

**REGULAR MEETING OF THE CITY COUNCIL
MONDAY, DECEMBER 17, 2013 6:00 P.M.**

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BE IT REMEMBERED that a Regular Council Meeting of the City Council of Jackson, Mississippi, was convened in the Council Chambers in City Hall at 6:00 p.m. on December 17, 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; LaRita Cooper-Stokes, Ward 3; De'Keither Stamps, Ward 4 and Tony Yarber, Ward 6. Directors: Chokwe Lumumba, Mayor; Brenda Pree, City Clerk and Gail Lowery, City Attorney.

Absent: Council Member: Margaret Barrett-Simon, Ward 7.

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

The invocation was offered by **Pastor LaVeria Dent of Living Sacrifice Ministries**.

President Tillman recognized the following individuals who provided public comments:

- **Vonnamarie (Dr. Le') Frazier** expressed her gratitude for the opportunity to serve as Election Commissioner for Ward 6.
- **Alice Tisdale** expressed her concerns regarding the awarding of the City's publication contract and opposed the \$5.00 surcharge for ticket sales at Thalia Mara Hall.

ORDER ACCEPTING PAYMENT OF \$53,840.00 FROM AMERISURE INSURANCE COMPANY ON BEHALF OF ITS INSURED (BROADBAND SPECIALIST, INC.) AS A PROPERTY DAMAGE SETTLEMENT.

IT IS HEREBY ORDERED by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment from Amerisure Insurance Company in the amount of \$53,840.00 as a property damage settlement for damage sustained to 8" sewer main at Watkins Drive and Forest Avenue on July 24, 2013.

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

Yeas- Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Barrett-Simon.

President Tillman requested that Agenda Items No. 28, 30 and 34 be moved forward on the Agenda for consideration. Hearing no opposition, President Tillman requested that the Clerk read the following:

PROCLAMATION HONORING AND COMMENDING WATER MAINTENANCE EMPLOYEES JAMES LITTLE AND CORNELIUS GREEN. Accepting the resolutions with appropriate remarks were James Little and Cornelius Green. (Mayor Lumumba)

RESOLUTION HONORING CALLAWAY HIGH SCHOOL FOOTBALL TEAM. Accepting the Resolution with appropriate remarks was Coach Darryl Jones. (Council Member Priester)

DISCUSSION: AFFORDABLE CARE ACT: President Tillman recognized Council Member Cooper-Stokes who introduced Christopher Cox and Eugene Finch of Jackson Comprehensive Health Care Center who provided information concerning the deadline for registering for the Affordable Care Act.

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ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AMENDING JACKSON CODE OF ORDINANCES SECTION 122-270 DELINQUENT BILLS' PENALTY, SECTION (a) TO ELIMINATE THE FIFTY DOLLAR LATE FEE FOR RESIDENTIAL CUSTOMERS.

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

WHEREAS, The Jackson City Council is aware of the injustice of continuing to collect a late fee of fifty dollars from residential customers; and

WHEREAS, public policy demands that one consider the current state of economic hardships and challenging times for citizens when faced with paying late; and

WHEREAS, the amended Jackson Code of Ordinances Section 122-270 (a) shall be amended as follows:

Services will be discontinued to any patron of the city waterworks who fails, neglects, or refuses to pay the amount billed within 35 days of the billing; *and in the event of nonpayment or delinquency, the commercial customer shall pay the sum of \$50.00, plus sales tax for commercial accounts. The \$50.00 late fee [for residential customers] shall be eliminated and a \$25.00 reconnect fee shall be instituted.*

THEREFORE, IT IS HEREBY ORDAINED that the Jackson City Council hereby amends Jackson Code of Ordinances Section 122-270 Delinquent bills; penalty, Section (a) to eliminate the fifty dollar late fee for residential customers.

SO ORDAINED, this the 17th day of December 2013.

Council Member Stamps moved adoption; Council Member Priester seconded.

Thorough discussion was held on the matter and thereafter President Tillman called for a vote:

ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AMENDING JACKSON CODE OF ORDINANCES SECTION 122-270 DELINQUENT BILLS' PENALTY, SECTION (a) TO ELIMINATE THE FIFTY DOLLAR LATE FEE FOR RESIDENTIAL CUSTOMERS.

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WHEREAS, public policy demands that one consider the current state of economic hardships and challenging times for citizens when faced with paying late; and

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Services will be discontinued to any patron of the city waterworks who fails, neglects, or refuses to pay the amount billed within 35 days of the billing; and in the event of nonpayment or delinquency, the commercial customer shall pay the sum of \$50.00, plus sales tax for commercial accounts. The \$50.00 late fee for residential customers shall be eliminated and a \$25.00 reconnect fee shall be instituted.

THEREFORE, IT IS HEREBY ORDAINED that the Jackson City Council hereby amends Jackson Code of Ordinances Section 122-270 Delinquent bills; penalty, Section (a) to eliminate the fifty dollar late fee for residential customers.

SO ORDAINED, this the 17th day of December 2013.

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

Yeas- Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Barrett-Simon.

ORDER APPROVING CLAIMS NUMBERED 2728 TO 3057, APPEARING AT PAGES 439 TO 490 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$6,700,140.48 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 2728 to 3057, appearing at pages 439 to 490, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$6,700,140.48 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</u> <u>FUND</u>
08/09&/10 COPS TECHNOLOGY GRNT	4,004.89
09 TAX INCREMENT BD FD \$1.6M	28,808.75
09 TIF BOND FD \$375,000	2,566.10
2008 GO STREET CONST B & I FD	2,032,235.63
2008 GO STREET CONSTRUCTION FD	332,824.34
2009 ED BYRNE MEMORIAL JUSTICE	292.89
2010 ED BYRNE MEMORIAL JUSTICE	199.99
2012 ED BYRNE MEMORIAL JUSTICE	2,925.29
AMERICORP CAPITAL CITY REBUILD	61.93
CAPITOL STREET 2-WAY PROJECT	75,546.30
EARLY CHILDHOOD (DAYCARE)	6,953.71

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G O PUB IMP CONS BD 2003 (\$20M)	1,068,733.72
GENERAL FUND	633,449.98
HOME PROGRAM FUND	83.00
HOUSING COMM DEV ACT (CDBG) FD	873.59
LANDFILL/SANITATION FUND	5,833.75
MADISON SEWAGE DISP OP & MAINT	43.48
NCSC SENIOR AIDES	1,184.65
P E G ACCESS- PROGRAMMING FUND	1,714.17
PARKS & RECR. FUND	34,438.02
POLICE PROP EVIDENCE CASH FUND	6,047.00
REPAIR & REPLACEMENT FUND	259.38
RESURFACING – REPAIR & REPL. FD	293,118.45
SEIZURE & FORFEITED PROP – FED	26.84
STATE TORT CLAIMS FUND	14,823.03
TECHNOLOGY FUND	42,094.65
TITLE III AGING PROGRAMS	1,601.77
TRANSPORTATION FUND	131,273.79
WATER/SEWER CAPITAL IMPR FUND	1,511,558.43
WATER/SEWER CONST FD 2002-\$50M	325,249.64
WATER/SEWER OP & MAINT FUND	119,624.93
WATER/SEWER REVENUE FUND	56,359.59
WIRELESS RADIO COMMUNCATN FUND	5,328.80

TOTAL \$6,770,140.48

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

President Tillman recognized **Rick Hill**, Deputy Director of Administration, who provided the Council with a brief overview of the Claims Docket at the request of **Council Member Priester**.

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

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

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 2728 TO 3057 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 2728 to 3057 inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$127,905.51 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

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

<u>FROM</u>	<u>TO ACCOUNTS PAYABLE FUND</u>	<u>TO PAYROLL FUND</u>
GENERAL FUND		2,051,614.32
PARKS & RECR.		71,633.12

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LANDFILL FUND	25,264.13
SENIOR AIDES	2,578.72
WATER/SEWER OPER. & MAINT	225,213.92
PAYROLL FUND	1,074.00
EARLY CHILDHOOD	36,254.72
HOUSING COMM DEV	10,158.42
TITLE III AGING PROGRAMS	6,169.11
AMERICORP CAPITAL CITY REBUILD	10,092.56
TRANSPORTATION FUND	7,618.69
T-WARNER PA/GA FUND	6,784.70
COPS HIRING GRANT 2011	29,843.85

TOTAL **\$2,484,300.26**

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

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

There came on for consideration Agenda Item No. 6:

AMENDED AND RESTATED ORDER AUTHORIZING THE MAYOR TO EXECUTE SETTLEMENT AGREEMENT WITH THE JACKSON PUBLIC SCHOOLS DISTRICT (“JPS”) DISMISSING PENDING LITIGATION, CLARIFYING THE PRIOR AGREED ORDER WHICH ESTABLISHED THE STATUTORY MAXIMUM MILLAGE RATE FOR JPS, AND PROVIDING JPS WITH A DIRECT ALLOCATION OF FUNDS FOR THE 2013-2014 JPS DISTRICT MAINTENANCE BUDGET. Said item was held for discussion in Executive Session.

ORDER TO AWARD THE CONTRACT FOR PUBLICATION OF ALL ORDINANCES, RESOLUTIONS, NOTICES AND OTHER LEGAL PUBLICATIONS OF THE CITY OF JACKSON FOR THE CALENDAR YEAR 2014.

WHEREAS, on November 26, 2013, the City received three sealed bids from The Mississippi Link, The Clarion-Ledger and The Jackson Advocate for the publication of ordinances, resolutions, notices and other legal publications of the City required by law to be published in the 2014 calendar year; and

WHEREAS, The Clarion-Ledger submitted the lowest bid, it being in the amount of \$0.049 per word for the first publication; \$0.000 per word for the second publication, and \$0.000 per word for the third publication, with a \$0.00 charge for the proof of publication; and

WHEREAS, the Council finds that The Clarion-Ledger satisfies the statutory requirements set forth in Section 13-3-31, Miss. Code of 1972, as amended, for newspaper printing of legal publications.

IT IS, THEREFORE, ORDERED that the bid of The Clarion- Ledger in the amount of \$0.049 per word for the first publication; \$0.000 per word for the second publication; and \$0.000 per word for the third publication, with a \$0.00 charge for the proof of publication.

IT IS FURTHER ORDERED that the City Clerk be authorized to publish any ordinances, resolutions, notices or other publication required by law to be published during the period January 1, 2014 through December 31, 2014, in said newspaper on an item-by-item basis as best suits the needs and convenience of the City, and in accordance with the applicable law thereto.

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

Yeas- Tillman, Whitwell and Yarber.

Nays- Cooper-Stokes, Priester and Stamps.

Absent- Barrett-Simon.

Said item failed due to a lack of majority votes.

ORDER AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH ELECTION SYSTEMS & SOFTWARE (ES&S) TO PROVIDE THE CITY OF JACKSON WITH TECHNICAL SUPPORT AND RELATED SERVICES DURING THE 2014 ONE PERCENT (1%) SALES TAX SPECIAL ELECTION.

WHEREAS, the City of Jackson, Mississippi is preparing for the 2014 Special Election for the 1% sales tax; and

WHEREAS, it has been determined by the City Clerk and the Municipal Election Commissioners that technical support and related services for the use of County voting machines are necessary to properly conduct said election; and

WHEREAS, Election Systems & Software ("ES&S") has proposed to provide the following support services: election technical support for voting equipment, election definition coding and support, delivery and pick up of all equipment, and ballot printing and supplies, if applicable; and

WHEREAS, ES&S will provide said services, excluding ballot printing and supplies, in an amount not to exceed Forty-Five Thousand Dollars (\$45,000).

IT IS THEREFORE ORDERED that the Mayor is hereby authorized to execute an Agreement with ES&S to provide technical support and related services to the City of Jackson, excluding ballot printing and supplies, at a cost not to exceed Forty-Five Thousand Dollars (\$45,000).

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

Yeas- Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Barrett-Simon.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A TECHNICAL SUPPORT AGREEMENT WITH PHAROS CONSULTING SERVICES TO PROVIDE THE CITY OF JACKSON WITH ELECTION CONSULTING SERVICES FOR ASSISTANCE, TRAINING AND SUPPORT IN THE STATEWIDE ELECTION MANAGEMENT SYSTEM (SEMS) DURING THE 2014 ONE PERCENT (1%) SALES TAX SPECIAL ELECTION.

WHEREAS, the City of Jackson, Mississippi is preparing for the 2014 Special Election for the 1% sales tax; and

WHEREAS, it has been determined by the City Clerk and the Municipal Election Commissioners that support services for the utilization of the Statewide Election Management System ("SEMS") is necessary to properly conduct said election; and

WHEREAS, Pharos Consulting Services proposes to provide consulting and training services to the City of Jackson, including: the utilization of SEMS in support of the Municipal Election, review of redistricting information in SEMS, training for printing of poll books and posting voter history, and other election practice support as needed; and

WHEREAS, Pharos Consulting Services will provide said services in an amount not to exceed Seven Hundred Dollars (\$700.00).

IT IS THEREFORE ORDERED that the Mayor is hereby authorized to execute an Agreement with Pharos Consulting Services to provide consulting and training services to the City of Jackson for the 2014 Special Election for the 1% sales tax at a cost not to exceed Seven Hundred Dollars (\$700.00).

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

Yeas- Cooper-Stokes, Stamps, Tillman, Whitwell and Yarber.

Nays- Priester.

Absent- Barrett-Simon.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF JACKSON, MISSISSIPPI AND THE HINDS COUNTY ELECTION COMMISSION FOR THE USE OF VOTING EQUIPMENT AND SUPPLIES AND FOR OTHER SERVICES RELATED TO THE 2014 ONE PERCENT (1%) SALES TAX SPECIAL ELECTION.

WHEREAS, the City of Jackson, Mississippi ("City of Jackson"), has requested the assistance of the Hinds County Election Commission for the use of voting equipment and supplies and for other services related to the 2014 one percent (1%) sales tax Special Election; and

WHEREAS, the Special Election will take place on Tuesday, January 14, 2014; and

WHEREAS, the Hinds County Election Commission owns the necessary voting equipment and supplies to properly conduct the Special Election and is the body that must enter certain pertinent information into the Statewide Election Management Systems SEMS; and

WHEREAS, it has been determined by the City Clerk and the Municipal Election Commissioners that the use of County voting machines and supplies are necessary to properly conduct said election and that the services of the Hinds County Election Commission are needed to create the Special Election in SEMS; and

WHEREAS, the total proposed amount for said services is Five Hundred Dollars (\$500).

IT IS, THEREFORE, ORDERED that the Mayor is hereby authorized to execute an agreement with the Hinds County Election Commission for the use of voting equipment and supplies and for services related to the creation of the election in the Statewide Election Management System (SEMS), in the amount not to exceed Five Hundred Dollars (\$500).

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

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF WARD ONE RESIDENT EVELYN REED 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, Earle Jones, who is now deceased, term expired on February 17, 2008, thereby creating a vacancy; and

WHEREAS, Evelyn Reed, a resident of Ward 1, 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 Evelyn Reed to the Jackson Municipal Airport Authority be confirmed with said term to expire February 17, 2018.

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

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

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

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF DEBRA F. JOHNSON AS DIRECTOR OF PERSONNEL FOR THE CITY OF JACKSON, MISSISSIPPI.

WHEREAS, the Mayor nominated Debra F. Johnson to the position of Director of Personnel for the City of Jackson, Mississippi; and

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

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

IT IS THEREFORE ORDERED by the City Council of the City of Jackson, Mississippi that the nomination of Debra Johnson to the position of Director of Personnel for the City of Jackson, Mississippi, is hereby confirmed by the City Council and Debra Johnson is hereby appointed by the governing authorities to said position.

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

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

President Tillman recognized **Mayor Chokwe Lumumba**, who provided a brief presentation on the qualifications of **Debra F. Johnson** for consideration as Director of Personnel, City of Jackson, Mississippi. **Debra F. Johnson** read her personal statement and answered questions posed to her by Council Members.

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

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

ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF WARD FIVE RESIDENT KEMBA WARE 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, there currently exists a vacancy on the Jackson Redevelopment Authority that was previously filled by John Reeves, whose term expired on August 13, 2013; and

WHEREAS, Kemba Ware, a resident of Ward 5, 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 Kemba Ware to the Jackson Redevelopment Authority be confirmed with said term to expire August 13, 2018.

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

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

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

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

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ORDER CONFIRMING THE MAYOR'S NOMINATION OF WARD SEVEN RESIDENT JED OPPENHEIM TO THE JACKSON SCHOOL BOARD OF TRUSTEES.

WHEREAS, the Board of Trustees of the Jackson Public School District shall consist of seven (7) members, each to be chosen for a term of five (5) years; and

WHEREAS, Dr. George Schimmel's term expired on June 1, 2013, thereby creating a vacancy; and

WHEREAS, Jed Oppenheim, a resident of Ward 7, after evaluation of his qualifications, has been nominated by the Mayor to fill said vacancy.

IT IS THEREFORE ORDERED that the governing authorities hereby confirm Jed Oppenheim to the Jackson School Board of Trustees with said term to expire June 1, 2018.

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

President Tillman recognized **Mayor Chokwe Lumumba**, who provided a brief presentation on the qualifications of **Jed Oppenheim** for consideration to the Jackson School Board of Trustees, City of Jackson, Mississippi. **Jed Oppenheim** read his personal statement and answered questions posed to him by Council Members.

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

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

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ORDER AUTHORIZING THE MAYOR TO EXECUTE A USE LICENSE AGREEMENT WITH THE JACKSON METROCENTER MALL, LLC FOR THE USE OF SPACE TO HOLD THE CITY OF JACKSON'S ANNUAL EARLY CHILDHOOD DEVELOPMENT PROGRAM PROMOTIONAL EXERCISES.

WHEREAS, promotional exercises are held annually for children transitioning from the City of Jackson's Early Childhood Development Program to kindergarten; and

WHEREAS, the City of Jackson asked, and the Jackson Metrocenter Mall, LLC agreed to provide space for the conducting of the promotional exercises, which are anticipated to be held on May 23, 2014; and

WHEREAS, Jackson Metrocenter Mall, LLC will charge a nominal fee of \$1.00 for use of the space by the City of Jackson; and

WHEREAS, the fee will be paid from funds allocated in the Department of Human and Cultural Services budget; and

WHEREAS, the best interest of the City of Jackson would be served by authorizing the Mayor to execute the Use License Agreement with the Jackson Metrocenter Mall LLC because the space is suitable for the conducting of the promotional exercises.

IT IS HEREBY ORDERED that the Mayor is authorized to execute a Use License Agreement with the Jackson Metrocenter Mall, LLC for the promotional exercises of the Early Childhood Development Program.

IT IS HEREBY ORDERED that the sum of \$1.00 shall be paid to Jackson Metrocenter Mall, LLC for use of the space to conduct the promotional exercises.

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

Yeas- Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Barrett-Simon.

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**ORDER RATIFYING THE MAYOR'S EXECUTION OF
MODIFICATION OF SUBGRANT NO. 625Q631-A FROM THE
MISSISSIPPI DEPARTMENT OF HUMAN SERVICES.**

WHEREAS, the Mississippi Department of Human Services (MDHS) awarded the City of Jackson the amount of \$982,475 on November 1, 2012, and

WHEREAS, the City will be required to provide matching funds in the amount of \$355,500.00; and

WHEREAS, the effective date of said Subgrant is November 1, 2012 and the expiration date is October 31, 2013; and

WHEREAS, a modification was requested and approved by the Mississippi Department of Human Services to extend Subgrant No. 625Q631-A an additional five (5) months, with an ending date of March 31, 2014; and

WHEREAS, said modification permits the City of Jackson to exhaust all funding to serve two-hundred and seventy-seven children in three (3) Early Childhood Development Child Care Centers throughout the City; and

WHEREAS, the MDHS provided the modification to the City of Jackson on October 24, 2013 and advised that it needed to be executed and returned on or before October 31, 2013 in order for funding to continue; and

WHEREAS, the modification was executed by the Mayor and returned to MDHS prior to approval of the Council in order to insure timely submission and the continued funding; and

WHEREAS, the Mayor's execution of the modification prior to Council approval occurred within the context of urgent and necessitous circumstances.

IT IS HEREBY ORDERED that the Mayor's act in executing the modification documents related to Subgrant No. 625Q631-A be ratified.

Council Member Whitwell moved adoption; Council Member Priester seconded.

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

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ORDER AUTHORIZING THE MAYOR TO ACCEPT MONEY OR OTHER THINGS FROM THE ESTATE OF MARTHA VIANNA KEITH SNAVELY PURSUANT TO BEQUEST CONTAINED IN HER LAST WILL AND TESTAMENT.

WHEREAS, on or about the 12th day of August 1991, Martha Vianna Keith Snavely, an adult resident of the City of Jackson, executed a Last Will and Testament; and

WHEREAS, the Last Will and Testament of Martha Vianna Keith Snavely has been admitted for probate in the Chancery Court of Hinds County First Judicial District in Cause P2013-335; and

WHEREAS, the Last Will and Testament of Martha Vianna Keith Snavely contained a provision which bequeathed a portion of her residual estate to certain organizations including but not limited to, the Davis Planetarium Foundation, Inc.; and

WHEREAS, the Davis Planetarium Foundation, Inc., was a non-profit entity created on January 15, 1981; and

WHEREAS, articles of incorporation for Davis Planetarium Foundation, Inc., were later amended on September 18, 1997 to change the name of the entity to the Mississippi Science Network, Inc.; and

WHEREAS, information appearing on the Mississippi Secretary of State's website indicates that the Mississippi Science Network, Inc., is now dissolved; and

WHEREAS, the September 18, 1997 amendment to the articles of incorporation for the Davis Planetarium Foundation, Inc. further provided that the residual of its assets upon dissolution should be distributed to charitable entities; and

WHEREAS, Section 91-7-49 of the Mississippi Code requires that the directions of the Will be followed; and

WHEREAS, it is believed that Martha Vianna Keith Snavely bequeathed a part of her estate to the Davis Planetarium Foundation, Inc., because she wanted to support the Russell C. Davis Planetarium; and

WHEREAS, consistent with the intent of Martha Vianna Keith Snavely, the attorney representing the estate of Martha Vianna Keith Snavely has advised the City of Jackson that the estate is prepared to tender approximately \$113,000.00 which must be used for the benefit of the Russell C. Davis Planetarium; and

WHEREAS, it is in the best interest of the City of Jackson to authorize the Mayor to accept the gift from the estate of Martha Vianna Keith Snavely.

IT IS HEREBY ORDERED that the Mayor shall be authorized to accept any and all gifts from the estate of Martha Vianna Keith Snavely.

IT IS FURTHER ORDERED that all monies and gifts received from the estate of Martha Vianna Keith Snavely shall be used for the benefit of the Russell C. Davis Planetarium consistent with the Will's intent.

IT IS FURTHER ORDERED that the Mayor shall be authorized to execute any documents and perform acts requested by the estate in order to effect the transfer and receipt of the gift from the estate of Martha Vianna Keith Snaveley.

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

Yeas- Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Barrett-Simon.

ORDER AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE CITY OF JACKSON WHEREBY THE CITY WILL RECEIVE \$1,000,000 FROM THE PROCEEDS OF BONDS ISSUED BY THE STATE OF MISSISSIPPI FOR THE RENOVATION AND RESTORATION OF THALIA MARA HALL.

WHEREAS, the USA International Ballet Competition is a prestigious quadrennial event that provides national and international visibility to Thalia Mara Hall and the City of Jackson; and

WHEREAS, the two-week 2010 USA Ballet Competition generated \$10.2 million in direct program, attendee, and income expenditures in Jackson and the State of Mississippi; and

WHEREAS, Thalia Mara Hall is in need of serious renovation if it is to continue to host the International Ballet Competition and have another 45 years of benefit to the City and State; and

WHEREAS, the first phase of this plan will begin January 2014 when the Hall will close and reopen in May 2014 in time for the 2014 USA International Ballet Competition; and

WHEREAS, this first phase is budgeted at the cost of approximately \$5 million, which will provide new air conditioning, interior lighting upgrades, fire life safety equipment upgrades, a new sound system, new seats and carpet, and ADA compliance; and

WHEREAS, the State of Mississippi has committed \$1,000,000 to the renovation of Thalia Mara Hall as authorized by Section 19 of Senate Bill 2913, 2013 Regular Session of the Mississippi State Legislature; and

WHEREAS, the Mississippi Department of Finance and Administration (“DFA”) requests that the City of Jackson enter into a Memorandum of Understanding for the purposes of establishing the agreed upon conditions and procedures under which DFA shall disburse bond proceeds to the City and the City shall account for the expenditure of such proceeds to pay the costs associated with the repair and renovation of and upgrades and improvements to the Thalia Mara Hall in Jackson, Mississippi.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute a Memorandum of Understanding between the Mississippi Department of Finance and Administration and the City of Jackson whereby the City will receive \$1,000,000 from the State for the renovation and restoration of Thalia Mara Hall.

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

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

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ORDER AUTHORIZING PAYMENT TO TERRACON CONSULTANTS INC. FOR CONSULTING ENGINEERING, QUALITY CONTROL, AND TESTING OF CONSTRUCTION FOR THE CITY OF JACKSON JATRAN ADMINISTRATIVE AND MAINTENANCE HEADQUARTERS, CITY PROJECT NO. 5AA7001; AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH TERRACON CONSULTANTS, INC. FOR CONSULTING ENGINEERING, QUALITY CONTROL, AND TESTING OF CONSTRUCTION FOR THE CITY OF JACKSON JATRAN ADMINISTRATIVE AND MAINTENANCE HEADQUARTERS, CITY PROJECT NO. 5AA7001.

WHEREAS, the City of Jackson requested that Terracon Consultants, Inc. perform quality control and testing services required in the Construction Documents for the JATRAN Administrative and Maintenance Headquarters; and

WHEREAS, due to unforeseen poor soil conditions encountered at the site and excessive rainfall that caused the site soil to become saturated, Terracon has been required to do more testing and provide more engineering analysis and review than was anticipated; and

WHEREAS, Terracon has provided consulting engineering, quality control, and testing to date on an hourly rate and materials cost basis in an outstanding amount of \$15,397.50; and

WHEREAS, Terracon's services will continue to be required to provide consulting engineering, quality control, and testing to verify that contracted construction work set in place conforms to the specified requirements of the building Construction Documents; and

WHEREAS, the Public Works Department has negotiated with Terracon Consultants, Inc. to continue providing necessary consulting engineering, quality control, and testing services at the JATRAN Administration and Maintenance Headquarters, Project in an amount not to exceed \$25,000.00.

IT IS, THEREFORE, ORDERED that payment to Terracon Consultants, Inc. in the amount of \$15,397.50 is authorized for consulting engineering, quality control, and testing for the JATRAN Administration and Maintenance Headquarters, Project No. 5AA700.

IT IS FURTHER ORDERED that the Mayor is authorized to execute a Contract in an amount not to exceed \$25,000.00 with Terracon Consultants, Inc. to perform quality control and testing services for the JATRAN Administration and Maintenance Headquarters, Project No. 5AA7001.

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

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

* * * * *

ORDER ACCEPTING THE COMPETITIVE QUOTE OF SOCRATES GARRETT ENTERPRISES, INC., AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND ALL RELATED DOCUMENTS FOR THE CITY OF JACKSON LIVINGSTON ROAD NRCS DRAINAGE PROJECT, CITY PROJECT NO. 14B5001.

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

WHEREAS, the City of Jackson, the Sponsor, has requested the NRCS to install emergency watershed protection measures to relieve hazards created by the Hurricane Isaac Storm Event; and

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

WHEREAS, on October 3, 2013, the Mayor declared an “emergency” under Section 31-7-13(k) of the Mississippi Code of 1972, as amended, because the delay that would result from obtaining competitive bids would be detrimental to the interests of the City of Jackson; and

WHEREAS, on November 12, 2013, the City of Jackson received the quote of Socrates Garrett Enterprises, Inc., in the amount of \$136,400.35, to commence with work on the Livingston Road NRCS Drainage Project, City Project No. 14B5001; and

WHEREAS, the Public Works Department recommends that the governing authorities deem the competitive quote of Socrates Garrett Enterprises, Inc., in the amount of \$136,400.35, for the Livingston Road NRCS Drainage Project, City Project No. 14B5001, to be the lowest and best quote.

IT IS, THEREFORE, ORDERED that the City of Jackson accepts the competitive quote of Socrates Garrett Enterprises, Inc., in the amount of \$136,400.35 and received on Tuesday, November 12, 2013, for the Livingston Road NRCS Drainage Project, City Project No. 14B5001.

IT IS FURTHER ORDERED that the Mayor is authorized to execute a contract and all related documents pertaining to the Livingston Road NRCS Drainage Project, and the City Clerk is authorized to attest a contract with Socrates Garrett Enterprises, Inc., for the Livingston Road NRCS Drainage Project, City Project No. 14B5001, according to the City’s invitation for competitive quotes, the quote accepted, and the scope of the project.

Note: Council Member Stamps recused himself and left the room prior to a vote on said item due to a conflict of interest.

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

Yeas- Cooper-Stokes, Priester, Tillman, Whitwell and Yarber.

Nays- None.

Recusal- Stamps.

Absent- Barrett-Simon.

* * * * *

Council Member Stamps returned to the meeting after a vote was taken on said item.

ORDER AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS WITH KEEP JACKSON BEAUTIFUL, INC. TO DEVELOP AND PROMOTE LITTER PREVENTION PROGRAMS AND ACTIVITIES IN THE CITY OF JACKSON FOR CALENDAR YEAR 2014.

WHEREAS, in 1984, Keep Jackson Beautiful, Inc., the local sponsor for the Keep America Beautiful System, partnered with the City of Jackson to develop and promote litter prevention programs and activities; and

WHEREAS, on April 14, 2008, Governor Barbour approved House Bill 1545 which amended Chapter 966, Local and Private Laws of 1999, as amended in 2004, and authorized the City of Jackson to contract with Keep Jackson Beautiful, Inc. for litter prevention services and to expend an amount not to exceed \$40,000.00 through calendar year 2014 for said services; and

WHEREAS, the staff recommends that the City of Jackson enter into an Agreement with Keep Jackson Beautiful, Inc. to develop and promote litter prevention and beautification programs for the City of Jackson for calendar year 2014.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute an Agreement and related documents with Keep Jackson Beautiful, Inc. to develop and promote litter prevention programs and activities in the City of Jackson, Mississippi for calendar year 2014.

IT IS FURTHER ORDERED that payments in the amounts of \$40,000.00 be made to Keep Jackson Beautiful, Inc. for said services.

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

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

ORDER ACCEPTING THE TERM BID OF L & D SCRAP AND TRUCKING FOR THE PURCHASE FROM THE CITY OF JACKSON OF RECYCLABLE REFRIGERATORS, OTHER WHITE GOODS, AIR CONDITIONERS, GAS TANKS AND VARIOUS SCRAP METALS (BID NO. 96270-10291).

WHEREAS, sealed bids for a twelve month term for the purchase from the City of Jackson of recyclable refrigerators, other white goods, air conditioners, gas tanks and various scrap metals were opened October 29, 2013 and one (1) bid was received; and

WHEREAS, L & D Scrap and Trucking submitted the highest bid for a twelve-month term for the purchase from the City of Jackson of recyclable refrigerators, other white goods, air conditioners, gas tanks, and various scrap metals; and

WHEREAS, the Solid Waste Division of Public Works has reviewed the bid received and recommends that the governing authorities deem the bid of L & D Scrap and Trucking, 2933 Ellisville Blvd., Laurel, MS 39440 to purchase recyclable refrigerators, other white goods, air conditioners, gas tanks, and various scrap metals for a twelve-month term (December 1, 2013 through November 30, 2014) to be the highest and best bid as follows:

Item 1—Purchase from the City of recyclable refrigerators, other white goods, air conditioners, and gas tanks—estimated volume of 3,000 to 4,000 tons during the term at a cost of \$160.00 per ton; and

Item 2—Purchase from the City of various scrap metals—estimated volume of 3,000 to 4,000 tons during the term as a cost of \$160.00 per ton.

IT IS, THEREFORE, ORDERED that the bid of L & D Scrap and Trucking, 2933 Ellisville Blvd., Laurel, MS 39440 to purchase from the City of Jackson of recyclable refrigerators, other white goods, air conditioners, gas tanks, and various scrap metals for a twelve-month term (December 1, 2013 through November 30, 2014) as follows:

Item 1—Purchase from the City of recyclable refrigerators, other white goods, air conditioners, and gas tanks—estimated volume of 3,000 to 4,000 tons during the term at a cost of \$160.00 per ton; and

Item 2—Purchase from the City of various scrap metals—estimated volume of 3,000 to 4,000 tons during the term as a cost of \$160.00 per ton.

is accepted as the highest and best bid received, it being determined that said bid met the City specifications.

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

Yeas- Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Barrett-Simon.

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 22, 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 22, 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 #2011-5579: Parcel #820-571** located *Gault Street/Lot W of 5424*: No appearance by owner or 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*

- 2) **Case #2012-2980: Parcel 629-208** located *726 Hillmont Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. *Board-up – Ward 4*
- 3) **Case #2012-2988: Parcel 119-438** located *145 AB Beverly 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. *Board-up – Ward 4*
- 4) **Case #2012-2991: Parcel 119-415** located *231 Beverly 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 \$1250.00. *Board-up – Ward*
- 5) **Case #2012-3636: Parcel #128-18** located *2000 First 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*
- 6) **Case #2013-1119: Parcel #126-82** located *328 Valley 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. *Board-up – Ward 5*
- 7) **Case #2013-1140: Parcel #119-2** located *511 Road of Remembrance*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 4*
- 8) **Case #2013-1346: Parcel #124-119** located *228 Marcus L. Butler 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 5*
- 9) **Case #2013-1672: Parcel 70-25** located *Bell Street/Lot E of 235*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1000.00. *Grass and Weeds – Ward 7*
- 10) **Case #2013-1676: Parcel 60-66-1** located *215 Sidway 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. *Board-up – Ward 7*
- 11) **Case #2013-1695: Parcel #211-136** located at *802 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*
- 12) **Case #2013-1806: Parcel #211-202** located at *932 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. *Grass and Weeds – Ward 6*
- 13) **Case #2013-1808: Parcel #855-31** located at *3916 Ronald 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*

14) **Case #2013-1886: Parcel #59-10-12** located *188 Sidway Street*: Mr. Bill Osborne appeared for Habitat for Humanity. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded until November 13, 2013 to demolish the structure as recommended. If there is a default, hearing officer recommends an assessment of actual costs and a penalty of \$500.00 if City cleans. *Demolition – Ward 7*

15) **Case #2013-1887: Parcel #59-49** located *192 Whitfield 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 7*

16) **Case #2013-1888: Parcel #67-15** located *1113 Crestview 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 7*

17) **Case #2013-1889: Parcel #163-44** located *Cox Street/1228*: No appearance by owner or 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 5*

18) **Case #2013-1895: Parcel #147-70** located *1108 W. Pascagoula Street*: Ms. Betty Lyons appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded until November 6, 2013 to enter into a rehabilitation agreement with Community Improvement. 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. *Demolition – Ward 3*

19) **Case #2013-1910: Parcel #176-136** located *320 Oakdale Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 7*

20) **Case #2013-1954: Parcel #210-64** located *Belvedere Drive/2nd Lot N of 2504*: No appearance by owner or 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*

21) **Case #2013-1955: Parcel #210-65** located *Belvedere Drive/1st Lot N of 2504*: No appearance by owner or 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*

22) **Case #2013-1956: Parcel #210-15** located *2334 Belvedere 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. *Board-up – Ward 5*

23) **Case #2013-1957: Parcel #210-19** located *2340 Belvedere 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. *Board-up – Ward 5*

24) **Case #2013-1958: Parcel #210-20** located *2366 Belvedere 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 5*

25) **Case #2013-1960: Parcel #212-20** located *2000 Belvedere 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 5*

26) **Case #2013-2010: Parcel #215-125** located *1834 Waltham 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*

27) **Case #2013-2013: Parcel 56-32-1** located *3001 N. West Street*: Mr. Michael Marks appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded until November 6, 2013 to enter into a rehabilitation agreement with Community Improvement. 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. *Demolition – Ward 7*

28) **Case #2013-2158: Parcel 59-10-37** located *Adelle Court/Lot W 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 and a penalty of \$500.00. *Grass and Weeds – Ward 7*

29) **Case #2013-2159: Parcel #154-10-4** located *1514-16 Deer Park 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*

30) **Case #2013-2160: Parcel #126-16-9** located *321 S. Denver Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. *Demolition – Ward 5*

31) **Case #2013-2267: Parcel #129-104** located *536 Valley 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 5*

32) **Case #2013-2278: Parcel #722-284** located *4639 Kirkley 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 2*

33) **Case #2013-2279: Parcel #802-238** located *6350 Lyndon B. Johnson*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1000.00. *Grass and Weeds – Ward 2*

34) **Case #2013-2283: Parcel #825-406** located *1647 Truman 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 4*

35) **Case #2013-2284: Parcel #119-503** located *309 Sewanee 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 4*

36) **Case #2013-2286: Parcel #127-118** located *436 Marcus L. Butler Drive*: Mr. Busara Riptoe appeared and indicated that he was the Property Manager for Laurence Young. Hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, interested party shall be afforded two weeks, expiring November 6, 2013 to cut grass and weeds and until January 5, 2014 to demolish property. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$1000.00. *Demolition – Ward 5*

37) **Case #2013-2328: Parcel #737-169** located *5737 Medallion 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*

38) **Case #2013-2374: Parcel 56-38-5** located *215 Stonewall Street*: Mr. Theodore Walker appeared and testified that he was a principal with Quick Properties, LLC. 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 November 13, 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 7*

39) **Case #2013-2379: Parcel #572-147** located *5050 Romany 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 1*

40) **Case #2013-2380: Parcel #572-157** located *5065 Romany 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 1*

41) **Case #2013-2411: Parcel #407-145** located *1422 Perkins 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*

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.

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

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

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

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

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

Yeas- Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Barrett-Simon.

* * * * *

INITIAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSON GRANTING SAKS INC. AND SAKS FIFTH AVE, INC. AND IBM CREDIT LLC EXEMPTION FROM AD VALOREM TAXES ON ADDITIONS TO THE CORPORATE REGIONAL HEADQUARTERS OF SAKS, INC. AS AUTHORIZED BY SECTION 27-31-105, ET SEQ., OF THE MISSISSIPPI CODE OF 1972, AND COMPLETED ON DECEMBER 31, 2012.

WHEREAS, Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, filed in triplicate with the City its original application on May 31, 2013, for an exemption from ad valorem taxation on expanded facilities or properties acquired for its facility located at 3455 Highway 80 West in Jackson, MS, which said facilities or properties were completed and in place as of December 31, 2012; and

WHEREAS, Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, submitted the said Applications pursuant to the provisions of Section 27-31-105, et seq. of the Mississippi Code of 1972, as amended, seeking an exemption from ad valorem taxation for a period of five (5) years beginning January 1, 2013; and

WHEREAS, Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, has verified the authenticity and correctness of its Application in regard to the true value of the requested exemption and date of completion; and

WHEREAS, this Council finds that Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, is eligible for exemption from and should be granted exemption from ad valorem taxation on \$7,053,225.00 of additions or expansions of its Operations Center in 2012, as described in the said Applications, and subject to approval and certification by the State Tax Commission; and

WHEREAS, Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, be granted an exemption from ad valorem taxation, as provided by law, upon all of the tangible property as described in their application; and

WHEREAS, at the millage rate as provided in exhibit "A" attached hereto and made a part hereof, used in, or necessary to, the operation of Applicant's factory in the City of Jackson, Hinds County, Mississippi, for a five-year exemption extension period beginning on the 1st day of January, 2013, and ending on the 31st day of December 2017.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Jackson of Mississippi, as follows:

- 1) That The Application of Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, for exemption from ad valorem taxation on additions to the Corporate Regional Headquarters of Saks Inc. completed and in place as of December 31, 2012, and having a true value of \$753,225.00 as described in its Application is approved, subject to the restrictions set forth in paragraph two hereof and subject to approval and certification by the State Tax Commission.
- 2) That Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, is hereby granted an exemption from ad valorem taxes in the amount of 22.90 millage, except school district ad valorem taxation, for a period of five (5) years, beginning January 1, 2013, and ending December 31, 2017, subject to approval and certification by the State Tax Commission.

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

Yeas- Cooper-Stokes, Priester, Stamps, Tillman, Whitwell and Yarber.

Nays- None.

Absent- Barrett-Simon.

* * * * *

INITIAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSON GRANTING SAKS INC. AND SAKS FIFTH AVE, INC. AND IBM CREDIT LLC EXEMPTION FROM AD VALOREM TAXES ON ADDITIONS TO THE CORPORATE REGIONAL HEADQUARTERS OF SAKS, INC. AS AUTHORIZED BY SECTION 27-31-105, ET SEQ., OF THE MISSISSIPPI CODE OF 1972, AND COMPLETED ON DECEMBER 31, 2012.

WHEREAS, Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, filed in triplicate with the City its original application on May 31, 2013, for an exemption from ad valorem taxation on expanded facilities or properties acquired for its facility located at 3455 Highway 80 West in Jackson, MS, which said facilities or properties were completed and in place as of December 31, 2012; and

WHEREAS, Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, submitted the said Applications pursuant to the provisions of Section 27-31-105, et seq. of the Mississippi Code of 1972, as amended, seeking an exemption from ad valorem taxation for a period of five (5) years beginning January 1, 2013; and

WHEREAS, Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, has verified the authenticity and correctness of its Application in regard to the true value of the requested exemption and date of completion; and

WHEREAS, this Council finds that Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, is eligible for exemption from and should be granted exemption from ad valorem taxation on \$7,053,225.00 of additions or expansions of its Operations Center in 2012, as described in the said Applications, and subject to approval and certification by the State Tax Commission; and

WHEREAS, Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, be granted an exemption from ad valorem taxation, as provided by law, upon all of the tangible property as described in their application; and

WHEREAS, at the millage rate as provided in exhibit "A" attached hereto and made a part hereof, used in, or necessary to, the operation of Applicant's factory in the City of Jackson, Hinds County, Mississippi, for a five-year exemption extension period beginning on the 1st day of January, 2013, and ending on the 31st day of December 2017.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Jackson of Mississippi, as follows:

1) That The Application of Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, for exemption from ad valorem taxation on additions to the Corporate Regional Headquarters of Saks Inc. completed and in place as of December 31, 2012, and having a true value of \$753,225.00 as described in its Application is approved, subject to the restrictions set forth in paragraph two hereof and subject to approval and certification by the State Tax Commission.

2) That Saks Inc. and Saks Fifth Ave. Inc. and IBM Credit LLC, is hereby granted an exemption from ad valorem taxes in the amount of 22.90 millage, except school district ad valorem taxation, for a period of five (5) years, beginning January 1, 2013, and ending December 31, 2017, subject to approval and certification by the State Tax Commission.

REGULAR MEETING OF THE CITY COUNCIL
MONDAY, DECEMBER 17, 2013 6:00 P.M.

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Council Member Whitwell moved adoption; Council Member Yarber seconded.

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

There came on for consideration Agenda Item No. 26:

INITIAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSON GRANTING GREAT SOUTHERN INDUSTRIES, INC EXEMPTION FROM AD VALOREM TAXES ON ADDITIONS TO OR EXPANSIONS OF ITS PLANT FACILITY COMPLETED AS OF DECEMBER 31, 2012, FOR A PERIOD OF FIVE (5) YEARS, AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE OF 1972, AS AMENDED.

Council Member Yarber moved adoption; Council Member Whitwell seconded.

After a thorough discussion on the matter, said item was pulled at the request of Mayor Lumumba, thereby resulting in the withdrawal of all original motions.

ORDER RATIFYING THE ACCEPTANCE OF A GRANT AWARD AND SUBMITTAL OF AWARD DOCUMENTS RELATED TO THE KABOOM! LET'S PLAY MAINTENANCE GRANT.

WHEREAS, the City of Jackson has been awarded a Grant by the 2013 Dr. Pepper Snapple Group and KaBoom for FY 2014 funding; and

WHEREAS, the City of Jackson is eligible to receive a Grant in the amount of Seven Hundred Fifty Dollars (\$750.00) for improved play spaces; and

WHEREAS, the award documents were submitted on October 31, 2013 as a requirement to receive the funds; and

WHEREAS, the Administration recommends the ratification of the acceptance of the grant award and submission of award documents to KaBOOM! Let's Play Maintenance Grant.

IT IS, THEREFORE, ORDERED that the acceptance of the Grant Award and the October 31, 2013 submission of the KaBOOM! Let's Play Maintenance Grant Award documents are hereby ratified.

IT IS FURTHER ORDERED that the Mayor be authorized to execute any and all other documents necessary to accept and administer the KaBOOM! Let's Play Maintenance Grant.

Council Member Whitwell moved adoption; Council Member Priester seconded.

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

President Tillman recognized Council Member Cooper-Stokes who moved to reconsider Agenda Item No. 7: **ORDER TO AWARD THE CONTRACT FOR PUBLICATION OF ALL ORDINANCES, RESOLUTIONS, NOTICES AND OTHER LEGAL PUBLICATIONS OF THE CITY OF JACKSON FOR THE CALENDAR YEAR 2014.** Council Member Priester seconded the motion.

The motion prevailed by the following votes:

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

President Tillman requested that the Clerk read the Order:

ORDER TO AWARD THE CONTRACT FOR PUBLICATION OF ALL ORDINANCES, RESOLUTIONS, NOTICES AND OTHER LEGAL PUBLICATIONS OF THE CITY OF JACKSON FOR THE CALENDAR YEAR 2014.

WHEREAS, on November 26, 2013, the City received three sealed bids from The Mississippi Link, The Clarion-Ledger and The Jackson Advocate for the publication of ordinances, resolutions, notices and other legal publications of the City required by law to be published in the 2014 calendar year; and

WHEREAS, The Clarion-Ledger submitted the lowest bid, it being in the amount of \$0.049 per word for the first publication; \$0.000 per word for the second publication, and \$0.000 per word for the third publication, with a \$0.00 charge for the proof of publication; and

WHEREAS, the Council finds that The Clarion-Ledger satisfies the statutory requirements set forth in Section 13-3-31, Miss. Code of 1972, as amended, for newspaper printing of legal publications.

IT IS, THEREFORE, ORDERED that the bid of The Clarion- Ledger in the amount of \$0.049 per word for the first publication; \$0.000 per word for the second publication; and \$0.000 per word for the third publication, with a \$0.00 charge for the proof of publication.

IT IS FURTHER ORDERED that the City Clerk be authorized to publish any ordinances, resolutions, notices or other publication required by law to be published during the period January 1, 2014 through December 31, 2014, in said newspaper on an item-by-item basis as best suits the needs and convenience of the City, and in accordance with the applicable law thereto.

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

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

There came on for consideration Agenda Item No. 29:

DISCUSSION: TREES: President Tillman recognized Council Member Cooper-Stokes who expressed concerns regarding the procedures for cutting down trees throughout the City.

There came on for consideration Agenda Item No. 31:

President Tillman recognized Mayor Chokwe Lumumba who PRESENTED A PROCLAMATION HONORING AND RECOGNIZING NATIONAL HOMELESS PERSONS' DAY. Accepting the Proclamation with appropriate remarks was Louis Armstrong, Deputy Director of Human and Cultural Services.

There came on for consideration Agenda Items No. 32 and 33:

RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING THE JACKSON STATE UNIVERSITY WOMEN'S SOCCER TEAM AS 2013 SWAC CHAMPIONS. Said Resolution was held by Council Member Cooper-Stokes.

RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING THE JACKSON STATE UNIVERSITY FOOTBALL TEAM AS 2013 EASTERN DIVISION SWAC CHAMPIONS. Said Resolution was held by Council Member Cooper-Stokes.

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President Tillman requested that the Council consider an Agenda Item that had not been submitted to the City Clerk by the agenda deadline of 3:00 P.M., Wednesday, December 11, 2013, as mandated by Section 2-63 of the Jackson Code of Ordinances.

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

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

After receiving the required unanimous vote, the item was added as Agenda Item No. 35, and **President Tillman** requested that the Clerk read the Order:

ORDER SELECTING JOHNSON CONTROLS, INC. TO PROVIDE ENERGY SEERVICES RELATING TO THE HVAC AND LIFE SAFETY IMPROVEMENTS PROJECT FOR THALIA MARA HALL AND AUTHORIZING THE MAYOR TO EXECUTE AN ENERGY SERVICES CONTRACT WITH JOHNSON CONTROLS, INC. FOR THE THALIA MARA HALL RENOVATION PROJECT.

WHEREAS, the City of Jackson is the recipient of State of Mississippi funding for Thalia Mara Hall which is contingent upon the city allocating funding for certain material improvements to Thalia Mara Hall; and

WHEREAS, the funds are to be used to replace specified air handling units, boilers, fan coil units, HVAC controls, incorporate additional life safety equipment, and make lighting improvements; and

WHEREAS, Johnson Controls, Inc. submitted the sole response; and

WHEREAS, the Department of Public Works recommends that the governing authorities select Johnson Controls, Inc. to provide energy services for the renovation project; and

WHEREAS, the Johnson Controls, Inc., has agreed to provide the needed services for an amount not exceed \$2,887,472.00, for energy services.

IT IS, THEREFORE, ORDERED that Johnson Controls, Inc. is selected to provide energy services relating to the HVAC and Life Safety Improvement Project for Thalia Mara Hall.

IT IS, FURTHER, ORDERED that the Mayor is authorized to execute an Energy Services Contract between City of Jackson and Johnson Controls, Inc., for energy services in an amount not to exceed \$2,887,472.00, for the HVAC and Life Safety Improvements Project for Thalia Mara Hall.

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

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

There came on for consideration Agenda Item No. 6 for Executive Session:

AMENDED AND RESTATED ORDER AUTHORIZING THE MAYOR TO EXECUTE SETTLEMENT AGREEMENT WITH THE JACKSON PUBLIC SCHOOLS DISTRICT ("JPS") DISMISSING PENDING LITIGATION, CLARIFYING THE PRIOR AGREED ORDER WHICH ESTABLISHED THE STATUTORY MAXIMUM MILLAGE RATE FOR JPS, AND PROVIDING JPS WITH A DIRECT ALLOCATION OF FUNDS FOR THE 2013-2014 JPS DISTRICT MAINTENANCE BUDGET.

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

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

Council Member Cooper-Stokes left the meeting at 9:15, after voting to go into Executive Session.

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An announcement was made to the Public that the Council voted to go into Executive Session to discuss negotiations with respect to prospective litigation.

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

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

Nays- None.

Absent- Barrett-Simon and Cooper-Stokes.

President Tillman announced that the Council voted to come out of Executive Session and action had been taken.

President Tillman then recognized **James Anderson**, Special Assistant to the City Attorney, who provided remarks on the record in reference to Agenda Item No. 6. Attorney Anderson stated that Agenda Item No. 6 was discussed, amended and passed by the Council in Executive Session, but was not subject to public disclosure due to its confidential nature.

Council Member Yarber made the motion to amend and **Council Member Priester** seconded.

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

Nays- None.

Absent- Barrett-Simon and Cooper-Stokes.

Note: Negotiations regarding said order were subsequently concluded and the order is now subject to public disclosure as followed:

AMENDED AND RESTATED ORDER AUTHORIZING MAYOR TO EXECUTE SETTLEMENT AGREEMENT WITH THE JACKSON PUBLIC SCHOOLS DISTRICT ("JPS") DISMISSING PENDING LITIGATION, CLARIFYING THE PRIOR AGREED ORDER WHICH ESTABLISHED THE STATUTORY MAXIMUM MILLAGE RATE FOR JPS, AND PROVIDING JPS WITH A DIRECT ALLOCATION OF FUNDS FOR THE 2013-2014 JPS DISTRICT MAINTENANCE BUDGET.

WHEREAS, on or about September 30, 2013, the governing authorities for the City of Jackson proposed and approved an order authorizing the Mayor to settle certain pending litigation between the City of Jackson ("City") and the Jackson Public Schools ("JPS"); and

WHEREAS, certain provisions, limitations, and conditions provided in the afore-mentioned order have been determined to be an unnecessary impediment to securing a reasonable settlement between the parties, and thus are being removed by way of this amended order; and

WHEREAS, the City of Jackson ("City"), pursuant to Section 37-57-1 et seq. of the Miss. Code Ann., as amended, is the "levying authority" for the JPS, and thus obligated to levy and collect local ad valorem taxes on behalf of JPS; and

WHEREAS, the minimum local ad valorem tax effort for JPS may not exceed the millage limit established by Section 37-57-1(2) (referred to herein as the "statutory millage limit"); and

WHEREAS, during their respective budget processes in 2012, a reasonable dispute arose between the City and JPS relating to the statutory *millage limit* and other matters which resulted in litigation between the parties in the Hinds County Circuit Court (Cause No. 251-12-780); and

WHEREAS, in the spirit of cooperation, and in an effort to resolve the matter without further litigation, or future disputes on the issue, representatives for the City and JPS met to review all of the relevant data and reach a consensus on the exact figure for the applicable *millage limit*; a consensus was reached that the statutory *millage limit* for JPS' ad valorem tax effort was Sixty-Five and Ninety-One Hundredth (65.91) mills; and

WHEREAS, on July 8, 2013, the governing authorities for the City authorized the settlement of the 2012 litigation with JPS wherein the parties would agree that the statutory *millage limit* for the JPS was Sixty-Five and Ninety-One Hundredth (65.91) mills; and, an agreed order was entered in the aforementioned litigation (Cause No. 251-12-780) with the intent effectuating the parties agreement as to the statutory *millage limit*; and

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WHEREAS, subsequent to entry of the afore-mentioned agreed order, it became apparent that the parties did not have the same understanding of the intent and import of the agreed order with respect to establishing the millage rate for the 2013-2014 JPS budget request and future budget requests; consequently, JPS initiated new litigation against the City (“Cause No. 251-13-848”); and

WHEREAS, it is in the best interest of the City and JPS, to settle the aforementioned dispute(s) between the City and JPS without expending tax payer funds on unnecessary litigation; and

WHEREAS, the City is willing to allocate funds in the amount of Four Hundred Fifty-One Thousand Three Hundred Fifty-Five Dollars and Eighty Seven Cents (\$451,355.87) to JPS to address JPS concerns that the approved millage rate may not produce the funds necessary to support approved JPS budget; and

WHEREAS, it is in the best interest of the City and JPS that as a condition to the allocation, the agreed order in Cause No. 251-12-780 be withdrawn and replaced with an order that reflects the City and JPS agreement as to the *millage limit* being Sixty-Five and Ninety-One Hundredth (65.91) mills; and

WHEREAS, the proposed allocation is intended to make certain that the 2013-2014 JPS Budget presented to the City is fully funded, and to settle all disputes between the City and JPS concerning the millage rate and potential shortfalls for the 2013-2014 JPS Budget . Therefore, as a primary condition of acceptance, JPS must agree to use to funds to first cover any budget shortfall should the approved millage rate not produce the funds necessary to support the 2013-2014 JPS budget request presented to the City.

IT IS, THEREFORE, ORDERED that the settlement order approved on or about September 30, 2013, is amended in whole by this amended and restated order, and that the Mayor, contingent upon JPS acceptance of the City’s offer for a settlement on or before Friday December 20, 2013 by 5:00pm, is authorized to execute an agreed order and/or settlement agreement with JPS dismissing all litigation between the City and JPS regarding the above-mentioned matters under terms and conditions described herein.

IT IS FURTHER ORDERED that the Mayor and/or the City Attorney, or his designee, are authorized to execute any other documents required to resolve the afore-mentioned litigation and to effectuate and/or clarify the afore-mentioned agreed order, incorporating the substance of terms described above, as necessary.

IT IS FURTHER ORDERED that the City allocate funds in the amount of Four Hundred Fifty-One Thousand Three Hundred Fifty-Five Dollars and Eighty Seven Cents (\$451,355.87) to JPS to address JPS concerns that the approved millage rate may not produce the funds necessary to support JPS’s approved budget, and that acceptance of those funds by JPS be predicated on JPS’s acceptance of terms commensurate with the conditions described herein, and such other conditions as the required by law.

Council Member Whitwell moved to accept amended order and **Council Member Yarber** seconded.

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

Nays- None.

Absent- Barrett-Simon and Cooper-Stokes.

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The following announcements/reports were made during the meeting:

- The Christmas Tree Lighting ceremony would be held on December 20, 2013 at 4:00 p.m. at City Hall.
- Town Hall Meetings would be held on December 19th at Word and Worship Church and December 22nd at Battlefield Community Center.
- Kwanza Celebration would be held at Medgar Evers Community Center located at 3159 Edwards Avenue from 6:00 p.m. to 9:00 p.m.
- **Senator John Horn** would be speaking regarding the 1% sales tax on December 20th at Koinonia Coffee House.
- **Council Member Yarber** encouraged interested parties to sign up for Faith Based Alignment.
- **Council Member Priester** announced that the non-profit organization heARTalot would hold a fundraiser at the Caprice Theater on December 23, 2013 at 6:00 p.m.
- **Senator Norwood** would have a ribbon cutting ceremony on Wednesday, December 18, 2013 for his office.

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- **Frank Bluntson** would host a Senior Citizen Food Giveaway on Wednesday, December 18, 2013 at 10:00 a.m.

- A Christmas party would be held at Champion City on December 18, 2013 at 10:00 a.m.

- Highland View Apartments would host an open house at 10:00 a.m. on December 18, 2013.

The meeting was closed in memory of the following individuals:

- Robert Lee Smith, Jr.
- Rev. Henry C. Clay, Jr.
- Michael Ferguson
- Destiny Ford
- Walter Nicholson
- Marquita Moore
- Clara Henderson
- Mrs. Flora Marie Hines Calhoun

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, December 23, 2013 and at 9:50 p.m., the Council stood adjourned.

ATTEST:



CITY CLERK

APPROVED:

 1-9-13

MAYOR **DATE**
