

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, NOVEMBER 19, 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 November 19, 2013, being the third 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; De'Keither Stamps, Ward 4; Tony Yarber, Ward 6 and Margaret Barrett-Simon, Ward 7. Directors: Chokwe Lumumba, Mayor; Brenda Pree, City Clerk and Gail Lowery, City Attorney.

Absent: Council Member: LaRita Cooper- Stokes, Ward 3.

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

The invocation was offered by **Lorenzo Neal of New Bethel AME Church**.

There came on for consideration Agenda Item No. 2: Public Hearing:

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR NEW LAKE CHURCH OF CHRIST (HOLINESS) U.S.A. TO ERECT A 32 SQ. FT. GROUND SIGN AT 8 FT IN HEIGHT WITHIN A R-1 ZONE WHICH ONLY ALLOW GROUND SIGNS FOR CHURCHES TO BE ONLY 16 SQ. FT. IN SIGN AREA AND A MAXIMUM HEIGHT OF 6 FT.

It was noted for the record that no comments were received by the public.

There came on for consideration Agenda Item No. 3: Public Hearing:

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO DENY THE SIGN VARIANCE REQUEST FOR NEW LAKE CHURCH OF CHRIST (HOLINESS) U.S.A. TO ERECT A 32 SQ. FT. GROUND SIGN AT 8 FT. IN HEIGHT WITHIN A R-1 ZONE WHICH ONLY ALLOW GROUND SIGNS FOR CHURCHES TO BE ONLY 16 SQ. FT. IN SIGN AREA AND A MAXIMUM HEIGHT OF 6 FT.

It was noted for the record that no comments were received by the public.

President Tillman recognized the following individuals who provided public comments:

- **Patty Patterson** expressed concerns regarding the inhumane conditions for the Salvation Army's volunteer kettle bell ringers.
- **Teresa Sterling** offered words of encouragement for the City of Jackson residents and City officials.

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- **Ethel Chapman** spoke in favor of the renaming of West Silas Brown Street to Reverend Raymond O. Biard Blvd.
- **Ineva May Pittman** spoke in support of the sign variance for New Lake Church of Christ (Holiness) U.S.A. and expressed concerns for the lack of a band at Lanier High School.

ORDER ACCEPTING THE BIDS OF MERCHANTS FOOD SERVICE AND SYSCO JACKSON, LLC, FOR SIX MONTHS SUPPLY OF FOODS - CANNED AND/OR DRY, GROUP IIB (BID NO. 38702-0090313).

WHEREAS, on August 08 & 15, 2013, sealed bids were received and two (2) bids for canned and/or dry Group IIB were received; and

WHEREAS, certain canned and/or dry are needed for children enrolled in the Early Childhood Development Program; and

WHEREAS, The Department of Human and Cultural Services has reviewed said bid and recommends the bids submitted by Merchants Foodservice and Sysco Jackson, LLC., received on August 08 & 15, 2013, be accepted as the lowest and best bids received for those certain items; and

WHEREAS, the cost of said canned and/or dry - food Group IIB, is based on an estimated number of children to be served.

IT IS HEREBY ORDERED that the following bids received August 08 & 15, 2013, from Merchants Foodservice, 870 Boling Street, Jackson, MS 39209 and Sysco Jackson, LLC., 4400 Milwaukee Street, Jackson, MS 39209, for a six-month supply, of canned and/or dry - Group IIB, (starting November 01, 2013 – April 30, 2014), be accepted as the lowest and best bids received for each of the specified items as listed below, it being determined that said bids met the City specifications.

COMPANY NAME
Merchants Foodservice
870 Boling Street
Jackson, MS 39209

ITEM
1-4, 6, 8-12, 15-32, 34 & 37-42

Sysco Jackson, LLC.
4400 Milwaukee Street
Jackson, MS 39209

5, 7, 13-14, 33, & 35-36

IT IS FURTHER ORDERED that payment for said canned and/or dry Group IIB, be made from various funds.

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

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

Nays- None.

Absent- Cooper-Stokes.

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ORDER ACCEPTING THE BID OF MERCHANTS FOOD SERVICE AND SYSCO JACKSON, LLC, FOR SIX MONTH SUPPLY OF FOODS - BABY FOOD PRODUCTS, (BID NO. 39331-090313).

WHEREAS, on August 08 & 15, 2013, sealed bids were received and two (2) bids for Baby Foods were received; and

WHEREAS, certain Baby Foods are needed for children enrolled in the Early Childhood Development Program; and

WHEREAS, The Department of Human and Cultural Services has reviewed said bids and recommends the bids submitted by Merchants Foodservice and Sysco Jackson, LLC., received on August 08 & 15, 2013, be accepted as the lowest and best bids received for those certain items; and

WHEREAS, the cost of said Baby Foods is based on an estimated number of children to be served.

IT IS HEREBY ORDERED that the following bids received August 08 & 15, 2013, from Merchants Foodservice, 870 Boling Street, Jackson, MS 39209 and Sysco Jackson, LLC., 4400 Milwaukee Street, Jackson, MS 39209, for a six-month supply of Baby Foods, (starting November 01, 2013 – April 30, 2014), be accepted as the lowest and best bids received for each of the specified items as listed below, it being determined that said bids met the City specifications.

<u>COMPANY NAME</u>	<u>ITEMS</u>
Merchants Foodservice 870 Boling Street Jackson, MS 39209	4-7
Sysco Jackson, LLC. 4400 Milwaukee Street Jackson, MS 39209	1-2

IT IS FURTHER ORDERED that payment for said Baby Foods, be made from various funds.

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

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

ORDER ACCEPTING THE BID OF ALLSTATES COATING COMPANY AND ENNIS PAINT, INC., FOR AN EIGHTEEN-MONTH SUPPLY OF TRAFFIC PAINT (BID NO. 63066-082713).

WHEREAS, sealed term bids for an eighteen-month supply of Traffic Paint were opened August 27, 2013; and two (2) bids were received; and

WHEREAS, the Traffic Engineering Division will use said paint as pavement marking within the City of Jackson on various street projects; and

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WHEREAS, the staff at Traffic Engineering, has reviewed all bids submitted and recommends that this governing authority deem the bids submitted by Allstates Coatings Company, 100 N. Lee Drive, Gladewater, TX 75647 and Ennis Paint, Inc., 115 Todd Court, Thomasville, NC 27360, for a eighteen-month supply of traffic paint, to be the lowest and best bid as follows:

ITEM 1

ITEM 2

ENNIS PAINT, INC.	ALLSTATES COATINGS COMPANY
115 Todd Court	100 North Lee Drive
Thomasville, NC 27360	Gladewater, TX 75647
Yellow, Fast- Drying Acrylic	White, Fast-Drying Acrylic Waterborne
Waterborne	Traffic Paint, Packaged in
Traffic Paint, Packaged in	55- Gallon Drums
55- Gallon Drums	\$9.30 per gallon
\$9.15 per gallon	

IT IS, THEREFORE, ORDERED that the bids of Allstates Coatings Company and Ennis Paint, Inc., received August 27, 2013, for an eighteen-month supply of traffic paint (beginning from the date of approval of this order and continuing for eighteen months), be accepted as the lowest and best bids received, it being determined that said bids meet the specifications.

ITEM 1

ITEM 2

ENNIS PAINT, INC.	ALLSTATES COATINGS COMPANY
115 Todd Court	100 North Lee Drive
Thomasville, NC 27360	Gladewater, TX 75647
Yellow, Fast- Drying Acrylic	White, Fast-Drying Acrylic Waterborne
Waterborne	Traffic Paint, Packaged in
Traffic Paint, Packaged in	55- Gallon Drums
55- Gallon Drums	\$9.30 per gallon
\$9.15 per gallon	

IT IS FURTHER ORDERED that payment for said traffic paint be made from the General Fund.

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

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

Nays- None.

Absent- Cooper-Stokes.

There came on for Introduction Agenda Item No. 7:

ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI PROHIBITING PROTEST DEMONSTRATIONS NEAR SCHOOLS BEFORE SCHOOL STARTS AND AT THE END OF THE SCHOOL DAY. (COOPER-STOKES) Said item was referred to the Education Committee.

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There came on for Introduction Agenda Item No. 8:

ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI ESTABLISHING THE HONORARY RENAMING OF OAK FOREST DRIVE (FROM MCDOWELL ROAD TO COOPER ROAD) TO LEONARD TERRELL DRIVE. (YARBER) Said item was referred to the Planning Committee.

ORDER APPROVING CLAIMS NUMBERED 1686 TO 2043, APPEARING AT PAGES 271 TO 325, INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$25,757,151.20 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 1686 to 2043, appearing at pages 271 to 325, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$25,757,151.20 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</u> <u>ACCOUNTS PAYABLE FUND</u>
2007 TAX INR LO BONDS	\$ 1,500.00
2008 GO STREET CONSTRUCTION FD	\$9,330.61
2010 GO REFUNDING/RESTRUCTURIN	\$2,500.00
AMERICORP CAPITAL CITY REBUILD	\$52.12
EARLY CHILDHOOD (DAYCARE)	\$6,924.36
EMPLOYEES GROUP INSURANCE FUND	\$5,237.75
FIRE PROTECTION	\$53,341.58
G O PUB IMP CONS BD 2003 (\$20M)	\$574,734.66
GENERAL FUND	\$2,022,504.57
HOUSING COMM DEV ACT (CDBG) FD	\$1,017.37
LANDFILL/SANTITATION FUND	\$602,070.41
MADISON SEWAGE DISP OP & MAINT	\$5.48
MEMA- DOMESTIC PREPARDNSS EQUIP	\$2,850.00
NCSC SENIOR AIDES	\$31.49

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P E G ACCESS- PROGRAMMING FUND	\$145.99
PARKS & RECR FUND	\$41,911.26
SEIZURE & FORFEITED PROP – FED	\$17.03
STATE TORT CLAIMS FUND	\$5,075.00
TECHNOLOGY FUND	\$46,315.72
TRAFFIC – REPAIR & REPL FD	\$19,295.72
TRANSPORTATION FUND	\$215,694.78
WATER SEWER B & I FD 2013 \$89.9M	\$2,509,317.71
WATER/SEWER CAPITAL IMPR FUND	\$1,128,646.82
WATER/SEWER CON FD 2013- \$89.9M	\$18,454,957.00
WATER/SEWER OP & MAINT FUND	\$36,309.42
WATER/SEWER REVENUE FUND	\$17,364.25
	\$25,757,151.20

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

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

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

Nays- None.

Absent- Cooper-Stokes.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 1686 TO 2043 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 1686 to 2043 inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$129,960.29 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:

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<u>FROM</u>	<u>TO</u> <u>ACCOUNTS PAYABLE</u> <u>FUND</u>	<u>TO</u> <u>PAYROLL</u> <u>FUND</u>
GENERAL FUND		\$1,968,051.84
PARKS & RECR.		\$74,135.78
LANDFILL/SANITATION FUND		\$ 25,135.33
WATER/SEWER OP & MAINT FUND		\$213,425.55
HOUSING COMM DEV ACT (CDBG)FD		\$ 7,915.54
EARLY CHILDHOOD		\$34,231.77
AMERICORP CAPITAL CITY REBULID		\$10,557.92
TRANSPORTATION FUND		\$7,617.73
NCSC SENIOR AIDES		\$2,578.72
PAYROLL FUND		\$1,116.00
TITLE III AGING PROGRAMS		\$6,189.19
T-WARNER PA/GA FUND		\$6,640.04
COPS HIRING GRANT 2011		\$29,933.54
	TOTAL	\$2,387,525.95

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

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

Nays- None.

Absent- Cooper-Stokes.

**ORDER APPROVING MUNICIPAL COMPLIANCE QUESTIONNAIRE
FOR THE 2013 AUDIT AND AUTHORIZING THE MAYOR TO
EXECUTE SAID DOCUMENT.**

WHEREAS, as part of the municipality's annual audit, the City must complete the Municipal Compliance Questionnaire for Fiscal Year 2013; and

WHEREAS, The Municipal Compliance Questionnaire must be approved by the governing authorities and executed by the Mayor.

IT IS, THEREFORE, ORDERED that the Municipal Compliance Questionnaire for the 2013 City Audit be approved and that the Mayor be authorized to execute said questionnaire.

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

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

Nays- None.

Absent- Cooper-Stokes.

ORDER AUTHORIZING THE MAYOR TO RENEW AGREEMENT WITH EXCESS RISK REINSURANCE, INC. & MAT THOMAS & ASSOCIATES TO PROVIDE "SPECIFIC EXCESS RISK" INSURANCE COVERAGE FOR ACTIVE AND RETIRED CITY EMPLOYEES COVERED UNDER THE CITY OF JACKSON'S MEDICAL BENEFITS PLAN DURING THE 2014 PLAN YEAR.

WHEREAS, the Department of Personnel Management advertised for proposals in 2012 from providers interested in providing excess risk coverage with the option to renew at the same rate for single and family coverage active and retired employees participating in the City of Jackson's self-funded health insurance plan; and

WHEREAS, of the three (3) proposals received in response to the 2012 advertisement Excess Risk QBE was the lowest and best bid at \$17.88 for the single coverage and \$53.64 for family coverage with a \$425,000 Specific Laser on a retiree with a high volume claim; and thus the City contracted with Excess Risk QBE to provide excess risk coverage with an option to renew for one year; and

WHEREAS, it is in the best interest of the City to maintain the level of "specific excess risk" insurance coverage at \$2,000,000 annually with a \$175,000 deductible per participant. Further, it is in the best interest of the City to maintain the level of "specific excess risk" insurance coverage for 2014 be unlimited with a \$175,000 deductible per participant; and

WHEREAS, Excess Risk/QBE Mat Thomas & Associates located at 3073 John R. Lynch Street, is the agent of record for Excess Risk/QBE and is a minority owned business; and

WHEREAS, the Department of Personnel Management and Insurance Advisory Committee recommends that they exercise its option to renew the agreement with Excess Risk/QBE at the same aforementioned rates.

IT IS, THEREFORE, ORDERED that the renewal proposal from Excess Risk/QBE to provide "specific excess risk" insurance on the basis of single and family coverage for active and retired city employees with a \$425,000 Specific Laser on a retiree with a high volume claim participating in the City's self funded health insurance plan be accepted.

IT IS FURTHER ORDERED that amounts not exceeding \$17.34 for single coverage participants and \$52.03 for family coverage participants with a \$425,000 Specific Laser on a retiree with a high volume claim be paid.

IT IS FINALLY ORDERED that the Mayor be authorized to execute the necessary documents to effectuate the renewal of said insurance coverage.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT AND OTHER NECESSARY DOCUMENTS WITH BLUE CROSS AND BLUE SHIELD OF MISSISSIPPI TO PROVIDE FOR ADMINISTRATION OF THE CITY OF JACKSON'S EMPLOYEES' MEDICAL BENEFITS PLAN AND DENTAL PLAN FROM JANUARY 1, 2014 TO DECEMBER 31, 2014.

WHEREAS, on December 13, 1990, the City Council authorized an Administrative Services Contract with Blue Cross and Blue Shield of Mississippi whereby said entity would serve as the Third Party Administrator (TPA) for the City of Jackson's Self-funded Employees' Medical Benefits Plan; and

WHEREAS, on an annual basis, renewal agreements for said services have been executed; and

WHEREAS, the monthly fee for administering said Plan for 2014 will be \$33.50 per participant for the Medical Benefits Plan; and

WHEREAS, the monthly assessment fee for the Comprehensive Health Insurance Risk Pool for each participant enrolled in the Plan on or after 4/1/12 has been \$3.00 and will remain at the same fee for Plan Year 2014; and

WHEREAS, Blue Cross and Blue Shield of Mississippi also serves as the TPA for the City's Self-funded Dental Plan; and

WHEREAS, the monthly fee for administering said Dental Plan in 2014 will remain at the same rate of \$4.50 per participant.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a renewal agreement and other necessary documents with Blue Cross and Blue Shield of Mississippi to provide TPA services for the City of Jackson's Self-funded Employees' Medical Benefits Plan and Dental Plan in 2014.

IT IS FURTHER ORDERED that the fees for administering the Plan be paid.

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

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

Nays- None.

Absent- Cooper-Stokes.

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF EVELYN REED TO THE JACKSON MUNICIPAL AIRPORT AUTHORITY. Said item was pulled by Mayor Chokwe Lumumba.

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF ATTORNEY JAMES HENLEY TO THE JACKSON MUNICIPAL AIRPORT AUTHORITY.

WHEREAS, the Jackson Municipal Airport Authority consists of five (5) members appointed by the Mayor for a term of five years; and

WHEREAS, George E. Irvin's term expired on February 17, 2012, thereby creating a vacancy; and

WHEREAS, Attorney James Henley, a resident of Ward 2, after evaluation of his qualifications, has been appointed by the Mayor to fill said vacancy.

IT IS THEREFORE ORDERED that the Mayor's appointment of Attorney James Henley to the Jackson Municipal Airport Authority be confirmed with said term to expire February 17, 2017.

Council Member Yarber moved adoption; Council Member Priester seconded.

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **James Henley** for consideration to the Jackson Municipal Airport Authority, City of Jackson, Mississippi. **James Henley** provided a personal statement and answered questions posed to him by Council Members.

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

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

ORDER CONFIRMING THE MAYOR’S APPOINTMENT OF VERNON HARTLEY TO THE JACKSON MUNICIPAL AIRPORT AUTHORITY.

WHEREAS, the Jackson Municipal Airport Authority consists of five (5) members appointed by the Mayor for a term of five years; and

WHEREAS, there currently exists a vacancy on the Jackson Municipal Airport Authority that was previously filled by Johnnie Patton, whose term expired on February 17, 2011; and

WHEREAS, Vernon Hartley, a resident of Ward 5, after evaluation of his qualifications, has been appointed by the Mayor to fill said vacancy.

IT IS THEREFORE ORDERED that the Mayor’s appointment of Vernon Hartley to the Jackson Municipal Airport Authority be confirmed with said term to expire February 17, 2016.

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

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Vernon Hartley** for consideration to the Jackson Municipal Airport Authority, City of Jackson, Mississippi. **Vernon Hartley** provided a personal statement and answered questions posed to him by Council Members.

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

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

ORDER CONFIRMING THE MAYOR’S APPOINTMENT OF LAWANDA HARRIS TO THE JACKSON MUNICIPAL AIRPORT AUTHORITY. Said item was pulled by Mayor Chokwe Lumumba.

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ORDER CONFIRMING THE MAYOR’S APPOINTMENT OF KEMBA WARE TO THE JACKSON REDEVELOPMENT AUTHORITY. Said item was pulled by Mayor Chokwe Lumumba.

ORDER CONFIRMING THE MAYOR’S APPOINTMENT OF ATTORNEY JENNIFER JOHNSON TO THE JACKSON REDEVELOPMENT AUTHORITY.

WHEREAS, the Jackson Redevelopment Authority consists of seven (7) members appointed by the Mayor for a term of five years; and

WHEREAS, Brian Fenelon’s term expired on August 13, 2012, thereby creating a vacancy; and

WHEREAS, Attorney Jennifer Johnson, a resident of Ward 7, after evaluation of her qualifications has been appointed by the Mayor to fill said vacancy.

IT IS, THEREFORE, ORDERED that the Mayor’s appointment of Attorney Jennifer Johnson to the Jackson Redevelopment Authority be confirmed with said term to expire August 13, 2017.

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

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Jennifer Johnson** for consideration to the Jackson Redevelopment Authority, City of Jackson, Mississippi. **Jennifer Johnson** provided a personal statement and answered questions posed to her by Council Members.

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

Yeas- Barrett-Simon, Priestler, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Cooper-Stokes.

ORDER CONFIRMING THE MAYOR’S APPOINTMENT OF REVEREND JEFFREY STALLWORTH TO THE JACKSON MUNICIPAL AIRPORT AUTHORITY.

WHEREAS, the Jackson Municipal Airport Authority consists of five (5) members appointed by the Mayor for a term of five years; and

WHEREAS, Dr. Glenda Glover’s term expired on February 17, 2009, thereby creating a vacancy; and

WHEREAS, Reverend Jeffrey Stallworth, a resident of Ward 3, after evaluation of his qualifications, has been appointed by the Mayor to fill said vacancy.

IT IS, THEREFORE, ORDERED that the Mayor’s appointment of Reverend Jeffery Stallworth to the Jackson Municipal Airport Authority be confirmed with said term to expire February 17, 2014.

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

President Tillman recognized Mayor Chokwe Lumumba, who gave a brief presentation on the qualifications of Reverend Jeffrey Stallworth for consideration to the Jackson Municipal Airport Authority, City of Jackson, Mississippi. Reverend Jeffrey Stallworth provided a personal statement and answered questions posed to him by Council Members.

Thereafter, President Tillman called for a vote:

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

ORDER CONFIRMING THE MAYOR'S NOMINATION OF HORACE KELLY, WARD 7 RESIDENT, TO THE MUNICIPAL ELECTION COMMISSION.

WHEREAS, the Municipal Election Commission consists of seven members nominated by the Mayor and confirmed by the City Council for a term of four years; and

WHEREAS, the term of Ms. B.P. Williams, a Ward 7 resident, has expired, thereby creating a vacancy; and

WHEREAS, after evaluation of his qualifications, the Mayor is nominating Mr. Horace Kelly to fill said vacancy.

IT IS, THEREFORE, ORDERED that the governing authorities appoint Mr. Horace Kelly, Ward 7 resident, to the Municipal Election Commission, with said term to expire September 1, 2017.

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

President Tillman recognized Mayor Chokwe Lumumba, who gave a brief presentation on the qualifications of Horace Kelly for consideration of appointment to the Election Commission, Ward 7 City of Jackson, Mississippi. Horace Kelly provided a personal statement and answered questions posed to him by Council Members.

Thereafter, President Tillman called for a vote:

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACT #1514-25, 1534-25, 1194-25, AND 1034-25 WITH CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT/AREA AGENCY ON AGING FOR THE 2013-14 FISCAL YEAR FOR THE CONGREGATE MEALS, HOME DELIVERED MEALS, TRANSPORTATION, AND OUTREACH PROGRAMS OF THE CITY OF JACKSON.

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

WHEREAS, in Fiscal Year 2012-13 the City of Jackson served: 435 persons in the Congregate Meals Program; 277 persons in the Home Delivered Meals Program; 389 persons in the Transportation Program; and 3,243 persons in the Outreach Program; and

WHEREAS, the Central Mississippi Planning and Development District/Area Agency on Aging for has informed the City of Jackson that it is eligible to receive federal funds in the amount of Four Hundred and Fifty Two Thousand One Hundred Ninety Five Dollars (\$452,195) and state funds in the amount of Three Thousand and Seventy One Dollars (\$3,071); and

WHEREAS, the City must provide a local cash match of Four Hundred and Six Thousand and Five Hundred and Sixty Two Dollars (\$406,562).

IT IS HEREBY ORDERED that the Mayor be authorized to execute Contract #1514-25, 1534-25, 1194-25, 1034-25 with Central Mississippi Planning and Development District/Area Agency on Aging for funding of Congregate Meals, Home Delivered Meals, Transportation, and Outreach Services for the period of October 1, 2013 through September 30, 2014.

IT IS FURTHER ORDERED that the local match of Four Hundred and Six Thousand Five Hundred Sixty Two Dollars (\$406,562) be provided from the General Fund.

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

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

Nays- None.

Absent- Cooper-Stokes.

**ORDER AUTHORIZING THE MAYOR TO EXECUTE A
CONSULTANT AGREEMENT WITH DR. EDELIA J. CARTHAN FOR
SERVICES TO BE PROVIDED IN CONNECTION WITH THE
AMERICORPS CAPITOL CITY REBUILD PROGRAM.**

WHEREAS, the City of Jackson was awarded funds by the Mississippi Commission for Volunteer Service to provide character development training and life skills education to AmeriCorps members; and

WHEREAS, the Mississippi Commission of Volunteer Service requires that the participants receive character development training and life skill education; and

WHEREAS, twenty (20) AmeriCorps members will be provided character development training and life skill education; and

WHEREAS, the character development training and life skill education will be comprised of four (4) sessions covering decision-making, anger management, drug, and alcohol abuse, and career opportunities; and

WHEREAS, Edelia J. Carthan is a Jackson resident and has experience in workforce development and training and is qualified to provide the character development and life skill education sessions needed by the City of Jackson; and

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WHEREAS, each session will be provided at a cost of \$125.00 for a total of \$500.00 and was budgeted and included in the funding awarded by the Mississippi Commission of Volunteer Service.

IT IS HEREBY ORDERED that the Mayor is authorized to execute a Consultant Agreement with Edelia J. Carthan to provide character development training and life skill education sessions for AmeriCorps members.

IT IS HEREBY ORDERED that the compensation paid Edelia J. Carthan shall not exceed the sum of \$500.00 and shall be paid from the funds awarded the City by the Mississippi Commission of Volunteer Service.

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

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

Nays- None.

Absent- Cooper-Stokes.

ORDER AUTHORIZING THE APPROVAL OF A TICKET SURCHARGE IN THE AMOUNT OF FIVE DOLLARS (\$5.00) FOR TICKETED EVENTS AND PERFORMANCES HELD AT THALIA MARA HALL.

WHEREAS, Thalia Mara Hall is a facility owned by the City of Jackson and is managed by the Department of Human and Cultural Services; and

WHEREAS, Thalia Mara Hall is used by various local, national, and international entertainment promoters, performers, and personalities for performances and productions; and

WHEREAS, the promoters, performers, and personalities using Thalia Mara Hall sell tickets to those attending its production and performances; and

WHEREAS, the City of Jackson receives compensation for the use of its facilities by the promoters, performers, and personalities but does not receive surcharges compensation on the tickets sold; and

WHEREAS, repairs, renovations, and improvements are needed if Thalia Mara is to remain a viable venue for entertainment promoters and performers; and

WHEREAS, it is in the best interest of the City of Jackson to repair, renovate, and improve Thalia Mara because the various entertainment productions and performances result in spending and provide revenue within the local economy; and

WHEREAS, the assessment of a five dollar (\$5.00) surcharge for ticketed events is anticipated to generate \$342,330.00 in revenue based upon an estimated annual attendance of 68,466 persons; and

WHEREAS, Mississippi Legislature recently appropriated monies to the City to assist in its efforts to renovate Thalia Mara; and

WHEREAS, the Legislature's bill appropriating the funds to the City of Jackson requires that it provide a match of \$1,000,000.00; and

WHEREAS, the charging of the \$5.00 surcharge will enable or provide the City of Jackson with the \$1,000,000.00 match within five (5) years if the anticipated revenue of \$342,330.00 is generated; and

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WHEREAS, the best interest of the City of Jackson and its citizenry would be served by the assessment of a five dollars (\$5.00) per ticket surcharge for events held at Thalia Mara Hall.

IT IS HEREBY ORDERED that a per ticket surcharge in the amount of \$5.00 be assessed for each ticket sold at performances and events held at Thalia Mara Hall.

IT IS FURTHER HEREBY ORDERED that the surcharge shall be effective for all productions and performances booked at Thalia Mara Hall after July 1, 2014.

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

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

Council Member Whitwell left the meeting at 7:28 after Agenda Item No. 24.

ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY OFFICE OF HOMELAND SECURITY FOR A GRANT TO PROVIDE DISASTER AND EMERGENCY PREPAREDNESS TRAINING TO AMERICORPS PROGRAM PARTICIPANTS .

WHEREAS, the Mississippi Department of Public Safety Office of Homeland Security has available funds for the purpose of assisting local public entities with providing disaster preparedness and emergency response training; and

WHEREAS, the City of Jackson, Mississippi ("City of Jackson") was previously awarded funds by the Mississippi Department of Public Safety Office of Homeland Security in the amount of \$2,000.00 which were used to provide emergency response and disaster preparedness training to its Americorps Program volunteers; and

WHEREAS, it is recommended that the City of Jackson apply to the Mississippi Department of Public Safety Office of Homeland Security for a grant in the amount of \$2,000.00 which will be used to provide emergency response and disaster preparedness training to its Americorps Program volunteers; and

WHEREAS, a match will not be required if the City is awarded the funds; and

WHEREAS, the best interest of the City of Jackson would be served by authorizing the submission of an application to the Mississippi Department of Public Safety Office of Homeland Security and further authorizing the Mayor to execute documents necessary for receipt and expenditure of the funds awarded.

IT IS HEREBY ORDERED that an application may be submitted to the Mississippi Department of Public Safety Office of Homeland Security Grant for funds to provide disaster preparedness and emergency response training to the City's Americorps Program participants.

IT IS FURTHER ORDERED that the Mayor be authorized to execute any and all documents deemed necessary for the application, acceptance and expenditure of Grant Funds under the Mississippi Department of Public Safety Office of Homeland Security Grant.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT WITH JACKSON METRO CENTER MALL, LTD FOR USE OF ITS FACILITY TO CONDUCT THE MISSISSIPPI HEALTH ADVOCACY PROGRAM.

WHEREAS, the City of Jackson will sponsor Health Advocacy Program on November 15th and December 13th, 2013; and

WHEREAS, the health fair is for residents of the City of Jackson, Mississippi interested in signing up for affordable healthcare; and

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

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

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

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

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

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute a License Agreement with the Jackson Metro Center Mall, LTD, for the Health Advocacy Program for the citizens of Jackson which is anticipated to be held on November 15th and December 13th, 2013.

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

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

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

**REGULAR MEETING OF THE CITY COUNCIL
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**ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION TO
THE MISSISSIPPI COMMISSION ON VOLUNTEER SERVICES AND
AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL
DOCUMENTS RELATED TO THE APPLICATION.**

WHEREAS, the City of Jackson has previously applied and received funding from the Mississippi Commission on Volunteer Services to support its Americorps Capital City Rebuilds Program; and

WHEREAS, the funding received from the Mississippi Commission on Volunteer Services has previously been used to provide services to senior citizens, nutrition for economically disadvantaged residents, and mentoring and tutoring services for at-risk students through various non-profit entities in the City of Jackson; and

WHEREAS, the Department of Human and Cultural Services recommends that the City of Jackson submit an application for the fiscal year commencing September 1, 2014 and ending August 31, 2015 for funding in the amount of \$266,000.00; and

WHEREAS, it is anticipated that twenty (20) Americorps Program participants will be recruited if the application is funded; and

WHEREAS, the participants will serve residents within the community of Jackson and receive a stipend or living allowance of \$12,100.00 for one (1) year of service and earn an educational stipend in the amount of \$5,550.00 which may be used to pursue a secondary education at an institution of higher learning or trade at a vocational school; and

WHEREAS, the City of Jackson will be required to provide a match of 30% of the funding if the application is approved; and

WHEREAS, the City's required match is \$79,800.00.

IT IS THEREFORE ORDERED that the Mayor shall be authorized to execute and submit an application for funding to Americorps to support the Capital City Rebuilds Program.

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

* * * * *

**ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO
APPROVE THE SIGN VARIANCE REQUEST FOR NEW LAKE
CHURCH OF CHRIST (HOLINESS) U.S.A. TO ERECT A 32 SQ. FT.
GROUND SIGN AT 8 FT IN HEIGHT WITHIN A R-1 ZONE WHICH
ONLY ALLOW GROUND SIGNS FOR CHURCHES TO BE ONLY 16
SQ. FT. IN SIGN AREA AND A MAXIMUM HEIGHT OF 6 FT.**

WHEREAS, the public health, safety or general welfare of the community may require that variances be granted in specific Cases as set forth in City of Jackson Sign Ordinance, Sections 102-26, et seq., of the City of Jackson Code of Ordinances; and

WHEREAS, pursuant to Section 102-40, no action by the City Council may be taken concerning a variance from the sign regulations until after a public hearing in relation thereto, at which parties in interest and the general citizenry shall have an opportunity to be heard; and

WHEREAS, no variance from the Sign Ordinance shall be passed by the City Council unless and until an application seeking the variance is filed with the City's Signs and License Division, with such application containing, at a minimum, a legal description, location map, plot plan, the exact nature of the requested variance, the grounds upon which it is requested, and/or such other information as may be required by the Signs and License Division manager; and

WHEREAS, said variance application shall also demonstrate that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. The literal interpretation of the provisions of the Sign Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of the Sign Ordinance;
3. The special conditions and circumstances do not result from actions of the applicant; and
4. Granting the variance requested will not confer upon the applicant any special privilege that is denied by the Sign Ordinance to other similar lands, structures, or buildings in the same district; and

WHEREAS, New Lake Church of Christ (Holiness) U.S.A., the applicant herein, has requested a variance from the Sign Ordinance regulations to erect a 32 sq. ft. ground sign at 8 ft. in height within a R-1 zone which only allow ground signs for churches to be only 16 sq. ft. in sign area and a maximum height of 6 feet.

IT IS THEREFORE, ORDERED that New Lake Church of Christ (Holiness) is hereby approved a variance from the Sign Ordinance regulations to erect a 32 sq. ft. ground sign at 8 ft. in height within a R-1 zone which only allow ground signs for churches to be only 16 sq. ft. in sign area and a maximum height of 6 feet, it being determined that the parties in interest and the general citizenry first had their opportunity to be heard and that the applicant has met the necessary criteria for the requested variance.

IT IS FURTHER ORDERED that the City Council has considered the variance application and grants the variance requested therein based on a finding that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; the literal interpretation of the provision of the Sign Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of the Sign Ordinance; the special conditions and circumstances do not result from actions of the applicant; and granting the variance requested will not confer upon the applicant any special privilege that is denied by the Sign Ordinance to other similar lands, structures, or buildings in the same district.

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

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RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND PURSUANT TO ADMINISTRATIVE HEARINGS HELD SEPTEMBER 10, 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 September 10, 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 #2010-1156: Parcel #431-141** located 4663 Estelle 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
- 2) **Case #2011-1114: Parcel #114-118** located Prentiss Street/239 N. Prentiss 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. Demolition – Ward 5
- 3) **Case #2011-4952: Parcel #633-45** located at 0 McDowell Court/Lot E of 1164: 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
- 4) **Case #2011-5039: Parcel #833-47** located at 5190 Barrier 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 Grass and Weeds – Ward 4
- 5) **Case #2011-5040: Parcel #631-122** located 1930 Catalina Drive: Tianne Brown appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, the interested party shall be afforded time to cure expiring September 17, 2013. If there is default and the City proceeds with cleaning, hearing officer recommends the assessment of actual costs and a penalty of \$500.00. Grass and Weeds – Ward 6
- 6) **Case #2011-5510: Parcel #160-13** located 918-20 Eastview Street/916: Luke Stowers appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to the public health and safety, however, interested party shall be afforded a period of fourteen (14) days, expiring September 24, 2013 to visit Community Improvement and execute a rehabilitation contract. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$1500.00. Demolition - Ward 5

7) **Case #2012-1030: Parcel #630-316** located 2729 Pinedale 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

8) **Case #2012-1559: Parcel #823-9** located 0 Dixon Road/1210: 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. Grass and Weeds – Ward 4

9) **Case #2012-1561: Parcel #822-270** located 4502 Elfin 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 4

10) **Case #2012-1562: Parcel #822-259** located 4533 Elfin Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Board-up - Ward 4

11) **Case #2012-1563: Parcel #822-253** located 4551 Elfin Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Board-up - Ward 4

12) **Case #2012-1574: Parcel #116-118** located 221 Tennessee Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Board-up Ward 6

13) **Case #2012-1577: Parcel #823-33** located 1323 Denson 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

14) **Case #2012-1579: Parcel #823-32** located 0 Denson Drive/Lot N of 1333-35: 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. Grass and Weeds – Ward 4

15) **Case #2012-1792: Parcel #142-9** located J. R. Lynch Street/2nd Lot E of 601: 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 7

16) **Case #2012-1793: Parcel #142-8** located J.R. Lynch Street/3rd Lot E of 601: 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 7

17) **Case #2012-1799: Parcel #142-1** located J.R. Lynch Street/Lot @ SW Corner of Clifton 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. Grass and Weeds – Ward 7

18) **Case #2012-1801: Parcel #143-33** located J.R. Lynch Street/1st Lot W of Lot @ NW Corner of Clifton Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Grass and Weeds – Ward 7

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- 19) **Case #2012-2041: Parcel #848-207** located at 3749 Siwell 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 4
- 20) **Case #2012-2079: Parcel #421-250** located 1319 W. Mayes 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 \$1500.00. Demolition - Ward 3
- 21) **Case #2012-2292: Parcel #631-274** located 371 Catalina Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Grass and Weeds – Ward 6
- 22) **Case #2012-2838: Parcel #633-251** located 231 Catalina Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Board-up - Ward 6
- 23) **Case #2012-3500: Parcel #100-164** located 2633 Prosperity 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 3
- 24) **Case #2013-1592: Parcel #624-15** located 451 Woody Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Grass and Weeds – Ward 6
- 25) **Case #2013-1593: Parcel #624-14** located 459 Woody Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Grass and Weeds – Ward 6
- 26) **Case #2013-1599: Parcel #628-42** located Woodside Drive/Lot S of 2815: 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. Grass and Weeds – Ward 6
- 27) **Case #2013-1600: Parcel #628-47** located 2920 Woodside 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
- 28) **Case #2013-1602: Parcel #628-81** located 3010 Woodside 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 #2013-1603: Parcel #628-89** located 3058 Woodside Drive/HSE S of 3052: 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 #2013-1605: Parcel #628-92** located 3076 Woodside 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

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- 31) **Case #2013-1689: Parcel #633-53** located 1104 McDowell Road: Joseph Berry appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, the interested party shall be afforded time to cure expiring September 17, 2013. If there is default and the City proceeds with cleaning, hearing officer recommends the assessment of actual costs and a penalty of \$500.00. Grass and Weeds - Ward 6
- 32) **Case #2013-1807: Parcel #630-244** located 2756 Woodside 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
- 33) **Case #2013-1814: Parcel #831-276** located 0 Barrier Place/Lot @ NE Corner of TV 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 4
- 34) **Case #2013-1945: Parcel #630-166** located 222 Lea Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Board-up - Ward 6
- 35) **Case #2013-1996: Parcel #630-390** located 103 McDowell Park Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Grass and Weeds - Ward 6
- 36) **Case #2013-2007: Parcel #611-27** located 153 Mason Boulevard: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Demolition - Ward 7
- 37) **Case #2013-2015: Parcel #801-131** located 410 Roosevelt Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Grass and Weeds - Ward 2
- 38) **Case #2013-2080: Parcel #108-144-99** located 1916 Mobile 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 3
- 39) **Case #2013-2096: Parcel #721-662** located 130 Malvern 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
- 40) **Case #2013-2098: Parcel #303-55** located 951 Wynnwood 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 5
- 41) **Case #2013-2099: Parcel #303-28** located 949 Terrace 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
- 42) **Case #2013-2167: Parcel #802-263** located 6367 Lyndon B. Johnson 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

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43) **Case #2013-2169: Parcel #802-264** located 6371 Lyndon B. Johnson Drive: Thelma Smith, new owner, appeared. After hearing testimony, 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 October 10, 2013. Board-up - Ward 2

44) **Case #2013-2173: Parcel #408-199** located 3621 Hancock 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 4

45) **Case #2013-2200: Parcel #107-12-1** located 839 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. Grass and Weeds - Ward 3

46) **Case #2013-2202: Parcel #107-7** located 1012 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. Grass and Weeds - Ward 3

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

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 OCTOBER 1, 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 notices of the hearing; and

WHEREAS, hearings in the above captioned Cases were held before a hearing officer appointed by the Mayor on September 10, 2013; and

WHEREAS, the hearing officer determined that notice was provided in accordance with Section 12-19-11 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 #2010-5147: Parcel #75-19** located 1628 Devine Street: Attorney Ross Barnett appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, the burned structure is to be demolished and removed. The actual cost of the demolition is to be assessed. Demolition (burned) – Ward 7
- 2) **Case #2011-2008: Parcel #120-133** located 225 AB O’Ferrell 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
- 3) **Case #2012-2788: Parcel #17-122-1** located Quinn Street/Lot S of 1010: 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
- 4) **Case #2012-3681: Parcel #697-244** located 3145 Burch Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Board-up – Ward 5
- 5) **Case #2013-1396: Parcel #160-41** located 919 Eastview Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Board-up – Ward 5
- 6) **Case #2013-1516: Parcel #125-57** located 138 Wacaster Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Board-up – Ward 5
- 7) **Case #2013-1527: Parcel #805-325** located George Washington Drive/Lot S of 6757: 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
- 8) **Case #2013-1611: Parcel #873-44** located 4813 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 6
- 9) **Case #2013-1733: Parcel #634-213** located at 1944 Shady Lane Drive: Sandra Fluker appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded time to cure expiring October 15, 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. Board-up – Ward 6

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10) **Case #2013-1805: Parcel #211-203** located at 926 Myrtlewood Drive: Claudette Ray appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded time to cure expiring October 22, 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

11) **Case #2013-1811: Parcel #630-202** located at 259 Lea Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Grass and Weeds – Ward 6

12) **Case #2013-1831: Parcel #809-120** located 5246 Ginger Drive: Thelma Dobson appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded time to cure expiring October 11, 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.

Board-up – Ward 2

13) **Case #2013-1871: Parcel #152-57** located 1415 Central Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Demolition – Ward 5

14) **Case #2013-1872: Parcel #152-60** located 1329 Central Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Demolition – Ward 5

15) **Case #2013-1873: Parcel #123-44** located 2503 Latimer 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

16) **Case #2013-1876: Parcel #151-22** located 1123 Robinson 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.

Demolition – Ward 3

17) **Case #2013-1915: Parcel #122-1-1** located 122 AD Moss 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.

Grass and Weeds – Ward 5

18) **Case #2013-1923: Parcel #122-3** located 220 Moss 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

19) **Case #2013-1930: 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.

Board-up – Ward 5

20) **Case #2013-1977: Parcel #842-371** located Raymond Road/Lot N of 2610: Fonda Magee appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded time to cure expiring October 8, 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

- 21) **Case #2013-2005: Parcel #633-266** located 1080 Maria 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
- 22) **Case #2013-2008: Parcel #853-23** located 631 Chelsea 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 6
- 23) **Case #2013-2065: Parcel #633-265** located 1070 Maria 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
- 24) **Case #2013-2104: Parcel #167-1** located University Boulevard/Lot @ SW Corner of Winter Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Grass and Weeds – Ward 7
- 25) **Case #2013-2155: Parcel #57-39** located 221 Duncan Avenue: Jerry Weems appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded time to cure expiring October 31, 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 7
- 26) **Case #2013-2156: Parcel #58-97** located 223 Wesley 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 7
- 27) **Case #2013-2157: Parcel #60-83** located 219 Adelle 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
- 28) **Case #2013-2227: Parcel #738-1119-19** located 1463 Mossline 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 1
- 29) **Case #2013-2227: Parcel #99-8** located Pleasant Avenue/1614 Illinois 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 7
- 30) **Case #2013-2231: Parcel #843-510** located Highway 18/Lot W of 219 Lake Cove Drive: Attorney Robert Van Uden appeared and indicated that he represented the estate of John W. Mason. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded time to cure expiring December 1, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment. Grass and Weeds – Ward 6
- 31) **Case #2013-2250: Parcel #606-51** located Grandview Circle/Lot S of 2832 Milton: 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 7

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32) **Case #2013-2253: Parcel #618-120** located 2868 Tara 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

33) **Case #2013-2254: Parcel #618-133** located 2875 Tara 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 6

34) **Case #2013-2255: Parcel #616-300** located 2803 Tara Road: Mary Ann Haas appeared and stated that Viking Investment was in the process of contacting Mr. Young to secure a quitclaim of his interest. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded time to cure expiring October 15, 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. Board-up – Ward 6

35) **Case #2013-2275: Parcel #59-10-35** located Adelle Court/Lot E of 131: 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. Grass and Weeds – Ward 7

36) **Case #2013-2276: Parcel #59-10-26** located Adelle Street/Lot @ SW Corner of Adelle 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. Grass and Weeds – Ward 7

37) **Case #2013-2277: Parcel #59-10-28** located Adelle Court/Lot S of Lot @ SW Corner of Adelle 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

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, NOVEMBER 19, 2013, 6:00 P.M.

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 OCTOBER 8, 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 October 8, 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 #2011-4428: Parcel #60-12** located Whitfield Street/Lot W of 220 (Formerly 210): 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. Grass and Weeds – Ward 7
- 2) **Case #2011-5302: Parcel #839-644** located at 1162 Marble 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
- 3) **Case #2012-1248: Parcel #75-25** located 301-03 E. Monument 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 7
- 4) **Case #2012-1915: Parcel #306-122** located 4306 Halsey 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
- 5) **Case #2012-2776: Parcel #4858-576-543** located at 1309 Whispering Oaks Cove: 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
- 6) **Case #2012-2903: Parcel #611-149** located 369 Creston Avenue: Mr. Jeremy Cannon appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded time to cure expiring October 15, 2013. .Grass and Weeds – Ward 7
- 7) **Case #2012-3652: Parcel #120-20** located 196 Culbertson Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Grass and Weeds – Ward 5

- 8) **Case #2012-3655: Parcel #120-64** located 232 Culbertson Avenue: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Grass and Weeds – Ward 5
- 9) **Case #2013-1001: Parcel #616-1-3** located 1343 McDowell Road: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Board-up – Ward 6
- 10) **Case #2013-1500: Parcel #4858-576-585** located at 1636 Oakbrook 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 1
- 11) **Case #2013-1534: Parcel #805-329** located Abraham Lincoln Drive/Lot S of 6411: 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 2
- 12) **Case #2013-1692: Parcel #211-101** located 721 Myrtlewood 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 #2013-1702: Parcel #606-130** located 2822 Arbor 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 7
- 14) **Case #2013-1821: Parcel #430-244** located 395 Wilshire 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 \$1500.00. Board-up – Ward 3
- 15) **Case #2013-1865: Parcel #121-6** located 275 Holland 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. Demolition – Ward 5
- 16) **Case #2013-1866: Parcel #159-60** located 1252-54 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
- 17) **Case #2013-1879: Parcel #53-104-7** located 3803 N. West Street: William Beard, Jr. appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded until October 22, 2013 to enter into a rehabilitation agreement with the Community Improvement. Demolition – Ward 3
- 18) **Case #2013-1880: Parcel #99-10-12** located 109 Illinois 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. Demolition – Ward 7
- 19) **Case #2013-1891: Parcel #126-42** located 317 Wacaster 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

- 20) **Case #2013-1939: Parcel #163-243** located 1805 Cox Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Demolition – Ward 5
- 21) **Case #2013-2017: Parcel #804-578** located 3705 Thomas Jefferson 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 2
- 22) **Case #2013-2018: Parcel #804-599** located 3719 John Adams 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 2
- 23) **Case #2013-2066: Parcel #631-227** located 153 Catalina Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Board-up – Ward 6
- 24) **Case #2013-2112: Parcel #212-274** located 1828 Elaine Street: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. Grass and Weeds – Ward 5
- 25) **Case #2013-2174: Parcel #631-241** located 322 Catalina Circle: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. Grass and Weeds – Ward 6
- 26) **Case #2013-2291: Parcel #611-122** located Creston Avenue/Lot W of 404: 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. Grass and Weeds – Ward 7
- 27) **Case #2013-2295: Parcel #215-129** located 401 Green Hill 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. Board-up – Ward 5
- 28) **Case #2013-2297: Parcel #211-104** located 906 Reaves 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
- 29) **Case #2013-2388: Parcel #628-441** located 3058 Meadow Forest Drive: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. Grass and Weeds – Ward 6

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

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

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

WHEREAS, the Jackson Police Department purchased an Automated Finger Print Identification System (AFIS) on June 18, 2010, which scans, stores, and reads fingerprints; and

WHEREAS, the AFIS 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, payment of such maintenance agreement for the period June 18, 2012 through June 17, 2013 is past due and needs to be processed for payment in order to continue the current agreement; and

WHEREAS, the Jackson Police Department desires to maintain the current agreement in order to minimize costs associated with repair and maintenance.

IT IS HEREBY ORDERED that the City be authorized to pay the past due amount of \$5,871.00 to NEC Corporation of America.

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

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

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

ORDER AUTHORIZING THE DONATION OF A VIETNAM ERA BALLISTIC VEST TO THE WILLIAM WINTERS MISSISSIPPI MUSEUM OF ARCHIVES AND HISTORY PURSUANT TO THE MISSISSIPPI CODE ANNOTATED 39-7-3 AS AMENDED.

WHEREAS, the William Winters Mississippi Museum of Archives and History was established by the Mississippi State Legislature pursuant to Section 39-5-1 of the Mississippi Code as amended; and

WHEREAS, the William Winters Mississippi Museum of Archives and History provided a request to the City of Jackson on or about October 2, 2013 from indicating its interest in a Vietnam era vest that was kept nestled and found inside a Thompson Tank that is currently in the possession of the City of Jackson Police Department. Said vest has not been used and is only in surplus while in the possession of the Jackson Police Department; and

WHEREAS, Section 39-7-3 of the Mississippi Code as amended declares it is public policy and is in the public interest of the State of Mississippi to locate, protect, and preserve all sites, objects of historical and archaeological significance relating to implements of culture in any way related to the inhabitants, history, government, or culture within the jurisdiction of the United States of America and the State of Mississippi; and

WHEREAS, the Vietnam War was a significant event in American History and it is among the City of Jackson's public policy and public interest to preserve the original and pristine artifact from that era of history; and

WHEREAS, Section 39-7-39 of the Mississippi Code as amended authorizes and directs local governments to cooperate with the Board of the William Winters Mississippi Museum of Archives and History to carry out the intent of Title 39, Chapter 7 of the Mississippi Code as amended to preserve historical artifacts.

IT IS HEREBY ORDERED that the Vietnam Era Ballistic Vest that was kept, nestled and found inside a Thompson Tank that has not been used and is only in surplus in the possession of the City of Jackson Police Department be donated to the William Winters Mississippi Museum of Archives and History by the City of Jackson, by and through the Jackson Police Department.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 5 TO THE AGREEMENT WITH WEI/AJA, LLC TO PROVIDE CONTINUING PROGRAM MANAGEMENT FOR CONSENT DECREE IMPLEMENTATION AND ASSOCIATED GENERAL ENGINEERING, MANAGEMENT, AND TECHNICAL SUPPORT THROUGH THE FISCAL YEAR ENDING 2014 AS PART OF THE WASTEWATER INFRASTRUCTURE REDEVELOPMENT PROGRAM, CITY PROJECT NO. 40500901.

WHEREAS, The City of Jackson on, June 15, 2004, entered into an Agreement with the firm of WEI/AJA, LLC to assist the City with the development of the Wastewater Infrastructure Redevelopment Program ("WIRP"); and

WHEREAS, one of the key components of the WIRP was to develop a plan for the City to implement a Capacity, Management, Operations and Maintenance program for the wastewater system; and

WHEREAS, Amendment Number 1 to the Agreement was executed by the City on July 14, 2010, in which WEI/AJA was to provide professional engineering, technical, and management services to assist the City in the negotiations with EPA and MDEQ to resolve certain alleged violations of federal and state environmental laws; and

WHEREAS, Amendment Number 2 to the Agreement, for the purpose of continuing support of negotiations was approved by City Council on May 3, 2011; and

WHEREAS, Amendment Number 3 to the Agreement for purposes of continuing support for negotiations and program management of consent decree implementation was approved by City Council on April 3, 2012; and

WHEREAS, Amendment Number 4 provided continuing program management for Consent Decree implementation and associated general engineering, management, and technical support through the Fiscal Year Ending 2013; and

WHEREAS, this Amendment Number 5 will provide continuing program management for Consent Decree implementation and associated general engineering, management, and technical support through the Fiscal Year Ending 2014; and

WHEREAS, the firm of WEI/AJA, LLC is willing to provide program management services for implementation of the consent decree as the City's Program Manager, and to provided related professional engineering, technical and management services in an amount not to exceed \$2,549,752.00.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Amendment Number 5 to the Agreement with WEI/AJA, LLC to provide continuing program management for consent decree implementation, as the City's Program Manager, and to provide associated general engineering, management, and technical support through the Fiscal Year Ending 2014 in an amount not to exceed \$2,549,752.00.

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1, FINAL, AUTHORIZING FINAL PAYMENT, AND AUTHORIZING THE CITY CLERK TO PUBLISH A NOTICE OF COMPLETION FOR THE I-55/EUBANKS CREEK SANITARY SEWER REPAIR, CITY PROJECT NO. 13B0502.

WHEREAS, on July 9, 2013, the City accepted competitive bids for the I-55/Eubanks Creek Sanitary Sewer Repair, City Project No. 13B0502; and

WHEREAS, the City received five (5) bids; and

WHEREAS, after review, the project's professional engineer certified that Socrates Garrett Enterprises, Inc. submitted the lowest bid for the project in the amount of \$84,371.40; and

WHEREAS, due to better than expected site conditions, no additional quantities had to be used; and

WHEREAS, in early July, Socrates Garrett Enterprises, Inc. completed testing of all sanitary sewer lines and appurtenances; and

WHEREAS, the City of Jackson's Public Works Department has determined the sewerage is complete and properly installed, and that the emergency repairs are completed; and

WHEREAS, the final price of installation was \$73,655.65; and

WHEREAS, the surety, Guarantee Company of North America, Linda D. Wittington, Attorney-in-Fact, has authorized release and payment of all remaining money due under this contract.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Change Order No. 1, Final, to the contract with Socrates Garrett Enterprises, Inc. for the I-55/Eubanks Creek Sanitary Sewer Repair, City Project No. 13B0502, decreasing the contract by \$10,715.75 to a final amount of \$73,655.65.

IT IS FURTHER ORDERED that final payment in the amount of \$3,682.78 be made and all securities or retainage held be released to Socrates Garrett Enterprises, Inc., for all work done and material furnished under said contract, and that the City Clerk is directed to publish Notice of Completion for the I-55/Eubanks Creek Sanitary Sewer Repair, City Project No. 13B0502.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 TO THE CONTRACT OF HEMPHILL CONSTRUCTION COMPANY, INC. FOR THE WEST STREET IMPROVEMENTS PROJECT, CITY PROJECT NO. 9AA4000-908.

WHEREAS, on April 2, 2013, the City of Jackson accepted the base bid and add alternates numbers 1, 2, and 3 of Hemphill Construction Company, Inc. in the amount of \$2,382,781.18 to commence work on the West Street Improvements Project; and

WHEREAS, during removal of the Yazoo clay beneath West Street, the consulting engineer, Neel-Schaffer, Inc., and the contractor discovered that the existing storm drain line was cracked beyond repair and was leaking into the sanitary sewer system; and

WHEREAS, Neel-Schaffer recommends that the storm drain lines be replaced and that the sanitary sewer line be rehabilitated, in addition to replacement of failure locations to address the failure of the storm drain line and the sanitary sewer line; and

WHEREAS, the Neel-Schaffer recommends that these storm drain and sanitary sewer line repairs be completed instead of the overlay patch from Millsaps Avenue to Adelle Street; and

WHEREAS, the Department of Public Works recommends to the governing authorities that they accept the proposed Change Order No. 1 as presented by the contractor and Neel-Schaffer, Inc.; and

WHEREAS, Change Order No. 1, which decreases the contract amount by \$7,615.39 and increases the contract time by 60 calendar days, will remove Add Alternate #1, an overlay patch from Millsaps Avenue to Adelle Street, from the project, and replace it with work necessary to replace the storm drain system and repair the sanitary sewer system from Duncan Avenue to Millsaps Avenue.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Change Order No. 1 to the contract of Hemphill Construction Company, Inc. for West Street Improvements Project, City Project Number 9AA4000-908, decreasing the contract price by \$7,615.39 to a total contract amount of \$2,375,165.79 and increasing the contract time by 60 calendar days to a total contract time of 350 calendar days.

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION ENGINEERING AND INSPECTION SERVICES CONTRACT WITH STANTEC CONSULTING SERVICES, INC. FOR THE LYNCH STREET IMPROVEMENTS, FEDERAL AID PROJECT NUMBER DHP-7300-00(001)LPA/104587-701000, CITY PROJECT NUMBER 24006.

WHEREAS, the City of Jackson advertised for statements of qualifications for engineering services from consulting engineering firms for the Lynch Street Improvements; and

WHEREAS, the City selected ABMB Engineers, Inc. to perform preliminary engineering, and construction engineering and inspection services; and

WHEREAS, ABMB Engineers, Inc. and its successor company Stantec Consulting Services, Inc. has completed the design of the project, and MDOT requires the City to approve of a construction engineering and inspection services contract prior to advertising the project for construction bids; and

WHEREAS, Stantec agrees to perform the construction engineering and inspection services for an amount not to exceed \$290,771.39 to compensate the consultant for those services necessary as part the construction of the Lynch Street Improvements; and

WHEREAS, the Department of Public Works recommends that the governing authorities authorize the proposed agreement; and

WHEREAS, the execution of this contract is subject to the concurrence of the Mississippi Department of Transportation.

IT IS THEREFORE ORDERED that the Mayor is authorized to execute and the City Clerk is authorized to attest a Construction Engineering and Inspection Services Contract with Stantec Consulting Services, Inc., in an amount not to exceed \$290,771.39 for the Lynch Street Improvements, Federal Aid Project Number DHP-7300-00(001) LPA/104587-701000, City Project Number 24006.

President Tillman recognized **Robert Lee**, Engineer of Public Works, who provided the Council with brief details about the Lynch Street Improvements.

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH REYNOLDS ENGINEERING, LLC TO PROVIDE FOR ADDITIONAL DESIGN PHASE SERVICES FOR THE 48" WATER TRANSMISSION LINE, CITY PROJECT NO. 50193901.

WHEREAS, the City of Jackson entered into an Agreement with Reynolds Engineering, LLC on February 5, 2013 to perform design, bidding, and construction engineering for the 48" Water Transmission Main project for an amount not to exceed \$616,926.00; and

WHEREAS, due to differing site and right-of-way conditions, additional surveying, right-of-way acquisition, and soil boring are required to adequately design the water line; and

WHEREAS, the additional costs total an increase of \$65,370.00, for a revised contract amount of \$682,296.00; and

WHEREAS, the Department of Public Works recommends that the governing authorities accept the amendment as proposed.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Amendment No. 1 to the Professional Engineering Services Agreement with Reynolds Engineering, LLC, increasing the total contract amount by \$65,370.00 for a total contract amount not to exceed \$682,296.00, to provide additional surveying, right-of-way acquisition, and soil borings for the 48" Water Transmission Line, City Project No. 50193901.

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

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Yarber.

Nays- None.

Absent- Cooper-Stokes and Whitwell.

There came on for discussion Agenda Item No. 40:

DISCUSSION: DILAPIDATED HOUSES/OVERGROWN WEEDS: President Tillman recognized **Council Member Yarber** who suggested an alternative process for contractors to clean up houses. Said item was referred to the Rules Committee.

There came on for discussion Agenda Item No. 41:

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, NOVEMBER 19, 2013, 6:00 P.M.

DISCUSSION: LANIER HIGH SCHOOL: President Tillman held said item due to the absence of Council Member Cooper-Stokes.

President Tillman recognized Council Member Yarber who presented the following:

RESOLUTION HONORING AND COMMENDING VECTOR JIU-JITSU FOR ITS WORK IN THE WINGFIELD COMMUNITY WITH YOUTH ENGAGEMENT AND COMMUNITY SERVICE. Accepting the Resolution with appropriate remarks was Mr. & Mrs. Sensei Thrasher.

The following announcements/reports were provided during the meeting:

- **Mayor Lumumba** announced that the Toys for Tots registration will be held on Monday, Tuesday, Thursday from 9:00-3:00; Saturday, November 23rd 8:00-12:00 at the Metrocenter Mall until December 5, 2013.
- **Mayor Lumumba** announced that the City of Jackson Holiday Parade will be held Saturday, November 30th.
- **Council Member Priester** will host a free screening, "Inequality For All" on November 25th at 6:30 p.m. at the HeARTalot Building located at 3900 N. State St.
- **Council Members Stamps and Yarber** will be hosting an Education Forum, Thursday, November 21st at Siwell Middle School at 6:30 p.m.
- **Council Member Stamps** reported that the Council Members attend the NCL conference in Seattle and looking forward to implementing some new practices.
- **Council Member Tillman** will introduce **Mayor Lumumba** as the Keynote Speaker at Provine High School's Academic Banquet at the JSU E-Center, Wednesday, November 21st at 6:00 p.m.

The meeting was closed in memory of the following individuals:

- **LaTerry Smith**
- **Edward Lee Wade, Sr.**

Council President Tillman recognized the **City Attorney Gail Lowery** who suggested the need for an Executive Session to discuss Agenda Item No. 42: **DISCUSSION: LITIGATION.** **Council Member Stamps** moved and **Council Member Stamps** seconded to consider to go into Executive Session. The motion prevailed by the following vote:

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, NOVEMBER 19, 2013, 6:00 P.M.

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

Council Member Priester moved and **Council Member Stamps** seconded to go into Executive Session. The motion prevailed by the following vote:

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

An announcement was made to the public that the Council voted to go into Executive Session to discuss Litigation.

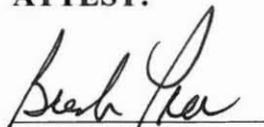
Council Member Stamps moved, seconded by **Council Member Priester**, that the Council come out of Executive Session. The motion prevailed by the following vote:

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

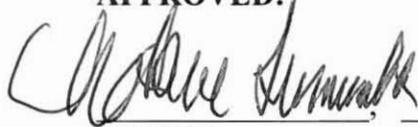
President Tillman announced that the Council voted to come out of Executive Session and that no official action had been taken.

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, November 25, 2013; at 8:56 p.m., the Council stood adjourned.

ATTEST:


CITY CLERK

APPROVED:

 176-13
MAYOR DATE
