

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, OCTOBER 22, 2013, 6:00 P.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 6:00 p.m. on October 22, 2013, being the fourth Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President, Ward 5; Melvin Priester, Jr., Vice President, Ward 2; Quentin Whitwell, Ward 1; LaRita Cooper-Stokes, Ward 3; De'Keither Stamps, Ward 4 and Margaret Barrett-Simon, Ward 7. Directors: Chokwe Lumumba, Mayor; Brenda Pree, City Clerk; Beatrice Byrd and Toya Martin, Deputy City Clerk's and James Anderson, Special Assistant to the City Attorney.

Absent: Tony Yarber, Ward 6.

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

The invocation was offered by **Willie Tobias** of Progressive Morning Star M.B. Church.

The following individual was introduced during the meeting:

- Ineva May Pittman

President Tillman recognized the following individuals who provided public comments:

- **Stephanie Parker Weaver** invited Members of the Council to the Bras for Tata's Event from 5:00 p.m.-9:00 p.m. on Monday October 28, 2013.
- **Beth Thrasher**, Math teacher at Wingfield High School, spoke about Vector Jiu-Jitsu, a Youth Development Program.
- **Tom Bradford** expressed support of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.
- **William Wilkerson** expressed concerns regarding the need of speed bumps on Enoch's Street.
- **Napoleon Campbell** expressed concerns regarding the need of a center for disable citizens.
- **Teresa Sterling** offered words of encouragement.
- **Ineva May Pittman** expressed concerns regarding the condition of the water pipes throughout the City.
- **John Blackmon** expressed support of Lanier High School and opposed to making Lanier High School a Charter School.
- **Lynda Brassfield** expressed support of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.

There came on for introduction Agenda Item No: 2:

ORDER ACCEPTING PAYMENT OF \$1,747.21 FROM GEICO GENERAL INSURANCE COMPANY ON BEHALF OF ITS INSURED (RANDY MOULDER) 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 \$1,747.21 as a property damage settlement for damage sustained to a City of Jackson vehicle (PT-680) on May 23, 2013.

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

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

ORDER ACCEPTING PAYMENT OF \$1,177.09 FROM NATIONWIDE PROPERTY AND CASUALTY INSURANCE COMPANY ON BEHALF OF ITS INSURED (MELIAH GRANT) 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 \$1,177.09 as a property damage settlement for damage sustained to a City of Jackson vehicle (PC-1457) on August 23, 2013.

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

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

ORDER AUTHORIZING PAYMENT OF \$5,136.93 TO JAMES MCALLISTER AND METRO PAINT AND COLLISION, LLC AS A FULL AND COMPLETE SETTLEMENT OF A PROPERTY DAMAGE CLAIM.

IT IS HEREBY ORDERED that payment in the amount of \$5,136.93 be made to James McAllister and Metro Paint and Collision, LLC as full and complete settlement for any and all claims resulting from a vehicular accident that occurred on August 7, 2013, with a City of Jackson vehicle.

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

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

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President Tillman requested that the **Resolutions** to be presented be moved forward on the Agenda. Hearing no objections, **President Tillman** requested that the Clerk read the following:

RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING AGAPE COMMUNITY DEVELOPMENT CORPORATION. Accepting the Resolution with appropriate remarks was **Reverend Doc Cooper** and **Vonda Cooper Bush**.

Council Member Cooper-Stokes left the meeting at 6:45 p.m.

There came upon consideration Agenda Item No. 5:

ORDER APPROVING CLAIMS NUMBERED 524 TO 770, APPEARING AT PAGES 86 TO 125, INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$4,279,085.15 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 524 to 770, appearing at pages 86 to 125, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$4,279,085.15 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:

<u>FROM:</u>	<u>TO ACCOUNTS PAYABLE FUND</u>
2012 G.O. NOTE-CAPITAL PROJECT	2,800.00
2012 WATER/SEWER REFUNDING B&I	3,000.00
AMERICORP CAPITAL CITY REBUILD	700.00
CAPITOL STREET 2-WAY PROJECT	304,377.05
CONVEN REFUNDING, SERIES 2013A	2,985.31
EARLY CHILDHOOD (DAYCARE)	4,753.53
EMERGENCY SHELTER GRANT (ESG)	25.56
G O PUB IMP CONS BD 2003 (\$20M)	7,548.20
G O PUBLIC IMP 2003 B&I (\$20M)	3,910.45
GENERAL FUND	282,778.31
HOME PROGRAM FUND	25,000.00
HOUSING COMM DEV AT (CDBG) FD	3,590.18
JXN CONVENTION & VISITORS BUR	272,948.42
LANDFILL/SANITATION FUND	52,087.01
MADISON SEWAGE DISP OP & MAINT	2,511.46
PARKS & RECR. FUND	20,100.94
STATE TORT CLAIMS FUND	9,009.95
TECHNOLOGY FUND	8,066.07
TITLE III AGING PROGRAMS	509.57
TRANSPORTATION FUND	123,703.12
UNEMPLOYMENT COMPENSATION REVO	8,660.43
WATER/SEWER CAPITAL IMP FD 12M	528,668.48
WATER/SEWER CAPITAL IMPR FUND	1,227,288.60
WATER/SEWER CONST FD 2002-\$50M	55,736.22

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WATER/SEWER CONST FD 2004-\$78M	43,060.12
WATER/SEWER OP & MAINT FUND	1,222,855.81
WATER/SEWER REVENUE FUND	40,250.36
WIRELESS RADIO COMMUNCATN FUND	22,160.00

\$4,279,085.15

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

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 524 TO 770 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 524 to 770, inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$128,995.86 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:

<u>FROM</u>	<u>TO ACCOUNTS PAYABLE FUND</u>	<u>TO PAYROLL FUND</u>
GENERAL FUND		1,992,804.08
PARKS & RECR.		69,996.14
LANDFILL FUND		25,281.89
SENIOR AIDES		2,578.72
WATER/SEWER OPER. & MAINT		216,495.70
PAYROLL FUND	1,020.00	1,191.00
EARLY CHILDHOOD		33,952.79
HOUSING COMM DEV		7,763.89
TITLE III AGING PROGRAMS		6,175.20
AMERICORP CAPITAL CITY REBUILD		11,488.64
TRANSPORTATION FUND		5,692.15
T-WARNER PA/GA FUND		6,839.26
COPS HIRING GRANT 2011		31,254.40

TOTAL \$2,411,342.86

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

Yeas- Barrett-Simon, Stamps, Priester, Tillman and Whitwell

Nays- None.

Absent- Cooper-Stokes and Yarber.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE WIRELESS COMMUNICATIONS COMMISSION AND THE CITY OF JACKSON.

WHEREAS, the State Wireless Commission and the City of Jackson had previously entered into a Memorandum of Understanding (MOU) for interoperable radio communications; and

WHEREAS, the previous MOU contained outdated requirements and the new requirements for the continuation of the MOU have been changed and the new requirements are included in this MOU to authorize the programming of P25 radios owned by the City of Jackson for their operation on the MSWIN radio system in the event of an emergency or terrorist event.

IT IS THEREFORE ORDERED that the Mayor be authorized to execute a Memorandum of Understanding (MOU) between the State Wireless Commission and the City of Jackson for the programming of specific P25 radios for interoperable communications on the MSWIN radio communications system.

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

Yeas- Barrett-Simon, Stamps, Priester, Tillman and Whitwell

Nays- None.

Absent- Cooper-Stokes and Yarber.

ORDER EMPLOYING BOND COUNSEL FOR THE ENHANCEMENT OF THE EXISTING SYNTHETIC FIXED RATE REFINANCING SWAP ASSOCIATED WITH THE SERIES 2011 WATER-SEWER REVENUE BONDS.

Said item was referred to the Budget Committee at the request of **President Tillman**.

ORDER EMPLOYING MALACHI FINANCIAL PRODUCTS, INC. TO SERVE AS FINANCIAL ADVISOR FOR THE ENHANCEMENT OF THE EXISTING SYNTHETIC FIXED RATE REFINANCING SWAP ASSOCIATED WITH THE SERIES 2011 WATER/SEWER REVENUE BONDS.

Said item was referred to the Budget Committee at the request of **President Tillman**.

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ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF GAIL WRIGHT LOWERY, ESQ. AS CITY ATTORNEY FOR THE CITY OF JACKSON, MISSISSIPPI.

WHEREAS, the Mayor has appointed Gail Wright Lowery, Esq. as City Attorney for the City of Jackson, Mississippi, effective October 14, 2013; and

WHEREAS, the appointment came before the City Council for confirmation as required by Section 21-8-23 and 21-15-25, Mississippi Code of 1972, as amended; and

WHEREAS, the City Council has considered the appointment and a majority of the Council present and voting has determined that the appointee, Gail Wright Lowery, Esq., should be confirmed.

IT IS THEREFORE ORDERED by the City Council of the City of Jackson, Mississippi that Gail Wright Lowery, Esq. is hereby appointed to the position of City Attorney for the City of Jackson, Mississippi.

Council Member Tillman moved adoption; Council Member Barrett-Simon seconded.

President Tillman recognized Mayor Chokwe Lumumba, who gave a brief presentation on the qualifications of Gail Wright Lowery for consideration as City Attorney, City of Jackson, Mississippi. Gail Wright Lowery read her personal statement and answered questions posed to her by Council Members.

Thereafter, President Tillman called for a vote:

Yeas- Barrett-Simon, Stamps, Priester, Tillman and Whitwell

Nays- None.

Absent- Cooper-Stokes and Yarber.

ORDER APPOINTING GILBERT STURGIS TO THE BOARD OF DIRECTORS OF THE CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT.

Said item was pulled at the request of Mayor Chokwe Lumumba.

Council Member Cooper-Stokes returned to the meeting at 7:33 p.m.

RESOLUTION DECLARING THE INTENTION OF THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI TO IMPOSE UPON ALL PERSONS AS A PRIVILEGE FOR ENGAGING OR CONTINUING IN BUSINESS OR DOING BUSINESS WITHIN THE CITY OF JACKSON A SPECIAL SALES TAX AT THE RATE OF NOT MORE THAN ONE PERCENT (1%) OF THE GROSS PROCEEDS OF SALES OR GROSS INCOME OF THE BUSINESS, AS THE CASE MAY BE, DERIVED FROM ANY OF THE ACTIVITIES TAXED AT THE RATE OF SEVEN PERCENT (7%) OR MORE UNDER THE MISSISSIPPI SALES TAX LAW, FOR THE PURPOSE OF PAYING THE COST OF ROAD AND STREET REPAIR, RECONSTRUCTION AND

RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE PROJECTS, AND CALLING FOR A REFERENDUM TO BE HELD ON THE QUESTION.

WHEREAS, in its 2011 Legislative Session, the Mississippi State Legislature passed Senate Bill 2839, which amended Miss. Code Ann. § 27-65-241, and authorized the imposition of a special sales tax for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson; and

WHEREAS, Miss. Code Ann. § 27-65-241 authorizes the City of Jackson to hold a referendum on the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.; and

WHEREAS, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall apply to every person making sales, delivery or installations of tangible personal property or services within the City of Jackson, but shall specifically exclude the following:

(a) sales exempted by Sections 27-65-19, 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and 27-65-111 of the Mississippi Sales Tax Law;

(b) gross proceeds of sales or gross income of hotels and motels derived from the sale of hotel rooms and motel rooms for lodging purposes;

(c) gross proceeds of sales or gross income of restaurants derived from the sale of food and beverages;

(d) retail sales of food for human consumption not purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, but which would be exempt under Section 27-65-111(o) from the taxes imposed by this chapter if the food items were purchased with food stamps;

(e) gross income of businesses engaging or continuing in the business of TV cable systems, subscription TV services, and other similar activities, including, but not limited to, cable Internet services;

(f) gross income of businesses engaging or continuing in the business of providing telecommunication services and other similar services, including, but not limited to, Internet services, Internet protocol television (IPTV) services, satellite television services and Mobile TV broadcasting services; and

WHEREAS, pursuant to Miss. Code Ann. § 27-65-241, the governing authorities of the City of Jackson, Mississippi declares its intent and hereby calls for a referendum to be held on the question of imposing a special sales tax for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson; and

WHEREAS, the date of the referendum shall be set for Tuesday, January 14, 2014, and upon successful passage of the referendum, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall become effective on March 1, 2014, being the first day of the second month following the date of adoption of a resolution by the governing authorities declaring the levy and collection of the special sales tax; and

WHEREAS, said referendum ballots shall be printed in the manner and form as provided in Mississippi Code Annotated Section 27-65-241(3) to include a brief description of the sales tax, statement of the amount and purposes of the proposed tax levy and the words "FOR THE LOCAL SALES TAX" and "AGAINST THE LOCAL SALES TAX"; and

WHEREAS, a special sales tax shall not be levied unless approved by at least three-fifths (3/5) of the qualified electors casting votes in favor of the tax; and

WHEREAS, the special sales tax shall stand repealed from and after July 1, 2032.

THEREFORE, BE IT RESOLVED BY THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI that a referendum is hereby called on the question of the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq., for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson.

BE IT FURTHER RESOLVED that the date of the referendum is hereby set for Tuesday, January 14, 2014, and upon successful passage, taxes levied shall become effective on March 1, 2014, being the first day of the second month following the date of adoption of a resolution by the governing authorities declaring the levy and collection of the special sales tax. Said tax shall stand repealed from and after July 1, 2032.

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

President Tillman recognized **Mayor Chokwe Lumumba** who provided discussion on said item. **President Tillman** recognized **Walter Zinn, Intergovernmental Relations Specialist**, who answered questions posed by Council Members regarding said item.

After lengthy discussion, **President Tillman** recognized **Council Member Stamps** who made a motion to amend language of said item to reflect the following: Public Works be the first priority in doing the work and if work has to be contracted out that 100 percent of the work be given to Jackson based businesses.

President Tillman recognized **Anitra Eubanks, Deputy City Attorney** who informed the Council of the need to comply with the State purchasing and bid laws with any amendments that are made by Council. State purchasing laws give preference to Mississippi residents, not Jackson residents.

President Tillman recognized **Mayor Lumumba** who presented an amendment to the language of said item to reflect the following: Be It Resolved that in passing the forgoing Resolution, the City Council's purpose is in part to create more jobs and economic contracts for Jacksonians and Jackson businesses to the extent allowed by law.

Thereafter, all original motions and seconds were withdrawn. .

President Tillman recognized **Anitra Eubanks, Deputy City Attorney** who read the amendment for the record to reflect the following language: Be It Resolved that in passing the forgoing Resolution, the City Council's purpose is in part to create more jobs and economic contracts for Jacksonians and Jackson businesses to the extent allowed by law.

RESOLUTION DECLARING THE INTENTION OF THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI TO IMPOSE UPON ALL PERSONS AS A PRIVILEGE FOR ENGAGING OR CONTINUING IN BUSINESS OR DOING BUSINESS WITHIN THE CITY OF JACKSON A SPECIAL SALES TAX AT THE RATE OF NOT MORE THAN ONE PERCENT (1%) OF THE GROSS PROCEEDS OF SALES OR GROSS INCOME OF THE BUSINESS, AS THE CASE MAY BE, DERIVED FROM ANY OF THE ACTIVITIES TAXED AT THE RATE OF SEVEN PERCENT (7%) OR MORE UNDER THE MISSISSIPPI SALES TAX LAW, FOR THE PURPOSE OF PAYING THE COST OF ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE PROJECTS, AND CALLING FOR A REFERENDUM TO BE HELD ON THE QUESTION.

WHEREAS, in its 2011 Legislative Session, the Mississippi State Legislature passed Senate Bill 2839, which amended Miss. Code Ann. § 27-65-241, and authorized the imposition of a special sales tax for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson; and

WHEREAS, Miss. Code Ann. § 27-65-241 authorizes the City of Jackson to hold a referendum on the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.; and

WHEREAS, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall apply to every person making sales, delivery or installations of tangible personal property or services within the City of Jackson, but shall specifically exclude the following:

- (a) sales exempted by Sections 27-65-19, 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and 27-65-111 of the Mississippi Sales Tax Law;
- (b) gross proceeds of sales or gross income of hotels and motels derived from the sale of hotel rooms and motel rooms for lodging purposes;
- (c) gross proceeds of sales or gross income of restaurants derived from the sale of food and beverages;
- (d) retail sales of food for human consumption not purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, but which would

be exempt under Section 27-65-111(o) from the taxes imposed by this chapter if the food items were purchased with food stamps;

(e) gross income of businesses engaging or continuing in the business of TV cable systems, subscription TV services, and other similar activities, including, but not limited to, cable Internet services;

(f) gross income of businesses engaging or continuing in the business of providing telecommunication services and other similar services, including, but not limited to, Internet services, Internet protocol television (IPTV) services, satellite television services and Mobile TV broadcasting services; and

WHEREAS, pursuant to Miss. Code Ann. § 27-65-241, the governing authorities of the City of Jackson, Mississippi declares its intent and hereby calls for a referendum to be held on the question of imposing a special sales tax for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson; and

WHEREAS, the date of the referendum shall be set for Tuesday, January 14, 2014, and upon successful passage of the referendum, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall become effective on March 1, 2014, being the first day of the second month following the date of adoption of a resolution by the governing authorities declaring the levy and collection of the special sales tax; and

WHEREAS, said referendum ballots shall be printed in the manner and form as provided in Mississippi Code Annotated Section 27-65-241(3) to include a brief description of the sales tax, statement of the amount and purposes of the proposed tax levy and the words "FOR THE LOCAL SALES TAX" and "AGAINST THE LOCAL SALES TAX"; and

WHEREAS, a special sales tax shall not be levied unless approved by at least three-fifths (3/5) of the qualified electors casting votes in favor of the tax; and

WHEREAS, the special sales tax shall stand repealed from and after July 1, 2032.

THEREFORE, BE IT RESOLVED BY THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI that a referendum is hereby called on the question of the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq., for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson. **Be It Resolved that in passing the forgoing Resolution, the City Council's purpose is in part to create more jobs and economic contracts for Jacksonians and Jackson businesses to the extent allowed by law.**

BE IT FURTHER RESOLVED that the date of the referendum is hereby set for Tuesday, January 14, 2014, and upon successful passage, taxes levied shall become effective on March 1, 2014, being the first day of the second month following the date of adoption of a resolution by the governing authorities declaring the levy and collection of the special sales tax. Said tax shall stand repealed from and after July 1, 2032.

Council Member Stamps made a motion; seconded by **Council Member Whitwell**. The following vote prevailed as amended:

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Whitwell

Nays- None.
Absent- Yarber.

Thereafter, **President Tillman** called for the final Resolution as amended:

RESOLUTION DECLARING THE INTENTION OF THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI TO IMPOSE UPON ALL PERSONS AS A PRIVILEGE FOR ENGAGING OR CONTINUING IN BUSINESS OR DOING BUSINESS WITHIN THE CITY OF JACKSON A SPECIAL SALES TAX AT THE RATE OF NOT MORE THAN ONE PERCENT (1%) OF THE GROSS PROCEEDS OF SALES OR GROSS INCOME OF THE BUSINESS, AS THE CASE MAY BE, DERIVED FROM ANY OF THE ACTIVITIES TAXED AT THE RATE OF SEVEN PERCENT (7%) OR MORE UNDER THE MISSISSIPPI SALES TAX LAW, FOR THE PURPOSE OF PAYING THE COST OF ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE PROJECTS, AND CALLING FOR A REFERENDUM TO BE HELD ON THE QUESTION.

WHEREAS, in its 2011 Legislative Session, the Mississippi State Legislature passed Senate Bill 2839, which amended Miss. Code Ann. § 27-65-241, and authorized the imposition of a special sales tax for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson; and

WHEREAS, Miss. Code Ann. § 27-65-241 authorizes the City of Jackson to hold a referendum on the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.; and

WHEREAS, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall apply to every person making sales, delivery or installations of tangible personal property or services within the City of Jackson, but shall specifically exclude the following:

- (a) sales exempted by Sections 27-65-19, 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and 27-65-111 of the Mississippi Sales Tax Law;
- (b) gross proceeds of sales or gross income of hotels and motels derived from the sale of hotel rooms and motel rooms for lodging purposes;
- (c) gross proceeds of sales or gross income of restaurants derived from the sale of food and beverages;
- (d) retail sales of food for human consumption not purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, but which would be exempt under Section 27-65-111(o) from the taxes imposed by this chapter if the food items were purchased with food stamps;
- (e) gross income of businesses engaging or continuing in the business of TV cable systems, subscription TV services, and other similar activities, including, but not limited to, cable Internet services;
- (f) gross income of businesses engaging or continuing in the business of providing telecommunication services and other similar services, including, but not limited to,

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Internet services, Internet protocol television (IPTV) services, satellite television services and Mobile TV broadcasting services; and

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WHEREAS, the date of the referendum shall be set for Tuesday, January 14, 2014, and upon successful passage of the referendum, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall become effective on March 1, 2014, being the first day of the second month following the date of adoption of a resolution by the governing authorities declaring the levy and collection of the special sales tax; and

WHEREAS, said referendum ballots shall be printed in the manner and form as provided in Mississippi Code Annotated Section 27-65-241(3) to include a brief description of the sales tax, statement of the amount and purposes of the proposed tax levy and the words "FOR THE LOCAL SALES TAX" and "AGAINST THE LOCAL SALES TAX"; and

WHEREAS, a special sales tax shall not be levied unless approved by at least three-fifths (3/5) of the qualified electors casting votes in favor of the tax; and

WHEREAS, the special sales tax shall stand repealed from and after July 1, 2032.

THEREFORE, BE IT RESOLVED BY THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI that a referendum is hereby called on the question of the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq., for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson. Be It Resolved that in passing the forgoing Resolution, the City Council's purpose is in part to create more jobs and economic contracts for Jacksonians and Jackson businesses to the extent allowed by law.

BE IT FURTHER RESOLVED that the date of the referendum is hereby set for Tuesday, January 14, 2014, and upon successful passage, taxes levied shall become effective on March 1, 2014, being the first day of the second month following the date of adoption of a resolution by the governing authorities declaring the levy and collection of the special sales tax. Said tax shall stand repealed from and after July 1, 2032.

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

Thereafter, **President Tillman** called for a final vote as amended:

Yeas- Barrett-Simon, Stamps, Priester, Tillman and Whitwell
Nays- Cooper-Stokes.
Absent- Yarber.

**RESOLUTION OF THE GOVERNING AUTHORITIES OF THE CITY
OF JACKSON, MISSISSIPPI PROVIDING FOR THE CALLING AND
HOLDING OF A SPECIAL ELECTION WITHIN THE CITY OF**

JACKSON FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE PROPOSITION OF WHETHER OR NOT TO IMPOSE UPON ALL PERSONS AS A PRIVILEGE FOR ENGAGING OR CONTINUING IN BUSINESS OR DOING BUSINESS WITHIN THE CITY OF JACKSON A SPECIAL SALES TAX AT THE RATE OF NOT MORE THAN ONE PERCENT (1%) OF THE GROSS PROCEEDS OF SALES OR GROSS INCOME OF THE BUSINESS, AS THE CASE MAY BE, DERIVED FROM ANY OF THE ACTIVITIES TAXED AT THE RATE OF SEVEN PERCENT (7%) OR MORE UNDER THE MISSISSIPPI SALES TAX LAW, FOR THE PURPOSE OF PAYING THE COST OF ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE PROJECTS, AS AUTHORIZED BY SB 2839, 2011 REGULAR SESSION OF THE MISSISSIPPI LEGISLATURE.

WHEREAS, in its 2011 Legislative Session, the Mississippi State Legislature passed Senate Bill 2839, which amended Miss. Code Ann. § 27-65-241, and authorized the imposition of a special sales tax for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson; and

WHEREAS, Miss. Code Ann. § 27-65-241 authorizes the City of Jackson to hold a referendum on the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.; and

WHEREAS, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall apply to every person making sales, delivery or installations of tangible personal property or services within the City of Jackson, but shall specifically exclude the following:

- (a) sales exempted by Sections 27-65-19, 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and 27-65-111 of the Mississippi Sales Tax Law;
- (b) gross proceeds of sales or gross income of hotels and motels derived from the sale of hotel rooms and motel rooms for lodging purposes;
- (c) gross proceeds of sales or gross income of restaurants derived from the sale of food and beverages;
- (d) retail sales of food for human consumption not purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, but which would be exempt under Section 27-65-111(o) from the taxes imposed by this chapter if the food items were purchased with food stamps;
- (e) gross income of businesses engaging or continuing in the business of TV cable systems, subscription TV services, and other similar activities, including, but not limited to, cable Internet services;
- (f) gross income of businesses engaging or continuing in the business of providing telecommunication services and other similar services, including, but not limited to, Internet services, Internet protocol television (IPTV) services, satellite television services and Mobile TV broadcasting services; and

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, OCTOBER 22, 2013, 6:00 P.M.**

WHEREAS, the governing authorities hereby determine that a special referendum shall be called and that the proposition hereinafter set forth shall be submitted to the qualified electors of the City of Jackson.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI AS FOLLOWS:

Section 1. That all recitations made hereinabove are found and adjudicated to be true and correct.

Section 2. That a special referendum shall be and the same is hereby called and ordered to be held within the City for the purpose of submitting to the qualified electors of the City the proposition set forth in the form of Notice of Referendum as set out in Section 4 of this Resolution.

Section 3. That the special referendum shall be held on TUESDAY, JANUARY 14, 2014, and qualified electors of the City shall vote at their usual and customary polling places used by the City in general, special or municipal elections, or as otherwise established by the Election Commission of the City. The polling places for said referendum shall open at 7:00 o'clock in the morning and shall be kept open until 7:00 o'clock in the evening on the aforesaid date and all qualified electors of the City shall be entitled to vote on said referendum.

Section 4. That the City Clerk shall cause notice of the referendum to be published once a week for at least three (3) consecutive weeks in *The Clarion-Ledger*, a newspaper published in the City, having general circulation in the City and qualified under the provisions of Section 13-3-31 of the Mississippi Code of 1972, as amended, and published in other qualified area newspapers, including, but not limited to the *Jackson Advocate*, the *Mississippi Link*, and the *Northside Sun*. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such referendum, and the last publication shall be made not more than seven (7) days prior to the election. Said notice shall be in substantially the following form, to wit:

NOTICE OF REFERENDUM TO LEVY TAXES TO FUND ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE WITHIN THE CITY OF JACKSON, MISSISSIPPI.

Notice is hereby given to all qualified electors of the City of Jackson, Mississippi, that a special referendum will be held on Tuesday, January 14, 2014 for the purpose of submitting to the qualified electors of the City of Jackson the proposition of whether to impose upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.

The purpose of this referendum is to fund road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson.

All qualified electors of the City will be entitled to vote in said referendum and will vote at the usual and customary polling places used in general, special or municipal elections. Polling places will be open during the hours of 7:00 a.m. until 7:00 p.m. on Tuesday, January 14, 2014.

Section 5. That the referendum shall be held and conducted by the Election Commissioners, and shall be conducted, as far as practicable, in the same manner as other general, special or municipal elections are held in the City and in accordance with the laws of the State of Mississippi. When the Election Commissioners shall have

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, OCTOBER 22, 2013, 6:00 P.M.**

received the returns of the referendum and ascertained the results thereof, they shall, after having canvassed the same, forthwith make return of such results to the governing authorities by filing therewith a report setting forth their actions in the holding of said referendum and the certified results thereof. If at least three-fifths (3/5) of the qualified electors who voted in the election voted in favor of the tax, the governing authorities shall adopt a resolution declaring the levy and collection of the tax and shall set the first day of the second month following the date of such adoption as the effective date of the tax levy, being March 1, 2014. A certified copy of the resolution, together with the result of the election, shall be furnished to the Department of Revenue not less than thirty (30) days before the effective date of the levy.

Section 6. That the ballots used in the referendum shall be in substantially the following form, to wit:

CITY OF JACKSON, MISSISSIPPI OFFICIAL BALLOT

REFERENDUM TO FUND ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE WITHIN THE CITY OF JACKSON, MISSISSIPPI.

TUESDAY JANUARY 14, 2014

The purpose of this referendum is to provide funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson. As a privilege for engaging or continuing in business or doing business within the City of Jackson, you are asked to vote on a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.

___ FOR THE LOCAL SALES TAX

___ AGAINST THE LOCAL SALES TAX

Section 7. That the absentee and affidavit ballots to be used in said special referendum shall be in substantially the same form as the official ballot.

Section 8. That the City Clerk is hereby authorized and directed forthwith to prepare a true and correct copy of this resolution and to certify the same to the Election Commissioners within and for the City, as and for their warrant and authority for the holding of said special referendum as herein provided and as required by the laws of the State of Mississippi, and the Chairman of the Election Commission of the City is hereby designated to have the ballots for the referendum prepared or caused to be prepared and to conduct the referendum, all as set forth and described herein.

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

President Tillman recognized **Council Member Whitwell** who made a motion to amend the Resolution to reflect the following:

RESOLUTION OF THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI PROVIDING FOR THE CALLING AND HOLDING OF A SPECIAL ELECTION WITHIN THE CITY OF JACKSON FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE PROPOSITION OF WHETHER OR NOT TO IMPOSE UPON ALL PERSONS AS A PRIVILEGE FOR ENGAGING OR CONTINUING IN BUSINESS OR

DOING BUSINESS WITHIN THE CITY OF JACKSON A SPECIAL SALES TAX AT THE RATE OF NOT MORE THAN ONE PERCENT (1%) OF THE GROSS PROCEEDS OF SALES OR GROSS INCOME OF THE BUSINESS, AS THE CASE MAY BE, DERIVED FROM ANY OF THE ACTIVITIES TAXED AT THE RATE OF SEVEN PERCENT (7%) OR MORE UNDER THE MISSISSIPPI SALES TAX LAW, FOR THE PURPOSE OF PAYING THE COST OF ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE PROJECTS, AS AUTHORIZED BY SB 2839, 2011 REGULAR SESSION OF THE MISSISSIPPI LEGISLATURE.

WHEREAS, in its 2011 Legislative Session, the Mississippi State Legislature passed Senate Bill 2839, which amended Miss. Code Ann. § 27-65-241, and authorized the imposition of a special sales tax for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson; and

WHEREAS, Miss. Code Ann. § 27-65-241 authorizes the City of Jackson to hold a referendum on the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.; and

WHEREAS, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall apply to every person making sales, delivery or installations of tangible personal property or services within the City of Jackson, but shall specifically exclude the following:

(a) sales exempted by Sections 27-65-19, 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and 27-65-111 of the Mississippi Sales Tax Law;

(b) gross proceeds of sales or gross income of hotels and motels derived from the sale of hotel rooms and motel rooms for lodging purposes;

(c) gross proceeds of sales or gross income of restaurants derived from the sale of food and beverages;

(d) retail sales of food for human consumption not purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, but which would be exempt under Section 27-65-111(o) from the taxes imposed by this chapter if the food items were purchased with food stamps;

(e) gross income of businesses engaging or continuing in the business of TV cable systems, subscription TV services, and other similar activities, including, but not limited to, cable Internet services;

(f) gross income of businesses engaging or continuing in the business of providing telecommunication services and other similar services, including, but not limited to, Internet services, Internet protocol television (IPTV) services, satellite television services and Mobile TV broadcasting services; and

WHEREAS, the governing authorities hereby determine that a special referendum shall be called and that the proposition hereinafter set forth shall be submitted to the qualified electors of the City of Jackson.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI AS FOLLOWS:

Section 1. That all recitations made hereinabove are found and adjudicated to be true and correct.

Section 2. That a special referendum shall be and the same is hereby called and ordered to be held within the City for the purpose of submitting to the qualified electors of the City the proposition set forth in the form of Notice of Referendum as set out in Section 4 of this Resolution.

Section 3. That the special referendum shall be held on TUESDAY, JANUARY 14, 2014, and qualified electors of the City shall vote at their usual and customary polling places used by the City in general, special or municipal elections, or as otherwise established by the Election Commission of the City. The polling places for said referendum shall open at 7:00 o'clock in the morning and shall be kept open until 7:00 o'clock in the evening on the aforesaid date and all qualified electors of the City shall be entitled to vote on said referendum.

Section 4. That the City Clerk shall cause notice of the referendum to be published once a week for at least three (3) consecutive weeks in *The Clarion-Ledger*, a newspaper published in the City, having general circulation in the City and qualified under the provisions of Section 13-3-31 of the Mississippi Code of 1972, as amended, and published in other qualified area newspapers, including, but not limited to the *Jackson Advocate*, the *Mississippi Link*, and the *Northside Sun*. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such referendum, and the last publication shall be made not more than seven (7) days prior to the election. Said notice shall be in substantially the following form, to wit:

NOTICE OF REFERENDUM TO LEVY TAXES TO FUND ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE WITHIN THE CITY OF JACKSON, MISSISSIPPI.

Notice is hereby given to all qualified electors of the City of Jackson, Mississippi, that a special referendum will be held on Tuesday, January 14, 2014 for the purpose of submitting to the qualified electors of the City of Jackson the proposition of whether to impose upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.

The purpose of this referendum is to fund road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson. **Be It Resolved that in passing the forgoing Resolution, the City Council's purpose is in part to create more jobs and economic contracts for Jacksonians and Jackson businesses to the extent allowed by law.**

All qualified electors of the City will be entitled to vote in said referendum and will vote at the usual and customary polling places used in general, special or municipal elections. Polling places will be open during the hours of 7:00 a.m. until 7:00 p.m. on Tuesday, January 14, 2014.

Section 5. That the referendum shall be held and conducted by the Election Commissioners, and shall be conducted, as far as practicable, in the same manner as other general, special or municipal elections are held in the City and in accordance with the laws of the State of Mississippi. When the Election Commissioners shall have received the returns of the referendum and ascertained the results thereof, they shall, after having canvassed the same, forthwith make return of such results to the governing authorities by filing therewith a report setting forth their actions in the holding of said referendum and the certified results thereof. If at least three-fifths (3/5) of the qualified

electors who voted in the election voted in favor of the tax, the governing authorities shall adopt a resolution declaring the levy and collection of the tax and shall set the first day of the second month following the date of such adoption as the effective date of the tax levy, being March 1, 2014. A certified copy of the resolution, together with the result of the election, shall be furnished to the Department of Revenue not less than thirty (30) days before the effective date of the levy.

Section 6. That the ballots used in the referendum shall be in substantially the following form, to wit:

CITY OF JACKSON, MISSISSIPPI OFFICIAL BALLOT

REFERENDUM TO FUND ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE WITHIN THE CITY OF JACKSON, MISSISSIPPI.

TUESDAY JANUARY 14, 2014

The purpose of this referendum is to provide funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson. As a privilege for engaging or continuing in business or doing business within the City of Jackson, you are asked to vote on a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.

___ FOR THE LOCAL SALES TAX

___ AGAINST THE LOCAL SALES TAX

Section 7. That the absentee and affidavit ballots to be used in said special referendum shall be in substantially the same form as the official ballot.

Section 8. That the City Clerk is hereby authorized and directed forthwith to prepare a true and correct copy of this resolution and to certify the same to the Election Commissioners within and for the City, as and for their warrant and authority for the holding of said special referendum as herein provided and as required by the laws of the State of Mississippi, and the Chairman of the Election Commission of the City is hereby designated to have the ballots for the referendum prepared or caused to be prepared and to conduct the referendum, all as set forth and described herein.

Section 9. Be It Resolved that in passing the forgoing Resolution, the City Council's purpose is in part to create more jobs and economic contracts for Jacksonians and Jackson businesses to the extent allowed by law.

Council Member Whitwell moved adoption; **Council Member Stamps** seconded. The following vote prevailed as amended:

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

Thereafter, **President Tillman** called for the final Resolution as amended:

RESOLUTION OF THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI PROVIDING FOR THE CALLING AND HOLDING OF A SPECIAL ELECTION WITHIN THE CITY OF

JACKSON FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE PROPOSITION OF WHETHER OR NOT TO IMPOSE UPON ALL PERSONS AS A PRIVILEGE FOR ENGAGING OR CONTINUING IN BUSINESS OR DOING BUSINESS WITHIN THE CITY OF JACKSON A SPECIAL SALES TAX AT THE RATE OF NOT MORE THAN ONE PERCENT (1%) OF THE GROSS PROCEEDS OF SALES OR GROSS INCOME OF THE BUSINESS, AS THE CASE MAY BE, DERIVED FROM ANY OF THE ACTIVITIES TAXED AT THE RATE OF SEVEN PERCENT (7%) OR MORE UNDER THE MISSISSIPPI SALES TAX LAW, FOR THE PURPOSE OF PAYING THE COST OF ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE PROJECTS, AS AUTHORIZED BY SB 2839, 2011 REGULAR SESSION OF THE MISSISSIPPI LEGISLATURE.

WHEREAS, in its 2011 Legislative Session, the Mississippi State Legislature passed Senate Bill 2839, which amended Miss. Code Ann. § 27-65-241, and authorized the imposition of a special sales tax for the purpose of providing funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson; and

WHEREAS, Miss. Code Ann. § 27-65-241 authorizes the City of Jackson to hold a referendum on the imposition upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.; and

WHEREAS, taxes levied pursuant to Miss. Code Ann. § 27-65-241 shall apply to every person making sales, delivery or installations of tangible personal property or services within the City of Jackson, but shall specifically exclude the following:

- (a) sales exempted by Sections 27-65-19, 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and 27-65-111 of the Mississippi Sales Tax Law;
- (b) gross proceeds of sales or gross income of hotels and motels derived from the sale of hotel rooms and motel rooms for lodging purposes;
- (c) gross proceeds of sales or gross income of restaurants derived from the sale of food and beverages;
- (d) retail sales of food for human consumption not purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, but which would be exempt under Section 27-65-111(o) from the taxes imposed by this chapter if the food items were purchased with food stamps;
- (e) gross income of businesses engaging or continuing in the business of TV cable systems, subscription TV services, and other similar activities, including, but not limited to, cable Internet services;
- (f) gross income of businesses engaging or continuing in the business of providing telecommunication services and other similar services, including, but not limited to, Internet services, Internet protocol television (IPTV) services, satellite television services and Mobile TV broadcasting services; and

WHEREAS, the governing authorities hereby determine that a special referendum shall be called and that the proposition hereinafter set forth shall be submitted to the qualified electors of the City of Jackson.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING AUTHORITIES OF THE CITY OF JACKSON, MISSISSIPPI AS FOLLOWS:

Section 1. That all recitations made hereinabove are found and adjudicated to be true and correct.

Section 2. That a special referendum shall be and the same is hereby called and ordered to be held within the City for the purpose of submitting to the qualified electors of the City the proposition set forth in the form of Notice of Referendum as set out in Section 4 of this Resolution.

Section 3. That the special referendum shall be held on TUESDAY, JANUARY 14, 2014, and qualified electors of the City shall vote at their usual and customary polling places used by the City in general, special or municipal elections, or as otherwise established by the Election Commission of the City. The polling places for said referendum shall open at 7:00 o'clock in the morning and shall be kept open until 7:00 o'clock in the evening on the aforesaid date and all qualified electors of the City shall be entitled to vote on said referendum.

Section 4. That the City Clerk shall cause notice of the referendum to be published once a week for at least three (3) consecutive weeks in *The Clarion-Ledger*, a newspaper published in the City, having general circulation in the City and qualified under the provisions of Section 13-3-31 of the Mississippi Code of 1972, as amended, and published in other qualified area newspapers, including, but not limited to the *Jackson Advocate*, the *Mississippi Link*, and the *Northside Sun*. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such referendum, and the last publication shall be made not more than seven (7) days prior to the election. Said notice shall be in substantially the following form, to wit:

NOTICE OF REFERENDUM TO LEVY TAXES TO FUND ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE WITHIN THE CITY OF JACKSON, MISSISSIPPI.

Notice is hereby given to all qualified electors of the City of Jackson, Mississippi, that a special referendum will be held on Tuesday, January 14, 2014 for the purpose of submitting to the qualified electors of the City of Jackson the proposition of whether to impose upon all persons as a privilege for engaging or continuing in business or doing business within the City of Jackson, a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.

The purpose of this referendum is to fund road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson. Be It Resolved that in passing the forgoing Resolution, the City Council's purpose is in part to create more jobs and economic contracts for Jacksonians and Jackson businesses to the extent allowed by law.

All qualified electors of the City will be entitled to vote in said referendum and will vote at the usual and customary polling places used in general, special or municipal elections. Polling places will be open during the hours of 7:00 a.m. until 7:00 p.m. on Tuesday, January 14, 2014.

Section 5. That the referendum shall be held and conducted by the Election Commissioners, and shall be conducted, as far as practicable, in the same manner as other general, special or municipal elections are held in the City and in accordance with the laws of the State of Mississippi. When the Election Commissioners shall have received the returns of the referendum and ascertained the results thereof, they shall, after having canvassed the same, forthwith make return of such results to the governing authorities by filing therewith a report setting forth their actions in the holding of said referendum and the certified results thereof. If at least three-fifths (3/5) of the qualified electors who voted in the election voted in favor of the tax, the governing authorities shall adopt a resolution declaring the levy and collection of the tax and shall set the first day of the second month following the date of such adoption as the effective date of the tax levy, being March 1, 2014. A certified copy of the resolution, together with the result of the election, shall be furnished to the Department of Revenue not less than thirty (30) days before the effective date of the levy.

Section 6. That the ballots used in the referendum shall be in substantially the following form, to wit:

CITY OF JACKSON, MISSISSIPPI OFFICIAL BALLOT

REFERENDUM TO FUND ROAD AND STREET REPAIR, RECONSTRUCTION AND RESURFACING PROJECTS BASED ON TRAFFIC PATTERNS, NEED AND USAGE, AND TO PAY THE COSTS OF WATER, SEWER AND DRAINAGE WITHIN THE CITY OF JACKSON, MISSISSIPPI.

TUESDAY JANUARY 14, 2014

The purpose of this referendum is to provide funds for road and street repair, reconstruction and resurfacing projects based on traffic patterns, need and usage, and to pay the costs of water, sewer and drainage projects within the City of Jackson. As a privilege for engaging or continuing in business or doing business within the City of Jackson, you are asked to vote on a special sales tax at the rate of not more than one percent (1%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq.

___ FOR THE LOCAL SALES TAX

___ AGAINST THE LOCAL SALES TAX

Section 7. That the absentee and affidavit ballots to be used in said special referendum shall be in substantially the same form as the official ballot.

Section 8. That the City Clerk is hereby authorized and directed forthwith to prepare a true and correct copy of this resolution and to certify the same to the Election Commissioners within and for the City, as and for their warrant and authority for the holding of said special referendum as herein provided and as required by the laws of the State of Mississippi, and the Chairman of the Election Commission of the City is hereby designated to have the ballots for the referendum prepared or caused to be prepared and to conduct the referendum, all as set forth and described herein.

Section 9. Be It Resolved that in passing the forgoing Resolution, the City Council's purpose is in part to create more jobs and economic contracts for Jacksonians and Jackson businesses to the extent allowed by law.

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

Thereafter, **President Tillman** called for a final vote as amended:

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

ORDER AUTHORIZING THE DONATION OF FUNDS TO THE HINDS COUNTY HUMAN RESOURCE AGENCY PURSUANT TO MISSISSIPPI CODE ANNOTATED SECTION 21-17-1(9) TO ASSIST IN ITS PROVISION OF EMERGENCY SERVICES.

WHEREAS, the Hinds County Human Resource Agency was established by the Hinds County Board of Supervisors by a resolution duly passed and adopted on September 22, 1975 pursuant to Section 17-15-1 of the Mississippi Code; and

WHEREAS, the Hinds County Human Resource Agency provided to the City of Jackson a letter dated October 15, 1979 from the Internal Revenue Service indicating that it was modifying its determination that the agency was a private foundation and indicating that its exempt status under 26 USCS Section 501 (c)(3) code was in effect and could be relied upon by contributors and grantors until notice to the contrary was published; and

WHEREAS, the governing authorities for the City of Jackson are not aware of the Internal Revenue Service publishing notice to the contrary indicating that the Hinds County Human Resource Agency is not exempt under 26 USCS Section 501(c)(3); and

WHEREAS, Section 21-17-1(9) of the Mississippi Code as amended authorizes the governing authorities of a municipality to expend municipal funds to match other state, federal, or private funding for programs administered by the State of Mississippi, the United States government or *any nonprofit* organization that is exempt under 26 USCS Section 501 (c)(3) from paying federal income tax; and

WHEREAS, the Hinds County Human Resource Agency is a public nonprofit organization that has qualified for exemption pursuant to 26 USCS Section 501 (c)(3) and is eligible to receive matching funds from the City of Jackson; and

WHEREAS, the Hinds County Human Resource Agency has a Community Service Block Grant Program (CSBG) which provides an array of community and social services to those eligible and qualifying, including but not limited to, emergency services which includes assistance with the payment of utilities; and

WHEREAS, the governing authorities for the City of Jackson recognize that certain economic conditions present in the national and local economy, including but not limited to proposed water and sewer rate increases, may result in the agency receiving additional requests for its emergency services; and

WHEREAS, the best interest of the City of Jackson and its residents would be served by contributing *matching* funds to the Hinds County Human Resource Agency to assist in its provision of emergency services.

IT IS HEREBY ORDERED that the sum of \$175,000.00 shall be contributed to match other funds and resources of the Hinds County Human Resource Agency to assist in its provision of emergency services.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute an agreement which governs the Hinds County Human Resource Agency's receipt and use of the funds.

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

President Tillman recognized **Council Member Priester** who moved to amend the heading of the Order to replace the word "Donation" with the word "Matching". **Council Member Whitwell** seconded the motion. The motion prevailed by the following vote:

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

Thereafter, **President Tillman** called for the final order as amended.

ORDER AUTHORIZING THE MATCHING OF FUNDS TO THE HINDS COUNTY HUMAN RESOURCE AGENCY PURSUANT TO MISSISSIPPI CODE ANNOTATED SECTION 21-17-1(9) TO ASSIST IN ITS PROVISION OF EMERGENCY SERVICES.

WHEREAS, the Hinds County Human Resource Agency was established by the Hinds County Board of Supervisors by a resolution duly passed and adopted on September 22, 1975 pursuant to Section 17-15-1 of the Mississippi Code; and

WHEREAS, the Hinds County Human Resource Agency provided to the City of Jackson a letter dated October 15, 1979 from the Internal Revenue Service indicating that it was modifying its determination that the agency was a private foundation and indicating that its exempt status under 26 USCS Section 501 (c)(3) code was in effect and could be relied upon by contributors and grantors until notice to the contrary was published; and

WHEREAS, the governing authorities for the City of Jackson are not aware of the Internal Revenue Service publishing notice to the contrary indicating that the Hinds County Human Resource Agency is not exempt under 26 USCS Section 501(c) (3); and

WHEREAS, Section 21-17-1(9) of the Mississippi Code as amended authorizes the governing authorities of a municipality to expend municipal funds to match other state, federal, or private funding for programs administered by the State of Mississippi, the United States government or *any nonprofit* organization that is exempt under 26 USCS Section 501 (c)(3) from paying federal income tax; and

WHEREAS, the Hinds County Human Resource Agency is a public nonprofit organization that has qualified for exemption pursuant to 26 USCS Section 501 (c) (3) and is eligible to receive matching funds from the City of Jackson; and

WHEREAS, the Hinds County Human Resource Agency has a Community Service Block Grant Program (CSBG) which provides an array of community and social services to those eligible and qualifying, including but not limited to, emergency services which includes assistance with the payment of utilities; and

WHEREAS, the governing authorities for the City of Jackson recognize that certain economic conditions present in the national and local economy, including but not limited to proposed water and sewer rate increases, may result in the agency receiving additional requests for its emergency services; and

WHEREAS, the best interest of the City of Jackson and its residents would be served by contributing *matching* funds to the Hinds County Human Resource Agency to assist in its provision of emergency services.

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IT IS HEREBY ORDERED that the sum of \$175,000.00 shall be contributed to match other funds and resources of the Hinds County Human Resource Agency to assist in its provision of emergency services.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute an agreement which governs the Hinds County Human Resource Agency's receipt and use of the funds.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACT #76-0016-13-727 WITH THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION WHICH WILL PROVIDE FINANCIAL ASSISTANCE PURSUANT TO 49 USC SECTION 5310 FOR THE PROVISION OF TRANSPORTATION SERVICES TO THE ELDERLY AND DISABLED.

WHEREAS, the City of Jackson has provided transportation services to the elderly and disabled citizens since 1972; and

WHEREAS, the Mississippi Department of Transportation administers funds provided by the federal government in accordance with 49 USC Section 5310 formerly referred to as Section 16 of the Federal Transit Act; and

WHEREAS, the City of Jackson applied to the Mississippi Department of Transportation for financial assistance to provide services to residents of **Hinds County**, Mississippi; and

WHEREAS, the Mississippi Department of Transportation has indicated that it will provide financial assistance to the City in accordance with the application submitted by it for the period of October 1, 2013 through September 30, 2014; and

WHEREAS, the assistance provided by the Mississippi Department of Transportation will consist of providing 80% of the funding required for the procurement of vehicles necessary for the program's operation; and

WHEREAS, matching funds and other resources including, but not limited to, salaries and fringe benefits will be furnished by the City of Jackson; and

WHEREAS, it is anticipated that the sum of \$69,244.00 will be received from the Mississippi Department of Transportation and require matching funds from the City in the amount of \$17,311.00 in addition to the other resources; and

WHEREAS, the best interest of the City of Jackson would be served by executing the agreement with the Mississippi Department of Transportation.

IT IS HEREBY ORDERED that the Mayor be authorized to execute Contract #76-001-13-727 with the Mississippi Department of Transportation for the provision of transportation services to elderly and disabled citizens pursuant to 49 USC Section 5310.

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

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priestster, Tillman and Whitwell

Nays- None.
Absent- Yarber.

ORDER AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS TRANSFERRING THE TITLE OF A 2012 CHEVROLET TAHOE TO JACKSON STATE UNIVERSITY FOR CONTINUED USE BY THE JACKSON MISSISSIPPI METROPOLITAN RESPONSE SYSTEM.

WHEREAS, The currently exists in the Office of Health Affairs, Department of Homeland Security. The program was designed to assist highly populated jurisdictions to develop plans, conduct training and exercises, and acquire pharmaceuticals and personal protective equipment, to achieve the enhanced capability necessary to respond to a mass casualty event, be it natural, accidental or caused by a WMD terrorist act. This assistance supports the jurisdictions' activities to increase their response capabilities during the first hours crucial to lifesaving and population protection, with their own resources, until significant external assistance can arrive. The City of Jackson is the "host" entity for the Jackson Mississippi Metropolitan Medical Response System (MMRS), and thus responsible for allocating the resources used to support the MMRS; and,

WHEREAS, the City of Jackson ("City") is authorized by the Mississippi Office of Homeland Security to purchase vehicles for members of the MMRS as necessary to carry out the organization's intended mission; and

WHEREAS, a 2012 Chevrolet Tahoe was purchased by the City in December 2011 with funds from a MMRS Grant to be used by the MMRS Chairperson; and,

WHEREAS, this vehicle is presently titled to the City of Jackson; therefore, all expenses for maintenance, liability coverage, fuel etc. are presently the responsibility of the City; and

WHEREAS, Jackson State University ("JSU") has recently become a member of the MMRS, and the Chairperson of the MMRS is now an employee of JSU; and

WHEREAS, it is in the best interest of the City, JSU and the MMRS that the vehicle be transferred to JSU so that it may continue to be used by the Chairperson of the MMRS for MMRS purposes; and

WHEREAS, upon completion of this transfer, JSU will assume all expenses, maintenance cost, and other liabilities associated with this vehicle.

THEREFORE, BE IT ORDERED that the Mayor is authorized to execute any and all necessary documents to facilitate transferring the title and all expenses associated with the 2012 Chevrolet Tahoe to JSU to be used by the MMRS.

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

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Tillman and Whitwell
Nays- Priester.
Absent- Yarber.

ORDER AUTHORIZING PAYMENT OF \$9,100.00 TO WEATHERSBY ELECTRONICS FOR INSTALLATION OF 2-WAY RADIOS IN JPD PATROL VEHICLES.

WHEREAS, thirty-five (35) new JPD patrol vehicles required the installation of two-way radios and related equipment; and

WHEREAS, the City of Jackson Telecommunications Department lacked the manpower to perform the installation.

IT IS, THEREFORE, ORDERED that payment be made to Weathersby Electronics for the performance of this task in the amount of \$9,100.00.

IT IS FURTHER ORDERED that payment for said services be made from the Police Department General Fund.

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

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

ORDER AUTHORIZING THE RENEWAL AND PAYMENT OF THE ANNUAL MAINTENANCE AGREEMENT ON THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM.

WHEREAS, the Jackson Police Department has purchased an Automated Finger Print Identification System (AFIS) which scans, stores, and reads fingerprints; and

WHEREAS, the system requires an annual maintenance agreement to provide unscheduled, on-call, emergency remedial maintenance as required during the Period of Maintenance Coverage (PMC) set forth in the maintenance agreement; and

WHEREAS, such maintenance agreement will remain in effect from June 18, 2013 to June 17, 2014.

IT IS, HEREBY, ORDERED that the City be authorized to continue renewal of this agreement annually with NEC Corporation of America at a cost not to exceed \$6,047.13.

IT IS FURTHER ORDERED, that payment be made from the General Fund.

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

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

ORDER AUTHORIZING SALE OF CITY OWNED MOTOR VEHICLES AND EQUIPMENT AT PUBLIC AUCTION ON OCTOBER 26, 2013.

WHEREAS, the City of Jackson is authorized by Section 17-25-25 of the Mississippi Code to dispose of surplus personal property through a public sale; and

WHEREAS, the Fleet Manager has identified in this order equipment and vehicles that the City has ceased to use for public purposes; and

WHEREAS, it would be in the best interest of the City to dispose of the vehicles and equipment at a public sale and receive bids through a public auction; and

WHEREAS, pursuant to Section 17-25-25 of the Mississippi Code, a copy of this Order, which will serve as notice of the auction, will be placed in City Hall, the Eudora Welty Library, and the Office of the Hinds County Tax Assessor at least 10 days prior to the auction.

IT IS, THEREFORE, ORDERED that the following municipally-owned surplus motor vehicles and equipment be sold at a public auction to be held at 4225-C Michael Avalon Street on Saturday, October 26, 2013:

VEHICLE #	DESCRIPTION	VIN #	DEPARTMENT
T-193	2002 Tractor	J01209	Park Maintenance
TR-175	1996 Trailer	284599	Public Works
TK-435	1995 Ford F-350	A44598	Park Maintenance
TK-587	2001 Chevy 3500 Truck	109684	Park Maintenance
TK-413	1994 Ford F-800 Truck	A31594	Park Maintenance
TK-516	1999 Ford F-250	B47283	Park Maintenance
TK-199	1989 E-ONE Ladder Truck	002870	Fire
TK-342	1992 E-ONE Ladder Truck	000423	Fire
TK-391	1994 Dodge Ram 3500	698772	Fire
TK-337	1992 KME Tanker	456735	Fire
TK-338	1992 KME Tanker	456734	Fire
TK-383	1994 E-ONE Rescue Pumper	003335	Fire
TK-198	1989 E-ONE Ladder Truck	002869	Fire
PC-1263	2005 Ford Taurus	131509	Park Maintenance
PC-858	1998 Ford Crown Vic.	131263	Fire
PC-1323	2006 Ford Taurus	146101	Park Maintenance
PC-1012	2000 Buick Regal	130264	Park Maintenance
PC-792	1999 Lumina	204351	Public Works
PT-484	1998 Ford Explorer	D41253	Park Maintenance
PT-495	1999 Ford F-250	A55007	Public Works
PT-528	2001 Dodge Ram 1500	163487	Public Works
VEHICLE #	DESCRIPTION	VIN #	DEPARTMENT
PT-457	1997 GMC Sonoma	509727	Park Maintenance
PT-423	1997 Ford F-250	TLB5927	Park Maintenance
PT-425	1996 Ford F-250 Truck	B59522	Park Maintenance
PT-431	1996 Ford F-250	B59525	Park Maintenance
PT-404	1995 Ford F-250 Truck	A92637	Park Maintenance
PT-452	1997 Ford F-250 Truck	C35891	Park Maintenance
PT-432	1996 Ford F-150 Truck	B70673	Park Maintenance
PT-359	1993 Ford F-150 Truck	A61374	Fire
BA-1	1990 Chevy Ambulance	306933	Fire
MV-4	2006 Mini-Van	300626	Human & Cultural
MV-11	2006 Mini-Van	224613	Human & Cultural
TK-436	1996 Chevy Dump Truck	100726	Public Works
TK-449	1996 Ford F-800 Truck	A01415	Public Works
TK-457	1996 Ford Truck F-80350	A37315	Public Works
TK-551	2000 FL80 Dump Truck	G39268	Public Works
TK-568	2000 Crew Truck	347118	Public Works
TK-625	2003 Crew Truck	D58652	Public Works
TK-624	2003 Crew Truck	D58651	Public Works
TK-626	2003 Crew Truck	D58654	Public Works
TK-665	2006 Dodge 2500 Truck	109697	Public Works
TK-570	2001 Crew Truck	347119	Public Works
TK-592	1992 Dodge Truck	583468	Public Works
TK-668	2006 Dodge Ram	109698	Public Works
TK-664	2006 Dodge 2500	109699	Public Works
PT-562	2002 Dodge 2500	198962	Public Works
TK-505	1998 Chevy C-8500	100546	Public Works

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TK-546	1999 Dump Truck	G22400	Public Works
TK-442	1995 Chevy Cheyenne	118543	Public Works
TK-418	1995 Ford Dump Truck	A31772	Public Works
TK-510	1999 Dump Truck	641290	Public Works
TK-389	1994 Ford F-350	A47783	Public Works
TK-388	1995 Ford Crew Cab	A47781	Public Works
TK-425	1995 Bucket Truck	A31774	Public Works
TK-560	1999 Blow Truck	699378	Public Works
TK-395	1994 Crew Cab	A47782	Public Works
PC-1340	2006 Crown Vic	157843	Police
PC-1359	2006 Crown Vic	157856	Police
PC-1554	2010 Crown Vic	112536	Police
PC-1451	2008 Crown Vic	156746	Police
PC-1404	2007 Crown Vic	147134	Police
PC-1040	2001 Ford Taurus	217263	Police
PC-1138	2002 Buick Regal	201135	Police
PC-1007	2000 Crown Vic	112769	Police
VEHICLE #	DESCRIPTION	VIN #	DEPARTMENT
PC-1185	2003 Crown Vic	210885	Police
PC-1379	2007 Chevy Impala	372298	Police
PC-928	1999 Crown Vic	116273	Police
PC-1117	2002 Crown Vic	130868	Police
PC-1528	2010 Crown Vic	109791	Police
PC-1150	2003 Crown Vic	113679	Police
PC-1268	2005 Ford Taurus	131500	Police
PC-1135	2002 Pontiac Grand Prix	122373	Police
PC-1133	2002 Pontiac Grand Prix	114286	Police
PC-1206	2003 Crown Vic	212399	Police
PC-1265	2005 Ford Taurus	131506	Police
PC-1530	2010 Crown Vic	109793	Police
PC-1548	2010 Crown Vic	110723	Police
PC-1402	2007 Crown Vic	149024	Police
PC-1441	2008 Crown Vic	156736	Police
PC-1391	2007 Crown Vic	149023	Police
PC-1592	2010 Crown Vic	147488	Police
PC-1575	2010 Crown Vic	129053	Police
PC-1321	2005 Pontiac Grand Prix	192415	Police
PC-1365	2006 Crown Vic	157844	Police
PC-1322	2005 Pontiac Grand Prix	227560	Police
PC-1249	2004 Crown Vic	169618	Police
PT-640	2007 GMC 1500 Pick-Up	708520	Police
SUV-28	2003 Dodge Durango	585815	Police
SUV-34	2004 GMC Yukon	116729	Police
EQUIPMENT #	DESCRIPTION	VIN #	DEPARTMENT
AC-77	1995 Air Compressor	0185DJ-E	Public Works
AP-M6	1998 Green Asphalt Paver	5HK60075	Public Works
TC-53	2007 Dozer / Komatsu	69746	Public Works
TMR-663	Trimmer/Weed Eater-Stihl	270905719	Public Works

IT IS FURTHER ORDERED that the Municipal Fleet Manager be authorized to sign necessary documents to transfer title of the motor vehicles and equipment, which are sold at said public auction.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MORRIS AND ASSOCIATES TO DEVELOP, ADMINISTER AND MANAGE A TESTING AND ASSESSMENT PROCESS FOR THE RANKS OF FIRE LIEUTENANT/DRIVER OPERATOR, FIRE CAPTAIN AND DISTRICT FIRE CHIEF.

WHEREAS, the Jackson Fire Department ("JFD") has vacancies for the positions of Fire Lieutenant/Driver Operator, Fire Captain and District Fire Chief; and

WHEREAS, professional management of JFD requires filling said positions with permanent, independently evaluated personnel, so as to provide for the efficient delivery of services to the citizens of Jackson, Mississippi; and

WHEREAS, the City of Jackson ("City") advertised for proposals from consultants interested in developing, administering and managing a testing and assessment process for promotion to the rank of Fire Lieutenant/Driver Operator, Fire Captain and District Fire Chief; and

WHEREAS, in response to the City's Request for Proposals for the development, administration, and management of a testing and assessment process for promotion to the rank of Fire Lieutenant/Driver Operator, Fire Captain and District Fire Chief with JFD, Morris and Associates a/k/a Morris & McDaniel, Inc., ("Morris") was the only consultant to submit proposals for all three (3) ranks. Morris was the consultant to submit the lowest bid for development, administration and management of a testing and assessment process for the promotion to the ranks of Fire Lieutenant/Driver Operator, Fire Captain and District Fire Chief;

WHEREAS, Morris has developed, administered and managed for the City of Jackson, successful testing and assessment processes for the rank of Police Sergeant (2010), Fire Captain (2010), District Fire Chief (2010), Police Sergeant (2013) and Police Lieutenant (2013); and

WHEREAS, Morris proposes to develop, administer and manage a testing and assessment process for the promotion to the ranks of Fire Lieutenant/Driver Operator, Fire Captain and District Fire Chief in JFD, at a cost not to exceed \$84,600.00.

IT IS, HEREBY ORDERED that the Mayor be authorized to execute a contract with Morris and Associates a/k/a Morris & McDaniel, Inc., in the amount not to exceed \$84,600.00 to develop, administer, and manage a testing and assessment process for promotion to the rank of Fire Lieutenant/Driver Operator, Fire Captain, and District Fire Chief with JFD.

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

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

ORDER DECLARING PARCEL 410-325 SURPLUS PROPERTY AND AUTHORIZING DISPOSAL OF SAME ACCORDING TO APPLICABLE STATE LAW.

WHEREAS, parcel 410-325 is no longer needed for municipal or related purposes and will not be used in the operation of the municipality in the foreseeable future; and

WHEREAS, the Surplus Property Committee has considered this property, and after having made it known that the property was available for use, found that no City department expressed an interest in utilizing the property for any municipal purpose; and

WHEREAS, the Surplus Property Committee has considered this property, recommends that the Council declare the property to be surplus and authorize its disposal according to state law.

IT IS HEREBY ORDERED that the property in question, bearing the following legal description:

Lot 9 Block 17 Green Fields Part 5 Parcel No. 410-325, more commonly known as 3924 Troy Avenue

is no longer necessary or needed for municipal purposes, and the property is, hereby, declared to be surplus property.

IT IS FURTHER ORDERED that pursuant to the terms of Section 21-17-1(2)(a) of the Mississippi Code Annotated of 1972, as amended, the City may dispose of the subject property by advertising for and accepting competitive sealed bids.

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

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

ORDER DECLARING PARCEL 409-854-18 SURPLUS PROPERTY AND AUTHORIZING DISPOSAL OF SAME ACCORDING TO APPLICABLE STATE LAW.

WHEREAS, parcel 409-854-18 is no longer needed for municipal or related purposes and will not be used in the operation of the municipality in the foreseeable future; and

WHEREAS, the Surplus Property Committee has considered this property, and after having made it known that the property was available for use, found that no City department expressed an interest in utilizing the property for any municipal purpose; and

WHEREAS, the Surplus Property Committee has considered this property, recommends that the Council declare the property to be surplus and authorize its disposal according to state law; and

IT IS HEREBY ORDERED that the property in question, bearing the following legal description:

Lot 10 Block 26 Shady Oaks PT 11 Parcel No. 409-854-18, more commonly known as 2726 Newport Street

is no longer necessary or needed for municipal purposes, and the property is, hereby, declared to be surplus property.

IT IS FURTHER ORDERED that pursuant to the terms of Section 21-17-1(2)(a) of the Mississippi Code Annotated of 1972, as amended, the City may dispose of the subject property by advertising for and accepting competitive sealed bids.

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

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

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 16, 2013 FOR THE FOLLOWING CASES:

2011-3688	2012-1319	2012-1395	2012-1488	2012-1770
2012-1821	2012-1827	2012-1828	2012-1903	2012-2706
2012-2707	2012-2869	2012-2896	2012-3048	2012-3052
2012-3080	2012-3148	2012-3157	2012-3163	2012-3504
2012-3658	2012-3669	2012-3670	2012-3682	2012-3683
2012-3684	2012-3685	2012-3687	2012-3690	2012-3783
2013-1652	2013-1654	2013-1655	2013-1657	2013-1658

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 July 16, 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 #2011-3688: Parcel #107-5** located at *1004 Lanier Court*: 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 3*
- 2) **Case #2012-1319: Parcel #721-188** located at *103 Needle Cove*: Will Anderson appeared. After hearing testimony, hearing officer recommends the property be adjudicated as a menace to public health and safety; however, interested parties

shall be afforded time to cure expiring August 1, 2013. *Grass and Weeds – Ward 2*

- 3) **Case #2012-1395: Parcel #4858-576-157** located at *107 Thousand Oaks 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 \$750.00. *Board-up – Ward 4*
- 4) **Case #2012-1488: Parcel #630-521** located at *1777 Wood Glen 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 6*
- 5) **Case #2012-1770: Parcel #121-25** located at *147 Houston 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. *Board-up – Ward 5*
- 6) **Case #2012-1821: Parcel #121-31** located at *0 Houston Avenue/Lot S of 211*: 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 \$1500.00. *Grass and Weeds – Ward 5*
- 7) **Case #2012-1827: Parcel #121-5** located at *264 Houston 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 #2012-1828: Parcel #121-15** located at *267 Houston 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. *Grass and Weeds – Ward 5*
- 9) **Case #2012-1903: Parcel #306-343** located at *222 Sanford Street*: Royce Green 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 time to cure expiring July 23, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$750.00. *Board-up – Ward 3*
- 10) **Case #2012-2706: Parcel #855-46** located at *0 Taylor Avenue/Lot W of 1407*: 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 6*
- 11) **Case #2012-2707: Parcel #855-50** located at *0 Summit Avenue/Lot W of 1402*: 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 6*
- 12) **Case #2012-2869: Parcel #631-149** located at *1905 Catalina 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 6*
- 13) **Case #2012-2896: Parcel #215-191** located at *0 Medical Plaza/Lot Across from 856*: 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*

- 14) **Case #2012-3048: Parcel #209-51** located at *104 Pine Lawn 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. *Grass and Weeds – Ward 5*
- 15) **Case #2012-3052: Parcel #613-345** located at *3709 Highway 55*: 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 1*
- 16) **Case #2012-3080: Parcel #832-130** located at *4920 Robinson 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. *Board-up – Ward 5*
- 17) **Case #2012-3148: Parcel #839-283** located at *1033 Brookley 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. *Grass and Weeds – Ward 6*
- 18) **Case #2012-3157: Parcel #4858-590-11** located at *2114 A Thousand Oaks Drive*: Mary Ann Haas appeared representing Investek, who acquired interest at tax sale and anticipates that it will mature on August 2013. Attorney Carrie Johnson advised the hearing officer that she had personal knowledge that the owner, Velma Lawson filed for Chapter 7 Bankruptcy and surrendered and abandoned the property. The name of Velma Lawson's attorney was provided to Mary Ann Haas with the understanding that she would secure written permission from Ms. Lawson to enter and cure the violation on or before July 30, 2013. Hearing officer agreed and recommends that the property be adjudicated as a menace to public health safety and welfare affecting the interest of all parties noticed except Velma Lawson who is no longer interested as a result of the bankruptcy. *Grass and Weeds – Ward 4*
- 19) **Case #2012-3163: Parcel #833-39** located at *5073 Lurline 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. *Board-up – Ward 4*
- 20) **Case #2012-3504: Parcel #100-39** located at *2515 Williamson 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 5*
- 21) **Case #2012-3658: Parcel #633-468** located at *1196 Joanne 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. *Grass and Weeds – Ward 6*
- 22) **Case #2012-3669: Parcel #874-326** located at *0 Vineland Drive/Lot E of 537*: Marty Craft 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 time to cure expiring July 30, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 6*
- 23) **Case #2012-3670: Parcel #874-325** located at *0 Vineland Drive/Lot W of 549*: Marty Craft 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 time to cure expiring July 30, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 6*

- 24) **Case #2012-3682: Parcel #854-140** located at *3506 Rainey 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. *Grass and Weeds – Ward 6*
- 25) **Case #2012-3683: Parcel #209-55** located at *2541 Terry 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. *Grass and Weeds – Ward 5*
- 26) **Case #2012-3684: Parcel #209-53** located at *2611 Terry 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. *Grass and Weeds – Ward 5*
- 27) **Case #2012-3685: Parcel #610-205** located at *0 Judy Street/Lot E of 347*: 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 7*
- 28) **Case #2012-3687: Parcel #617-63** located at *3115 Shirley 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. *Board-up – Ward 6*
- 29) **Case #2012-3690: Parcel #618-162** located at *2855 Carleton 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 6*
- 30) **Case #2012-3783: Parcel #805-370** located at *351 James A. Garfield 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 \$750.00. *Board-up – Ward 2*
- 31) **Case #2013-1652: Parcel #408-252** located at *3837 Hollywood 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. *Demolition – Ward 4*
- 32) **Case #2013-1654: Parcel #408-254** located at *3823 Hollywood 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. *Demolition – Ward 4*
- 33) **Case #2013-1655: Parcel #408-257** located at *3811 Hollywood 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. *Demolition – Ward 4*
- 34) **Case #2013-1657: Parcel #408-253** located at *3829 Hollywood 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. *Demolition – Ward 4*
- 35) **Case #2013-1658: Parcel #408-255** located at *3819 Hollywood 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. *Demolition – Ward 4*

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 Priester** seconded.

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Whitwell.

Nays-None.

Absent- Yarber.

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 AUGUST 27, 2013 FOR THE FOLLOWING CASES:

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 August 27, 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 #2011-4478: Parcel #842-10** located at *139 Carriage Hills 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 6*

- 2) **Case #2011-4613: Parcel #119-477** located *0 Galvez Street/2nd Lot N of 167*: 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*
- 3) **Case #2011-4755: Parcel #119-382** located *100 Rosslyn 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 4*
- 4) **Case #2011-4756: Parcel #119-373** located *102 Rosslyn 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 \$1000.00. *Grass and Weeds - Ward 4*
- 5) **Case #2012-1180: Parcel #153-2-1** located *0 Pittsburg Street/Lot E of 1216*: 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. *Grass and Weeds - Ward 5*
- 6) **Case #2012-1825: Parcel #121-20** located *0 Houston Avenue/Lot N of 259*: 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 \$1500.00. *Grass and Weeds - Ward 5*
- 7) **Case #2012-2305: Parcel #162-314** located *0 Hill Avenue/Lot E of 1410*: 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 \$1500.00. *Grass and Weeds - Ward 5*
- 8) **Case #2012-2526: Parcel #159-17** located *0 Valley Street/Lot N of 1234*: 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. *Grass and Weeds - Ward 5*
- 9) **Case #2012-2612: Parcel #114-44** located *125 Clairmont Street (Apt. A, B, C & D)*: 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. *Demolition - Ward 5 -*
- 10) **Case #2012-2976: Parcel #629-197** located *0 Hillmont Drive/Formerly 704*: 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*
- 11) **Case #2012-2978: Parcel #629-206** located *722 Hillmont 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. *Grass and Weeds - Ward 4*
- 12) **Case #2012-3075: Parcel #711-106** located *542 Whitegate 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. *Grass and Weeds - Ward 2*
- 13) **Case #2012-3142: Parcel #633-286** located at *1310 Dianne 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 6*

14) **Case #2012-3453: Parcel #630-475** located at *1615 Dianne 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 6*

15) **Case #2012-3618: Parcel #306-369** located *4203 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. *Grass and Weeds – Ward 4*

16) **Case #2012-3620: Parcel #306-67** located *4206 Wainwright Avenue*: Mary Funchess appeared and stated that she is the surviving spouse of John L. Funchess. Hearing officer recommends that the property be adjudicated a menace. However, interested party shall be afforded time to cure expiring September 17, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends assessment of actual costs and a penalty of \$750.00. *Board-up – Ward 4*

17) **Case #2012-3621: Parcel #306-66** located *0 Wainwright Avenue/Lot E of 4206*: Mary Funchess appeared and stated that she is the surviving spouse of John L. Funchess. Hearing officer recommends that the property be adjudicated a menace. However, interested party shall be afforded time to cure expiring September 17, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 4*

18) **Case #2012-3657: Parcel #630-479** located *1553 Dianne 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 6*

19) **Case #2012-3963: Parcel #406-90** located *0 Kennington Avenue/Lot W of 1333*: Vernon Price appeared. Hearing officer recommends that the property be adjudicated a menace to the public health and safety; however, interested party shall be afforded time to cure expiring September 10, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$1000.00. *Grass and Weeds – Ward 3*

20) **Case #2012-3964: Parcel #406-96** located *0 Kennington Avenue/2nd Lot E of 1320*: 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 \$1500.00. *Grass and Weeds – Ward 3*

21) **Case #2012-3966: Parcel #406-23** located *Kennington Avenue/Lot W of Lot @ SW Corner of Marin Luther King Jr. 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 \$1500.00. *Grass and Weeds – Ward 3*

22) **Case #2013-1142: Parcel #119-297** located *542 AB 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 and a penalty of \$500.00. *Demolition - Ward 4*

23) **Case #2013-1363: Parcel #839-383** located *1033 Branch Street*: Marshall Ray appeared. Hearing officer recommends property be adjudicated as a menace to public health and safety; however, interested parties shall be afforded time to cure expiring September 10, 2013. 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. *Grass and Weeds – Ward 6*

24) **Case #2013-1564: Parcel #642-335** located *328 Queen Theresa 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. *Board-up - Ward 4*

25) **Case #2013-1765: Parcel #144-115** located *0 Canal Street/Lot W of 834*: 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 3*

26) **Case #2013-1860: Parcel #152-59** located *0 Central Street/Lot W of 1329*: 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 \$1500.00. *Grass and Weeds – Ward 5*

27) **Case #2013-1867: Parcel #159-62** located *1260 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 and a penalty of \$500.00. *Demolition – Ward 5 -*

28) **Case #2013-1868: Parcel #123-104** located *2609 Latimer 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. *Demolition - Ward 5*

29) **Case #2013-1870: Parcel #113-42** located *1050 Robinson Street*: Xavier Hill, the Assistant Manager for the Jackson Metro Housing appeared. The Jackson Metro Housing Authority had entered into a rehabilitation agreement prior to the hearing. Based on the testimony, hearing officer recommends that the subject property be adjudicated as a menace to public health, safety and welfare. However, interested party shall be given the opportunity to comply with repair agreement. *Demolition – Ward 5*

30) **Case #2013-1938: Parcel #130-2** located *119 AB Ethelmoore 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. *Demolition - Ward 5*

31) **Case #2013-1978: Parcel #839-527** located *3148 Bienville 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 6*

32) **Case #2013-1984: Parcel #628-171** located *3125 Oak 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 and a penalty of \$500.00. *Grass and Weeds – Ward 6*

33) **Case #2013-2009: Parcel #432-143** located *4852 Sheridan 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. *Demolition – Ward 3*

34) **Case #2013-2044: Parcel #56-4-3** located *204 Sterling 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. *Grass and Weeds – Ward 7*

35) **Case #2013-2045: Parcel #56-4-2** located *210 Sterling 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 7*

36) **Case #2013-2046: Parcel #56-5** located *216 Sterling 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 7*

37) **Case #2013-2048: Parcel #52-72** located *333 Dunbar 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 7*

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 Priester** seconded.

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

ORDER ACCEPTING THE TERM BID OF SWARCO INDUSTRIES, INC. AND FLINT TRADING, INC., FOR A TWELVE-MONTH SUPPLY OF PREFORMED THERMOPLASTIC PAVEMENT MARKINGS, (BID NO. 55034-073013).

WHEREAS, sealed term bids for a twelve-month supply of Preformed Thermoplastic Pavement Markings were open on July 30, 2013; and two (2) bids were received; and

WHEREAS, the Traffic Engineering Division will use these pavement markings to have safer streets throughout the City of Jackson; and

WHEREAS, the staff of Traffic Engineering, a division of the Department of Public Works, has reviewed all bids received and recommends that this governing authority deem the bid submitted by Swarco Industries, Inc., 270 Rutherford Lane, Columbia, TN 38401 and Flint Trading, Inc., 115 Todd Court, Thomasville, NC 27360, for twelve-month supply of Preformed Thermoplastic Pavement Markings at the submitted prices listed below, to be the lowest and best bids:

SWARCO INDUSTRIES, INC. FLINT TRADING, INC. 270 Rutherford Lane 115
Todd Court Columbia, TN 38401 Thomasville, NC 27360

120 MIL THICKNESS 120 MIL THICKNESS

Items 1-20, 22-45 & 48-50 Items 21, 46 & 47

90 MIL THICKNESS 90 MIL THICKNESS

Items 51-95 & 98-100 Items 96 & 97

IT IS, THEREFORE, ORDERED that the bids of Swarco Industries, Inc., 270 Rutherford Lane, Columbia, TN 38401, and Flint Trading, Inc., 115 Todd Court, Thomasville, NC 27360, received July 30, 2013 for twelve-month supply of Preformed Thermoplastic Pavement Markings, (starting September 1, 2013 through August 31, 2014), be accepted as the lowest and best bids received, it being determined that said bids met the City specifications, as follows:

SWARCO INDUSTRIES, INC. FLINT TRADING, INC.
270 Rutherford Lane 115 Todd Court Columbia, TN 38401 Thomasville, NC 27360

120 MIL THICKNESS 120 MIL THICKNESS Items 1-20, 22-45 & 48-50 Items 21, 46 & 47

90 MIL THICKNESS 90 MIL THICKNESS

Items 51-95 & 98-100 Items 96 & 97

IT IS FURTHER ORDERED that payment for said pavement markings be made from the General Fund.

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

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

**ORDER ACCEPTING THE BID OF SPENCER READY MIX, FOR
A TWELVE MONTH SUPPLY OF READY-MIXED CONCRETE, (BID
NO. 75070-082013).**

WHEREAS, sealed bids for Ready-Mixed Concrete opened August 20, 2013 and only one (1) bid was received, and

WHEREAS, Infrastructure Management, a Division of Public Works Department, will use said Ready-Mixed Concrete throughout the City of Jackson for various projects; and

WHEREAS, the staff at Infrastructure Management Division has reviewed all bids received and recommends that this governing authority deem the bid submitted by Spencer Ready Mix, 9161 Highway 49 North, Jackson, MS 39209, for a twelve-month supply of Ready-Mixed Concrete at the submitted prices listed below, to be the lowest and best bid received.

Item 1. **Class "A" Concrete**
\$104.50/yard

Item 2. Class "B" Concrete
\$102.00/yard

Item 3. Class "C" Concrete
\$99.50/yard

No bid was received for items 4,5,6,7,8,9 and 10. A quote will be secured, if needed. There will be a \$3.00 per yard fee added to items 1 through 3, if pea gravel is needed instead of regular ready-mixed concrete.

IT IS, THEREFORE, ORDERED that the bid of Spencer Ready Mix, 9161 Highway 49North, Jackson, MS 39209, for a twelve-month supply of Ready-Mixed Concrete, (starting November 01, 2013 through October 31, 2014), for a twelve-month supply of Ready-Mixed Concrete at the submitted prices listed below, be accepted.

IT IS FURTHER ORDERED that payment for said ready-mixed concrete be made from the General Fund.

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

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

ORDER AUTHORIZING PAYMENT TO SOUTHERN CONSULTANTS, INC. FOR ENGINEERING SERVICES FOR THE GARY ROAD WATER LINE RELOCATION, CITY PROJECT NO. 30101908.

WHEREAS, the City is being required to move over 100 feet of 8-inch ductile iron water line located in Gary Road, as part of a Safe Routes to School Project being funded by Hinds County and the Mississippi Department of Transportation; and

WHEREAS, the survey and design of the utility placement is beyond the capacity of the City staff; and

WHEREAS, Southern Consultants, Inc. has been selected from the Statements of Qualifications on file in the Department of Public Works; and

WHEREAS, the Public Work Department has negotiated a price of \$15,000 with Southern Consultants to provide the necessary engineering services; and

WHEREAS, the Public Works Department recommends payment of the negotiated amount for the engineering services, \$15,000.00.

IT IS, THEREFORE, ORDERED, that payment in the amount of \$15,000.00 to Southern Consultants, Inc. for engineering services for the design of the Gary Road Water Line Relocation, City Project No. 30101908 is authorized.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE CONTRACT WITH ROBERT PARKER ADAMS, ARCHITECT, P.A., FOR PROFESSIONAL SERVICES RELATING TO THE MEDGAR WILEY EVERS RETROSPECTIVE EXHIBITION FOR SMITH ROBERTSON CULTURAL MUSEUM.

WHEREAS, on September 21, 2010, a contract was authorized with Robert Parker Adams, Architect, for professional services to effect the installation of the Medgar Evers Retrospective Exhibition and Programming; and

WHEREAS, said exhibition was initially designed around artifacts thought to be available to the the City of Jackson and was scheduled to have been substantially complete by May 2011; and

WHEREAS, delays were encountered by the City of Jackson in acquiring access to certain artifacts integral to the exhibition; and

WHEREAS, the unavailability of some of the artifacts resulted the redesign of the exhibit; and

WHEREAS, the redesign required additional services by the architect and its sub-consultant fabricating the exhibit; and

WHEREAS, the cost of the additional services is \$19,759.00; and

WHEREAS, the additional cost will increase the contract amount from \$180,527.00 to \$200,286.00; and

WHEREAS, the Public Works Department recommends that the governing authorities authorize payment for these additional services.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Amendment No. 1 to the contract between City of Jackson and Robert Parker Adams, Architect, P.A., for professional architectural services increasing said contract by \$19,759.00, resulting in a total amount not to exceed \$200,286 .00.

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

Yeas- Barrett-Simon, Stamps, Priester, Tillman and Whitwell.
Nays- Cooper-Stokes.
Absent- Yarber.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH COOKE DOUGLASS FARR LEMONS, ARCHITECTS & ENGINEERS, PA, FOR PROFESSIONAL SERVICES RELATING TO RENOVATION & RESTORATION IMPROVEMENTS PROJECT FOR THALIA MARA HALL.

WHEREAS, the City of Jackson is the recipient of grant funding from Department of Housing and Development (HUD) Economic Development Initiative (EDI) Special Project No. B-10-SP-0109, City of Jackson Renovation and Rehabilitation of Public Facilities for the Arts and Sciences grant; and

WHEREAS, Thalia Mara Hall was identified in the grant application as one of the facilities to receive a portion of the funds; and

WHEREAS, the funds are to be utilized to replace the house and production lighting dimming system; and

WHEREAS, the services of a professional architect or engineer are required to develop the construction documents for the dimming system; and

WHEREAS, the City advertised for Statements of Qualification for the Project, which were received and evaluated by a selection committee composed of City employees; and

WHEREAS, the selection committee recommends Cooke Douglass Farr Lemons, Architects & Engineers, PA, to provide professional services for the project; and

WHEREAS, Cooke Douglass Farr Lemons, Architects & Engineers, PA, have agreed to provide the needed professionals for an amount not to exceed \$27,300.00, for professional services, and an allowance for reimbursable expenses not to exceed \$2,000.00.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract between City of Jackson and CookeDouglass Farr Lemons, Architects & Engineers, PA, for professional services in an amount not to exceed \$27,300.00, for professional fees, and an allowance for reimbursable expenses not to exceed \$2,000.00, for a total authorization amount not to exceed \$29,300.00 for the Renovation& Restoration Improvements Project for Thalia Mara Hall.

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

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Whitwell.

Nays-None.

Absent- Yarber

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ROBERT PARKER ADAMS, ARCHITECT, P.A., FOR PROFESSIONAL SERVICES RELATING TO RENOVATION AND REHABILITATION IMPROVEMENTS PROJECT FOR JACKSON MUNICIPAL ART GALLERY AND SMITH ROBERTSON MUSEUM & CULTURAL CENTER.

WHEREAS, the City of Jackson is the recipient of grant funding from Department of Housing and Development (HUD) Economic Development Initiative (EDI) Special Project No. B-10-SP-0109, City of Jackson Renovation and Rehabilitation of Public Facilities for the Arts and Sciences grant; and

WHEREAS, Jackson Municipal Art Gallery (JMAG) and Smith Robertson Museum & Cultural Center (SRMCC) were identified in the grant application as facilities to receive a portion of the funds; and

WHEREAS, both buildings are listed on the National Register of Historic Places and have been judged Mississippi Landmark Property; and

WHEREAS, the services of a professional architect or engineer with adequate experience in Historic Preservation are required to develop the construction documents for the project; and

WHEREAS, the City advertised for Statements of Qualification for the Project, which were received and evaluated by a selection committee composed of City employees; and

WHEREAS, the selection committee recommends Robert Parker Adams, Architect, P.A., to provide professional services for the project; and

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, OCTOBER 22, 2013, 6:00 P.M.**

WHEREAS, Robert Parker Adams, Architect, P.A., has agreed to provide the needed professionals for an amount not to exceed \$29,512.00, for professional services, and an allowance for reimbursable expenses not to exceed \$2,000.00.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a contract between City of Jackson and Robert Parker Adams, Architect, P.A., for professional services in an amount not to exceed \$29,512.00, for professional fees, and an allowance for reimbursable expenses not to exceed \$2,000.00, for a total authorization amount not to exceed \$31,512.00 for the Renovation & Rehabilitation Improvements Project for Jackson Municipal Art Gallery and Smith Robertson Museum & Cultural Center.

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

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Whitwell.

Nays-None.

Absent- Yarber.

**ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT
FOR THE RENTAL OF A VOLVO ECDL EXCAVATOR FROM SCOTT
EQUIPMENT FOR USE AT THE MUNICIPAL LANDFILL.**

WHEREAS, the City of Jackson needs an excavator for a period of ninety (90) days at the City's Rubbish Facility in Byram, MS to maintain the facility and comply with the City's MDEQ Solid Waste Disposal permit for the facility; and

WHEREAS, the City solicited two competitive quotes from vendors to lease the required excavator; and

WHEREAS, Solid Waste Division has reviewed the quotes and recommends that the governing authorities deem the quote of Scott Equipment in the amount of \$12,696.00 for a Volvo ECDL Excavator with a mechanical thumb to be the lowest and best quote received.

IT IS, THEREFORE, ORDERED that the quote of Scott Equipment in the amount of \$12,696.00 for the ninety (90) day lease of a Volvo ECDL Excavator with a mechanical thumb is accepted and the Mayor authorized to execute a ninety (90) day contract with Scott Equipment for the rental of a Volvo Excavator for the City of Jackson Rubbish Class I site in the amount of \$12,696.00.

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

Yeas- Barrett-Simon, Cooper-Stokes, Stamps, Priester, Tillman and Whitwell.

Nays-None.

Absent- Yarber.

**ORDER AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY
CLERK TO ATTEST A JOINT FUNDING AGREEMENT BETWEEN
THE CITY AND THE U.S. DEPARTMENT OF THE INTERIOR, U.S.
GEOLOGICAL SURVEY FOR THE WATER RESOURCES DATA
COLLECTION SYSTEMS.**

WHEREAS, the U.S. Geological Survey provides flow stage and discharge data monitoring on various creeks throughout the City through equipment and personnel; and

WHEREAS, the City uses the U.S. Geological Survey Water Resources Data Collection System for various planning, maintenance and emergency response functions; and

WHEREAS, the U.S. Geological Survey requires the City to pay a share of the operational costs for providing flow stage and discharge data monitoring to continue this service; and

WHEREAS, the U.S. Geological Survey has calculated the City share of the operational costs for the next year to be \$50,805.00.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute and the City Clerk authorized to attest on behalf of the City a Joint Funding Agreement with the United States Department of the Interior, United States Geological Survey for the Water Resources Data Collection System.

IT IS FURTHER ORDERED that payment in the amount of \$50,805.00 to the United States Department of the Interior, U.S. Geological Survey is authorized to provide flow stage and discharge data monitoring at various creeks throughout the City pursuant to the Joint Agreement.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE APPLICATIONS TO THE JACKSON METROPOLITAN PLANNING ORGANIZATION FOR PROJECTS PROPOSED TO BE FUNDED THROUGH SURFACE TRANSPORTATION PROGRAM FUNDS MADE AVAILABLE UNDER MAP-21.

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21), which was signed into law by President Barack Obama on July 6, 2012, provides federal funding for surface transportation programs for fiscal years (FY) 2013 and 2014; and

WHEREAS, Jackson Metropolitan Planning Organization, the designated regional planning organization authorized to disburse federal highway funds allocated to urbanized areas, received \$22.3 million for federal surface transportation funding from MAP-21; and

WHEREAS, the Jackson Metropolitan Planning Organization issued a call for projects that qualify under three categories for evaluation for potential funding under MAP-21; and

WHEREAS, the City of Jackson has identified potential street projects that would fall within these three categories and intends to submit an application to the Jackson Metropolitan Planning Organization.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute applications and other related documents for street projects to be funded through surface transportation program funds made available under MAP-21 and submit the same to the Jackson Metropolitan Planning Organization.

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

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

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
UNAUTHORIZING THE JACKSON REDEVELOPMENT AUTHORITY.**

WHEREAS, the public health, safety and welfare of the citizens of Jackson shall be considered by this Order; and

WHEREAS, the Jackson Redevelopment Authority is elected by the local governing body to exercise the urban renewal project powers of the municipality as the urban renewal agency in accordance with state law; and

WHEREAS, in recent years, the authority granted to the Jackson Redevelopment Authority has not inured to the benefit of the citizens of the City of Jackson; and

WHEREAS, the Jackson City Council should take steps necessary to ensure that the citizens of the City of Jackson receive the quality of service necessary in the area of economic development which would prove beneficial to the citizens of the City of Jackson.

IT IS, THEREFORE, ORDERED, in the best interest of the citizens of the City of Jackson that the Jackson Redevelopment Authority be hereby unauthorized.

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

Thorough discussion was held on the matter and all original motions and seconds were withdrawn.

Thereafter, **Council Member Whitwell** moved to bring the order forth for discussion purposes only. The motion failed for lack of a second.

Said item was placed in the Planning Committee at the request of **President Tillman**

Council Member Barrett-Simon left the meeting at 8:31 p.m.

There came on for consideration Agenda Item No. 35:

DISCUSSION: LIVINGSTON ROAD SITE OF THE OLD DESOTA PLANT: **President Tillman** recognized **Council Member Cooper-Stokes** who requested that **Bennie Thompson, Director of Planning and Development** give an update on said discussion.

DISCUSSION: PARKING ON RESIDENTIAL STREETS: **President Tillman** recognized **Council Member Cooper-Stokes** who expressed concerns regarding the amount of cars being parked on residential streets.

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The following announcements/reports were provided during the meeting:

- Make a Difference Day on October 26, 2013
- Fueling Your Dreams Tour on October 31, 2013
- Women Empowerment Conference from 8:00 a.m.-5:00 p.m. at Brinkley Middle School on November 2, 2013
- Ward 3 Marathon Meeting at 10:00 a.m. on November 7, 2013 at Charles Tisdale Library and at 6:00 at Medgar Evers Library

The meeting was closed in memory of the following individuals:

- Willie Heidelberg
- Rev. Willie B. Lewis
- James Johnson
- Louise Atkins

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 4:00 p.m. on Monday, October 28, 2013; at 8:56 p.m., the Council stood adjourned.

ATTEST:

Bresha Lee
CITY CLERK

APPROVED:

Charles Johnson, 11-18-13
MAYOR DATE
