSTRUCTION FD	370,189.77
2012 G. O. NOTE-CAPITAL PROJECT	47,730.88
AMERICORP CAPITAL CITY REBUILD	61.93
BUSINESS IMPROV FUND (LANDSCP)	11,622.86
CAPITAL CITY REVENUE FUND	1,102.21
CAPITOL STREET 2-WAY PROJECT	165,957.26
DISABILITY RELIEF FUND	125,050.01
EARLY CHILDHOOD (DAYCARE)	5,733.29
G O PUB IMP CONS BD 2003 ($20M)	8,326.01
GENERAL FUND	1,323,659.87
HOUSING COMM DEV ACT (CDBG) FD	562.79
LANDFILL/SANITATION FUND	556,264.14
MADISON SEWAGE DISP OP & MAINT	21.96
NCSC SENIOR AIDES	111.40
P E G ACCESS-PROGRAMMING FUND	369.74
PARKS & RECR. FUND	20,120.39
REPAIR & REPLACEMENT FUND	181.11
SAFE NEIGHBORH'D YTH DEVELOPMT	156.00
SEIZURE & FORFEITED PROP- FED	26.84
TECHNOLOGY FUND	7,426.74
TRANSPORTATION FUND	140,823.85
VEHICLE POOL FUND	433.00
WATER/SEWER OP & MAINT FUND	34,047.79
WATER/SEWER REVENUE FUND	158,010.48
	$2,977,990.32

Council Member Barrett-Simon moved adoption; **Council Member Whitwell** seconded.

President Tillman recognized **Lee Unger**, the City's Director of Administration, who provided the Council with a brief overview of the Claims Docket at the request of **Council Member Whitwell.**

Thereafter, **President Tillman** called for a final vote on the claims docket:

Yeas- Barrett-Simon, Priester, Tillman and Whitwell.
Nays-Cooper-Stokes, Stamps and Yarber.
Absent- None.

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ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 16803 TO 17131 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 16803 to 17131, inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of $ 307,935.87 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		47,343.79
PARKS & RECR.		20,885.67
LANDFILL FUND		4,256.88
SENIOR AIDES		8,605.61
WATER/SEWER OPER. & MAINT		29,536.76
PAYROLL FUND	307,935.87	
EARLY CHILDHOOD		2,265.03
TITLE III AGING PROGRAMS		2,742.24

TOTAL $115,635.98

Council Member Barrett-Simon moved adoption; **Council Member Whitwell** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent- None.

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ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF ALLEN JONES AS DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION FOR THE CITY OF JACKSON, MISSISSIPPI.

WHEREAS, the Mayor nominated Allen Jones to the position of Director of the Department of Parks and Recreation for the City of Jackson, Mississippi; and

WHEREAS, the nomination came before the City Council for confirmation as required by Section 21-8-23, Mississippi Code of 1972, as amended; and

WHEREAS, the City Council has considered the nomination, and a majority of the Council present and voting has determined that the nominee, Allen Jones, should be confirmed.

IT IS THEREFORE ORDERED by the City Council of the City of Jackson, Mississippi that the nomination of Allen Jones to the position of Director of the Department of Parks and Recreation for the City of Jackson, Mississippi, is hereby confirmed by the City Council and Allen Jones is hereby appointed by the governing authorities to said position.

IT IS FURTHER ORDERED that the Mayor has the authority to enter into an employment contract with Allen Jones for an annual compensation at or below the pay range established for the position of Director of the Department of Parks and Recreation, and for other terms that are consistent with state law and previous employment contracts entered into by the City of Jackson and department heads.

Council Member Yarber moved adoption; **Council Member Barrett-Simon** seconded.

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Allen Jones** for consideration as Director of the Department of Parks and Recreation, City of Jackson, Mississippi. **Allen Jones** read his personal statement and answered questions posed to him by Council Members.

Thereafter, **President Tillman** called for a vote:

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent- None.

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ORDER REAPPOINTING COUNCILMAN QUENTIN WHITWELL TO THE BOARD OF DIRECTORS OF THE CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT.

WHEREAS, the Board of Directors of the Central Mississippi Planning and Development District ("Board") shall consist of four (4) members, appointed by the City of Jackson, Mississippi ("City of Jackson"), for a term of two (2) years; and

WHEREAS, Councilman Quentin Whitwell's term on the Board expired on March 8, 2013, thereby creating a vacancy; and

WHEREAS, Councilman Quentin Whitwell, after evaluation of his qualifications, has been renominated by the Mayor to fill said vacancy.

IT IS, THEREFORE, ORDERED that Councilman Quentin Whitwell is reappointed to the Board, with said term to expire on March 1, 2015.

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

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent- None.

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ORDER APPOINTING COUNCILMAN DE'KEITHER STAMPS TO THE BOARD OF DIRECTORS OF THE CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT.

WHEREAS, the Board of Directors of the Central Mississippi Planning and Development District ("Board") shall consist of four (4) members, appointed by the City of Jackson, Mississippi ("City of Jackson"), for a term of two (2) years; and

WHEREAS, Otha Burton's term on the Board expired on March 8, 2013, thereby creating a vacancy; and

WHEREAS, Councilman De'Keither Stamps, after evaluation of his qualifications, has been nominated by the Mayor to fill said vacancy.

IT IS, THEREFORE, ORDERED that Councilman De'Keither Stamps is appointed to the Board, with said term to expire on March 1, 2015.

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

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent- None.

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ORDER APPOINTING MAYOR CHOKWE LUMUMBA TO THE BOARD OF DIRECTORS OF THE CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT.

WHEREAS, the Board of Directors of the Central Mississippi Planning and Development District ("Board") shall consist of four (4) members, appointed by the City of Jackson, Mississippi ("City of Jackson"), for a term of two (2) years; and

WHEREAS, former Mayor Harvey Johnson Jr.'s term on the Board expired on March 8, 2013, thereby creating a vacancy; and

WHEREAS, Mayor Chokwe Lumumba, after evaluation of his qualifications, has been nominated to fill said vacancy.

IT IS, THEREFORE, ORDERED that Mayor Chokwe Lumumba is appointed to the Board, with said term to expire on March 1, 2015.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman, Whitwell and Yarber.
Nays-None.
Absent- None.

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Council Member Priester left the meeting at 11:08 a.m.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT WITH JACKSON METRO CENTER MALL, LTD FOR USE OF ITS FACILITY TO HOST DISABILITY AWARENESS DAY.

WHEREAS, the City of Jackson will host a Disability Awareness Day on October 23, 2013; and

WHEREAS, the *event* fair is for residents of the City of Jackson, Mississippi interested in securing information about disabilities; and

WHEREAS, the Department of Human and Cultural Services has determined that Jackson Metro Center Mall, Ltd has suitable space for the *event*; and

WHEREAS, Jackson Metro Center Mall, Ltd is amenable to allowing the use of its facilities for the *event* at cost of $1.00 to the City of Jackson; and

WHEREAS, the Jackson Metro Center Mall, Ltd. has agreed to allow the City of Jackson to utilize its *Center Court* together with 100 chairs and 20 tables for the event; and

WHEREAS, the Jackson Metro Center Mall, Ltd., will charge the City of Jackson nominal rent in the amount of $1.00 for the use of the space; and

WHEREAS, the best interest of the City of Jackson would be served by authorizing the Mayor to execute a License Agreement with Jackson Metro Center Mall, Ltd., and the payment of the rent of $1.00 for use of its *Center Court* for the *event*.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute a License Agreement with the Jackson Metro Center Mall, LTD, for the Disability Awareness for the citizens of Jackson which is anticipated to be held on October 23, 2013.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed $1.00 may be expended for the rental or use of the space provided by Jackson Metro Center Mall, Ltd.

Council Member Stamps moved adoption; **Council Member Barrett-Simon** seconded.

Yeas-Barrett-Simon, Cooper-Stokes, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent-Priester.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT WITH JACKSON METRO CENTER MALL, LTD FOR USE OF ITS FACILITY TO CONDUCT THE JOBS FOR JACKSONIANS JOB FAIR.

WHEREAS, the City of Jackson will sponsor Jobs for Jacksonians Job Fair on September 25, 2013; and

WHEREAS, the job fair is for residents of the City of Jackson, Mississippi interested in securing employment; and

WHEREAS, the Department of Human and Cultural Services has determined that Jackson Metro Center Mall, Ltd has suitable space for the Jobs for Jacksonians Job Fair; and

WHEREAS, Jackson Metro Center Mall, Ltd is amenable to allowing the use of its facilities for the Job fair at nominal cost to the City of Jackson; and

WHEREAS, the Jackson Metro Center Mall, Ltd. has agreed to allow the City of Jackson to utilize its *Center Court* together with 120 chairs and 20 tables for the event; and

WHEREAS, the Jackson Metro Center Mall, Ltd., will charge the City of Jackson nominal rent in the amount of $1.00 for the use of the space; and

WHEREAS, the best interest of the City of Jackson would be served by authorizing the Mayor to execute a License Agreement with Jackson Metro Center Mall, Ltd., and the payment of the rent of $1.00 for use of its *Center Court* for the Jobs Jacksonians Job Fair.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute a License Agreement with the Jackson Metro Center Mall, LTD, for the Jobs Jacksonians Job Fair for the citizens of Jackson which is anticipated to be held on September 25, 2013.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed $1.00 may be expended for the rental or use of the space provided by Jackson Metro Center Mall, Ltd.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas-Barrett-Simon, Cooper-Stokes, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent-Priester.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT WITH JACKSON METRO CENTER MALL, LTD FOR USE OF ITS FACILITY TO CONDUCT THE AMERICORPS CAPITAL CITY REBUILDS PROGRAM.

WHEREAS, the City of Jackson will sponsor a Graduation Ceremony for the AmeriCorps Capital City Rebuilds Program on August 30, 2013; and

WHEREAS, the graduation ceremony is for members of the City of Jackson AmeriCorps Capital City Rebuilds Program; and

WHEREAS, the Department of Human and Cultural Services has determined that Jackson Metro Center Mall, Ltd has suitable space for the AmeriCorps Capital City Rebuilds Program Graduation Ceremony; and

WHEREAS, Jackson Metro Center Mall, Ltd is amenable to allowing the use of its facilities for the graduation ceremony at no cost to the City of Jackson; and

WHEREAS, the Jackson Metro Center Mall, Ltd. has agreed to allow the City of Jackson to utilize its *Community Room* together with 100 chairs and 10 tables for the event; and

WHEREAS, the Jackson Metro Center Mall, Ltd., will charge the City of Jackson nominal rent in the amount of $1.00 for the use of the space; and

WHEREAS, the best interest of the City of Jackson would be served by authorizing the Mayor to execute a License Agreement with Jackson Metro Center Mall, Ltd., and the payment of the rent of $1.00 for use of its *Community Room* for the AmeriCorps Capital City Rebuilds Program Graduation Ceremony.

IT IS HEREBY ORDERED that the mayor shall be authorized to execute a License Agreement with the Jackson Metro Center Mall, LTD, for the Graduation Ceremony for the members of City of Jackson AmeriCorps Capital City Rebuilds Program which is anticipated to be held on August 30, 2013.

IT IS FURTHER HEREBY ORDERED that a sum not to exceed $1.00 may be expended for the rental or use of the space provided by Jackson Metro Center Mall, Ltd.

Council Member Barrett-Simon moved adoption; **Council Member Whitwell** seconded.

Yeas-Barrett-Simon, Cooper-Stokes, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent-Priester.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DR. COSANDRA MCNEAL TO EVALUATE AND REPORT ON THE AMERICORP CAPITAL CITY REBUILDS PROGRAM FOR THE 2012-2013 YEAR.

WHEREAS, the City of Jackson was awarded funds by the Mississippi Commission on Volunteer Service for its Americorp Capital City Rebuilds Program during the 2012-2013 year; and

WHEREAS, the Mississippi Commission on Volunteer Service requires fund recipients to evaluate and report to it on the effectiveness of its programming; and

WHEREAS, it is in the best interest of the City of Jackson to hire an independent individual to analyze data and report on the effectiveness of its Americorp Captial City Rebuilds Program; and

WHEREAS, Dr. CoSandra McNeal is capable and qualified to conduct the evaluation and prepare the report required by the Mississippi Commission on Volunteer Service; and

IT IS HEREBY ORDERED that the Mayor is authorized to execute an Agreement with Dr. CoSandra McNeal to evaluate and prepare a report on the effectiveness of the Americorp Capital City Rebuilds Program for the 2012-2013 year.

IT IS HEREBY ORDERED that Dr. CoSandra McNeal may be paid reasonable compensation in an amount not to exceed two thousand dollars ($2,000.00) for the services and reimbursed reasonable expenses not to exceed $ 2,000.00 for printing and binding of the report.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas-Barrett-Simon, Cooper-Stokes, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent-Priester.

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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 PURSUANT TO ADMINISTRATIVE HEARINGS HELD JULY 23, 2013 FOR THE FOLLOWING CASES:

2012-3125 2012-3310 2012-3584 2012-3626 2012-3627 2012-3629 2013-1336 2013-1342 2013-1757 2013-1764.

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 23, 2013; 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 #2012-3125: Parcel #306-150** located at *214 Nimitz 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. *Board-up – Ward 4*

2) **Case #2012-3310**: **Parcel #125-45-1** located *190 Kolb 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. *Board-up – Ward 5*

3) Case #**2012-3584**: **Parcel #133-29** located *142 AD Magnolia 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. *Board-up – Ward 4*

4) **Case #2012-3626: Parcel #306-1054** located at *4306 Wainwright 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. *Board-up – Ward 4*

5) **Case #2012-3627: Parcel #306-361** located at *4307 Wainwright 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. *Board-up – Ward 4*

6) **Case #2012-3629: Parcel #306-358** located *4313 Wainwright 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. *Board-up – Ward 4*

7) **Case #2013-1336**: **Parcel #129-38** located *1735 Grand 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. *Grass and Weeds – Ward 5*

8) **Case #2013-1342: Parcel #114-118** located *0 N. Prentiss Street/239*: 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. *Grass and Weeds – Ward 5*

9) **Case #2013-1757: Parcel #304-112** located *2949 Shelia 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. *Grass and Weeds – Ward 4*

10) **Case #2013-1764**: Parcel #**123-131** located *0 Ellis Avenue/350*: 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. *Board-up – Ward 5*

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.

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 A, located in the City Clerk's Office of the City of Jackson, Mississippi.

Council Member Barrett-Simon moved adoption; **Council Member Whitwell** seconded.

Yeas-Barrett-Simon, Cooper-Stokes, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent-Priester.

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Council Member Priester returned to the meeting at 11:13 a.m.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1, FINAL TO THE 2012 STREET RESURFACING PROGRAM, CITY PROJECT NO. 12B4000-901 WITH APAC-MISSISSIPPI, INC. DECREASING THE AMOUNT, AUTHORIZING FINAL PAYMENT TO APAC-MISSISSIPPI, INC.; AND FURTHER AUTHORIZING PUBLICATION OF NOTICE OF COMPLETION OF THE 2012 STREET RESURFACING PROGRAM, CITY PROJECT NO. 12B4000-901

WHEREAS, on December 27, 2012 the City Council accepted the bid of APAC-Mississippi, Inc. for the amount of $1,136,735.00 for the 2012 Street Resurfacing Program, City Project No. 12B4000-901 and authorized the Mayor to execute a contract; and

WHEREAS, the City of Jackson issued a notice to proceed to APAC-Mississippi, Inc. on April 1, 2013; and

WHEREAS, the City of Jackson determined that the said project was substantially completed as of July 24, 2013; and

WHEREAS, there was a decrease in the quantities under the contract in the amount of $115,423.84; and

WHEREAS, the bonding company, Federal Insurance Company, by Winnie Ellis, Attorney-in-Fact, surety on the performance and payment bonds, has authorized the release of retainage and payment of all amounts due under the contract.

IT IS, THERFORE, ORDERED that the Mayor is authorized to execute a Change Order No. 1, Final, to the contract of APAC-Mississippi, Inc. for the 2012 Street Resurfacing Program, City Project No. 12B4000-901, which decreases said contract by the amount of $115,423.84.

IT IS FURTHER ORDERED that final payment in the amount of $51,065.56 be made and all securities held be released to APAC-Mississippi, Inc., for all work done and materials furnished under said contract, and that the City Clerk is authorized to publish Notice of Completion for the 2012 Street Resurfacing Program, City Project No. 12B4000-901.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas-Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent-None.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND OTHER DOCUMENTS NECESSARY FOR THE KEY/PEEPLES SAFE ROUTES TO SCHOOL PROJECT.

WHEREAS, the Federal Highway Administration Safe Routes to School program provides funding through a competitive application process for projects designed to promote walking and bicycling to school; and

WHEREAS, the FHWA Safe Routes to School program is administered in Mississippi by the Mississippi Department of Transportation; and

WHEREAS, students at Key Elementary School and Peeples Middle School on Belvedere Drive have to walk on the shoulder or in the street along Belvedere Drive due to a lack of any sidewalks; and

WHEREAS, the City of Jackson, working in conjunction with the Jackson Public School District was awarded $198,417 to construct a sidewalk along Belvedere Drive to provide Key and Peeples students with a safe route to walk or bike to school.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a Memorandum of Understanding and other documents necessary for the Key/Peeples Safe Routes to School project and submit the same to the Mississippi Department of Transportation.

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

Yeas-Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent-None.

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ORDER AUTHORIZING PAYMENT TO THE KANSAS CITY SOUTHERN RAILWAY COMPANY FOR THE REPLACEMENT OF THE HAWKINS FIELD RAILROAD SPUR CROSSING AT BULLARD STREET.

WHEREAS, in 1969 the City of Jackson entered into an Agreement with the Illinois Central Railroad Company ("the Railroad") to allow the railroad to operate trains on a railroad constructed by the City in the Hawkins Field Industrial Park; and

WHEREAS, the Agreement required the City to maintain the rail spur and crossings and that only the railroad was authorized to repair or replace the crossing as needed with the City bearing the cost of said repairs; and

WHEREAS, the Kansas City Southern Railway Company, the successor railroad company to the agreement, informed the City that the rails at the Bullard Street crossing had widened to the point that railroad traffic could no longer travel safely into the Hawkins Field Industrial Park; and

WHEREAS, the Kansas City Southern Railway Company began construction work to replace the crossing to provide for safe railroad access to the industrial park and indirectly safe vehicular travel for motorists.

WHEREAS, the cost of the work to replace the railroad spur crossing as performed by the Kansas City Southern Railway Company was $180,297.40.

IT IS, THEREFORE, ORDERED that payment be made to the Kansas City Southern Railway Company in the amount of $180,297.40 for the replacement of the Hawkins Field railroad spur crossing at Bullard Street.

Council Member Whitwell moved adoption; **Council Member Yarber** seconded.

Yeas-Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays- Cooper-Stokes.
Absent-None.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE U.S.D.A NATURAL RESOURCES CONSERVATION SERVICE FOR THE EMERGENCY WATERSHED PROTECTION PROGRAM TO INSTALL EMERGENCY WATERSHED PROTECTION MEASURES AT COLONIAL CIRCLE AND LIVINGSTON ROAD.

WHEREAS, under the provisions of Section 216 of the Flood Control Act of 1950, Public Law 81-516, 33 U.S.C. 701b-1; and section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, as amended by Section 382, of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127, 16 U.S.C. 2203 (CFDA 10.923), NRCS is authorized to assist the Sponsor in relieving hazards created by natural disasters that cause a sudden impairment of watershed; and

WHEREAS, the Sponsor (City of Jackson) has requested the NRCS to install Emergency Watershed Protection measures to relieve hazards created by the Hurricane Isaac Storm Event; and

WHEREAS, site visits were conducted on August 28, 2012 by City staff and the Natural Resources Conservation Service (NRCS) personnel to several locations to pursue Federal Funding under the Emergency Watershed Protection (EWP) Program; and

WHEREAS, two locations were approved under the emergency watershed protection program to relieve hazards created by the Hurricane Isaac Storm event: Colonial Circle in Northeast Jackson; and Livingston Road located in North Jackson; and

WHEREAS, the total estimated cost for construction is $135,000.00 dollars, with the NRCS's share to be $101,250.00 and the City of Jackson's share to be $33,750.00, which will be funded through the Drainage Repair & Replacement Fund.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a project agreement with State Conservationist, U.S.D.A. Natural Resources Conservation Service, for federal financial assistance with emergency watershed protection work, as authorized by the Emergency Watershed Protection Program, for a total estimated cost of $135,000.00.

IT IS FURTHER ORDERED that the Mayor is authorized to execute all related documents necessary to administer the project agreement including no-cost items and a copy of said agreement and all other related documents shall be filed for record with the City Clerk.

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas-Barrett-Simon, Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent-None.

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Council Member Whitwell left the meeting at 11:26 a.m.

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There came on for consideration Agenda Item No. 19:

DISCUSSION: 1% SALES TAX INCREASE: President Tillman recognized **Council Member Stamps** who expressed concerns regarding the 1% sales tax increase and how the increase could be an option for additional revenue to address the obligation of the decent decree.

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DISCUSSION: FARISH STREET: President Tillman recognized **Council Member Cooper-Stokes** who expressed concerns regarding several streetlights not functioning properly in the Farish Street area. **Council Member Cooper-Stokes** also expressed concerns regarding the need of a Ward 3 appointment to the Jackson Redevelopment Authority Board.

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DISCUSSION: DALEHAVEN MANOR APARTMENTS: President Tillman recognized **Council Member Cooper-Stokes** who requested **Carla Baskin, Social Services Coordinator of Dalehaven Manor Apartments,** to speak regarding the Community Health Fair.

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DISCUSSION: CLEAN UP AROUND CONVENIENCE STORES: President Tillman recognized **Council Member Yarber** who expressed concerns regarding the cleanliness of convenience stores and requested that Administration be more forceful with violations.

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The following announcements/reports were provided during the meeting:

- Ward 6 Community Meeting at 6:30 p.m. on September 12, 2013 at Wingfield High School
- National Night Out on October 1, 2013
- Dad's of Destiny Conference at 5:45 p.m. on September 29, 2013 at JSU E-Center
- Honorary Renaming Ceremony for Detective Eric Smith at 2:00 p.m. on September 12, 2013
- Town Hall Meeting at 6:30 p.m. on September 11, 2013 at Progressive Missionary Baptist Church
- Make a Difference Day on October 26, 2013

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The meeting was closed in memory of the following individuals:

- John Hempton Dennis
- Del Budrow
- Rita Kay Purvis
- Betty Hunt
- Charles Green

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Meeting to be held at 10:00 a.m. on Thursday, September 12, 2013; at 12:03 p.m., the Council stood adjourned.

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, SEPTEMBER 10, 2013, 10:00 A.M.

ATTEST: **APPROVED:**

CITY CLERK **MAYOR** **DATE** 10-16-13

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