

**BE IT REMEMBERED** that a Regular Meeting of the City Council of Jackson, Mississippi, was convened at City Hall at 6:00 p.m. on February 19, 2019, being the third Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Melvin Priester, Jr., President, Ward 2; Ashby Foote, Ward 1; Kenneth Stokes, Ward 3; De'Keither Stamps, Ward 4; Charles Tillman, Ward 5 and Aaron Banks, Ward 6. Directors: Chokwe Antar Lumumba, Mayor; Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Allice Lattimore, Deputy City Clerk and Timothy Howard, City Attorney.

Absent: Virgi Lindsay, Vice President, Ward 7.

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

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The invocation was offered by **Pastor Barbara Banks** of the Birthing Experience Ministry.

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

**ORDER APPROVING THE APPLICATION OF HEATHERWOOD AREA HOMEOWNERS ASSOCIATION FOR THE INSTALLATION OF A PUBLIC ACCESS GATE ON BRIARFIELD ROAD BETWEEN PARCLES #548-48 & #548-4 AND BETWEEN PARCELS #549-94 & #549-92.**

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

- **Ann Fry** spoke in favor of approving the application of a public access gate for the Heatherwood Area Homeowners Association.
- **Sherry Mosley** spoke in favor of approving the application of a public access gate for the Heatherwood Area Homeowners Association.
- **Barton Norfleet** spoke in favor of approving the application of a public access gate for the Heatherwood Area Homeowners Association.
- **Courtney Cockrell** spoke in favor of approving the application of a public access gate for the Heatherwood Area Homeowners Association.

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

**ORDER DENYING THE APPLICATION OF HEATHERWOOD AREA HOMEOWNERS ASSOCIATION FOR THE INSTALLATION OF A PUBLIC ACCESS GATE ON BRIARFIELD ROAD BETWEEN PARCLES #548-48 & #548-4 AND BETWEEN PARCELS #549-94 & #549-92.**

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There was no opposition from the public.

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

- **Mable Allen** expressed concerns regarding her water bill and the City's new water meters.
- **Dorothy Benford** expressed concerns regarding the proposed ordinance governing municipal officers' salaries.
- **Jeff Carter** expressed concerns regarding a running water line and the City's emergency service line.
- **Reggie Fullwood**, a representative of West Point Society of Mississippi, provided information regarding the 4<sup>th</sup> Annual West Point Conference.

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**President Priester** requested that Agenda Items No. 36, 37, 39 and 38 be moved forward on the Agenda. Hearing no objections, the following was presented:

**President Priester** recognized **Mayor Chokwe Antar Lumumba** who presented a **PROCLAMATION OF THE CITY OF JACKSON HONORING AND COMMENDING ADHIAMBO SCHOOL ON THEIR 40<sup>th</sup> YEAR ANNIVERSARY FOR THEIR EXCELLENCE IN ACADEMIC EDUCATION, SPECIAL PROGRAMS AND PROVEN COMMITMENT TO COMMUNITY SERVICE.** Accepting the Proclamation with appropriate remarks was **Mrs. Mahari Butler.**

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**President Priester** recognized **Council Member Stokes** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MRS. DELORES BROWN OREY, AN OUTSTANDING CITIZEN AND RESOUNDING CIVIL RIGHTS ADVOCATE (POSTHUMOUSLY).** Accepting the Resolution with appropriate remarks were **Jessica Orey** and **Kathyrn Orey-Perry.**

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**President Priester** recognized **Council Member Tillman** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MRS. LINDA MURRAY FOR BEING SELECTED AS THE 2019 JACKSON PUBLIC SCHOOL ADMINISTRATOR OF THE YEAR.** Accepting the Resolution with appropriate remarks was **Mrs. Linda Murray.**

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**President Priester** recognized **Council Member Stokes** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MR. ROBERT WALL, AN OUTSTANDING CITIZEN, FORMER FIREMAN AND ENTREPRENEUR.** Accepting the Resolution with appropriate remarks was **Mr. Robert Wall.**

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**Council Member Stokes** left the meeting.

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**President Priester** requested that Agenda Item No. 19 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

**ORDER APPROVING THE APPLICATION OF HEATHERWOOD AREA HOMEOWNERS ASSOCIATION FOR THE INSTALLATION OF A PUBLIC ACCESS GATE ON BRIARFIELD ROAD BETWEEN PARCLES #548-48 & #548-4 AND BETWEEN PARCELS #549-94 & #549-92.**

**WHEREAS**, Heatherwood Area Homeowners Association, hereinafter referred to as "Petitioners", petitioned the City of Jackson, Mississippi to construct a public access gate on Briarfield Road between parcels #548-48 & #548-4 and between parcels #549-94 & #549-92 as shown on Public Access Gate Application #13, located in the City of Jackson, First Judicial District, Hinds County, Mississippi; and

**WHEREAS**, the Petitioners presented their petition pursuant to Section 110-28 of the Jackson Code of Ordinances; and

**WHEREAS**, the Petitioners have, at their own expense, furnished the City of Jackson with plans; and

**WHEREAS**, the Site Plan Review Committee of the City of Jackson, reviewed the petition to erect two public access gates on August 23, 2018, and received clearance after all technical objections that were raised by the committee were addressed by the petitioners on January 14, 2019; and

**WHEREAS**, the City Council accepts the Site Plan Review Committee's recommendation for approval.

**IT IS, THEREFORE, ORDERED** that the application for a public access gate on Briarfield Road between parcels #548-48 & #548-4 and parcels #549-94 & #549-92, as shown on Site Plan Review Application #13, be approved and the Department of Public Works is authorized to issue a Right-of-Way Permit for said gates.

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

Yeas- Banks, Foote, Priester, Stamps and Tillman.

Nays- None.

Absent- Lindsay and Stokes.

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**Council Member Tillman** left the meeting.

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**ORDER ACCEPTING PAYMENT OF \$1,075.50 FROM WATTER TOWING, LLC AS A PROERTY DAMAGE SETTLEMENT.**

**IT IS HEREBY ORDERED** by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment in the amount of \$1,075.50 as a property damage settlement for damage sustained to City of Jackson Police Department 2011 Dodge Charger {PC-1652} on June 28, 2018.

**Council Member Banks** moved adoption; **President Priester** seconded.

Yeas- Banks, Foote, Priester and Stamps.

Nays- None.

Absent- Lindsay, Stokes and Tillman.

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There came on for Introduction Agenda Item No. 5:

**ORDINANCE AMENDING SECTIONS OF CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSISSIPPI, GOVERNING BUILDINGS AND BUILDING REGULATIONS.** Said item would be placed on the March 5, 2019 Regular Council meeting for adoption.

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Council Member Stokes and Tillman returned to the meeting.

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There came on for Introduction Agenda Item No. 6:

**ORDINANCE GOVERNING THE FIXING OF SALARIES OF MUNICIPAL OFFICERS AND EMPLOYEES BASED ON BUDGETARY CONSIDERATIONS.**  
Said item would be placed on the March 5, 2019 Regular Council meeting for adoption.

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**ORDINANCE CLOSING AND VACATING A PORTION OF WOODROW WILSON AVENUE IN FAVOR OF THE ABUTTING LANDOWNER.**

**WHEREAS**, the University of Mississippi Medical Center, a department of the University of Mississippi, hereinafter referred to as "Petitioner", petitioned the City of Jackson, Mississippi to close and vacate a portion of right-of-way of Woodrow Wilson Avenue, hereinafter referred to as "Street", located in the City of Jackson, First Judicial District, Hinds County, Mississippi; and

**WHEREAS**, the Petitioners presented their petition pursuant to Section 110-5 of the Jackson Code of Ordinances; and

**WHEREAS**, the Petitioners are the owners of all property abutting the Street on both sides, and have, at their own expense, furnished the City of Jackson with a survey plat; and

**WHEREAS**, the Site Plan Review Committee of the City of Jackson reviewed the petition to close and vacate the Street on January 17, 2019, and approved the petition on January 17, 2019; and

**WHEREAS**, the City Council finds that the Street sought to be closed and vacated is no longer needed as a public thoroughfare and will not be needed as a public thoroughfare in the foreseeable future.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI, THAT:**

**SECTION 1.** The herein described portion of an unnamed alley constitutes a publicly dedicated right-of-way, with said right-of-way being described as follows:

Part of the Southeast Quarter of Section 26, Township 6 North, Range 1 East, Hinds County, Mississippi, and being more particularly described as follows to-wit:

Commencing at a brass disk in concrete (N-1028229.08, E-2347204.08) that is 463.12 feet east of and 3,312.39 feet south of the northeast corner of Lot 7 of Block "B" of Woodland Hills (a subdivision) recorded in Plat Book 4 @ Page 40 of the Chancery Records of Hinds County, Mississippi, said point being on the north right-of-way way line of East Woodrow Wilson Avenue; thence run North 00°19'47" East a distance of 159.99 feet along said north right-of-way line to a point; thence run North 89°41'26" West a distance of 344.16 feet along said north right-of-way line to the Point of Beginning (N1028390.93, E-2346860.84) ; thence continue North 89°41'26" West a distance of 386.42 feet to a point on said north right-of-way line; thence run North 00°18'34" East a distance of 65.00 feet along said north right-of-way line to a point; thence run South 80°08'34" East a distance of 391.85 feet to the Point of Beginning and containing 0.288 acres (12,558 square feet). Bearings, distances and coordinates are Grid based on the Mississippi State Plane Coordinate System, NAD 83.

**SECTION 2.** Pursuant to operation of law, a certified copy of this Ordinance shall serve to convey, quitclaim, and release the City's right, title, and interest in and to said right-of-way, as herein described, to the abutting landowners of record.

**SECTION 3.** The conveyance of said right-of-way is subject to any dedications, limitations, restrictions, reservations, or easements of record.



**SECTION 4.** The Petitioners shall assume all responsibility and liability for the herein described right-of-way.

**SECTION 5.** The herein described right-of-way is hereby closed and vacated.

**SECTION 6.** The Director of the Department of Public Works is hereby authorized and directed to indicate the closing and vacation of the herein described portion of the Street on the official map of the City of Jackson.

**SECTION 7.** Any and all ordinances of the City of Jackson, or any parts of ordinances, in conflict herewith shall be, and the same are hereby, repealed.

**SECTION 8.** The cost of publication of this Ordinance shall be borne by the Petitioners.

**SECTION 9.** This Ordinance shall be effective thirty (30) days after passage and after publication.

**President Priester** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDINANCE ESTABLISHING CHAPTER 35, ARTICLE IV OF THE CODE OF ORDINANCES, CITY OF JACKSON, MISSISSIPPI, GOVERNING SMALL CELL WIRELESS FACILITIES AND RELATED TECHNOLOGIES IN CITY RIGHT-OF-WAY AND FOR RELATED PURPOSES.**

**WHEREAS**, the City of Jackson desires to promote the responsible establishment and growth of small cell wireless facilities and related infrastructure and technologies to serve as a benefit for all Jacksonians; and

**WHEREAS**, in September 2018, the Federal Communication Commission (FCC) passed an order based upon the Telecommunications Act of 1996 to require local governments to allow small cell facilities on public rights-of-way within reasonable limits set in said order; and

**WHEREAS**, the proposed regulations as set forth in the body of this ordinance allows for the City to promote responsible design, height, and location requirements, provide for the establishment of reasonable fees for construction permit and occupancy license, and establishes in part a funding mechanism necessary for the City to join the Mississippi 811 service.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI, THAT:**

**SECTION 1.** Article IV of Chapter 35 of the Code of Ordinances, City of Jackson, Mississippi, is hereby established to read as follows:

**ARTICLE IV. - SMALL WIRELESS FACILITIES.**

**Sec. 35-60. - Definitions.**

The terms below have the following meanings for purposes of this ordinance.

"Abandonment" or "Abandon(s)" means that, following the placement of Small Wireless Facilities or Support Structures in the City pursuant to a permit issued to an Applicant, any of the following has occurred:

- a. for any reason the Facilities cease to be used to transmit signals, data or messages or otherwise be used for their intended purposes for a period of six (6) months or more;
- b. the City revokes the permit for placement and use of those Facilities due to nonpayment of applicable fees, the failure of the Applicant to comply with conditions in the permit or in this ordinance concerning them, or other valid reason; or

- c. the Applicant fails to perform any of its responsibilities, obligations and requirements in this ordinance or in a permit that relate to the installation, construction, maintenance, use or operation of the Facilities, Accessory Equipment or Support Structures, and that breach remains uncured for a period of six (6) months after the City provides written notice of the breach to the Applicant.

"Accessory Equipment" means any equipment other than an antenna that is used in conjunction with Small Wireless Facilities arrangements. This equipment may be attached to or detached from a Small Wireless Facility Support Structure, and includes, but, is not limited to, cabinets, optical converters, power amplifiers, radios, DWDM and CWDM multiplexers, microcells, radio units, fiber optic and coaxial cables, wires, meters, pedestals, power switches, and related equipment on a Support Structure. The term does not include (a) the structure or improvements on, under, or within which the equipment is collocated; (b) wireline backhaul facilities; (c) coaxial or fiber optic cable; or (d) coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

"Antenna" means communications equipment that transmits and receives electromagnetic radio signals, is attached to a Small Wireless Facility Support Structure and is used to communicate wireless service.

"Applicable Standards" means all applicable engineering and safety standards governing the installation, maintenance, and operation of Small Wireless Facilities and the performance of all work in the Right of Way, and includes the most current version of National Electric Safety Code, the regulations of the Federal Communications Commission or the Occupational Safety and Health Administration, and provisions of the City's building, zoning, and safety codes, and/or other reasonable safety, engineering, architectural or aesthetic requirements of the City or federal authority having jurisdiction over such Small Wireless Facilities.

"Applicant", whether singular or plural, means a Wireless Service Provider or Wireless Infrastructure provider that is authorized by a Wireless Service Provider to apply for or receive a permit to install, construct, manage, modify or maintain a Small Wireless Facilities and related Accessory Equipment or Support Structure in the City.

"Application" means a formal request submitted to the City for a permit to install, construct, modify, or maintain a Small Wireless Facility and related Accessory Equipment, or Support Structure.

"City" means the City of Jackson, Mississippi.

"City Council" means the City Council of the City of Jackson, Mississippi.

"Cantenna" means the placement of an antenna in a can shaped structure for amplification or concealment purposes.

"Collocation" means the placement or installation of a new Small Wireless Facility on an existing pole or other Support Structure that is owned, controlled or leased by a utility, the City, or other person or entity.

"Director" as the Director of Public Works or his or her designee, which is responsible for the administration of this ordinance.

"Micro Wireless Facility" means a Small Wireless Facility having dimension no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior Antenna, if any, no longer than 11 inches.

"Permit" means written authorization, in electronic or hard copy format, to install, at a specified location(s) in the public Right of Way, a Small Wireless Facilities and related Accessory Equipment or Support Structure in the City.

"Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity.

"Private Property" means real property located in the City that does not lie within the Right of Way.

"Right-of-Way", whether singular or plural, means the surface and space in, upon, above, along, across, over and below any public streets, avenues, highways, roads, courts, lanes, alleys, boulevards, ways, sidewalks, and bicycle lanes, as the same now or may hereafter exist, that are within the City's corporate boundaries and under the jurisdiction of the City.

"Small Wireless Facility" or "Facilities", whether singular or plural, means a facility including antenna and Accessory Equipment that meets the design standards established by this ordinance. A small wireless facility may be attached to an existing or new Support Structure where permitted.

"Support Structure", whether singular or plural, means a freestanding structure located in Right of Way designed or used to support, or capable of supporting, one or more Small Wireless Facility, including, but not limited to, utility poles, street light poles, or traffic signal structures.

"Stealth Technology" means a method(s) of concealing or minimizing the visual impact of a Small Wireless Facilities and Support Structure by incorporating features or design elements which either totally or partially conceal such Facilities or equipment. The use of these design elements is intended to produce the result of having said Facilities and associated structures blend into the surrounding environment and/or disguise, shield, hide or create the appearance that the Facilities are an architectural component of the support structure.

"Wireless Infrastructure Provider" or "WIP" means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless facilities or wireless support structures, but that is not a wireless services provider.

"Wireless Service Provider" or "WSP" means any person that provides wireless service to the public.

**Sec. 35-61 - Permit Required to Place Small Wireless Facilities and New Support Structures in Right-of-way.**

An Applicant must obtain a permit from the City before placing, installing, constructing, or operating any Small Wireless Facilities on any Support Structure, or installing or constructing any new Support Structures, within the Right of Way, or substantially modifying the position or characteristics of any such existing Facility thereon.

**Sec. 35-62 – Micro Wireless Facilities**

A Provider may install Micro Wireless Facilities by suspending such facilities from authorized communications cables attached to utility poles, without the need to obtain a permit, provided that the Provider provides advance notice to the Director, and such installations comply with all Applicable Standards.

**Sec. 35-63 – Administrative Approval**

The Public Works Director (the "Director"), or authorized designee will review and administratively process any request for a permit, and will determine based on the criteria described within this article, whether it should be issued for the location and in the manner requested by the Applicant. Except as otherwise set forth in this article, this permitting process will be administrative and not require the approval of any City Council or City official other than the Director.

**Sec. 35-64 – Burden on applicant**

The Applicant must demonstrate that the placement of the proposed Small Wireless Facilities or Support Structure is the minimal physical installation which will achieve the goal of enhancing the provision of wireless services.

**Sec. 35-65 – Collocation Requirements**

To the extent reasonable, all Facilities that are placed in the City shall be attached to a pre-existing Support Structure that is owned, controlled or leased by a utility, franchisee, the City or other entity. If the Applicant demonstrates that no collocation opportunities exist in the area where a documented technological need for a Facility exists, the Applicant may request that a new pole or other Support Structure be installed in that area for purposes of constructing the Facilities.

**Sec. 35-66 – Requirements for New Support Structures**

Before any new Support Structure is permitted, each of the following must occur:

1. The Applicant must provide the City written evidence that no reasonable collocation opportunity exists. This evidence shall include, but not be limited to, affidavits, correspondence, or other written information that demonstrates that the Applicant has taken

all commercially reasonable actions to achieve collocation in the requested location or area, that the Applicant has pursued, but been denied, access to all potential collocation sites in the subject area (and the reasons for any such denial(s)), and otherwise show that the Applicant is unable to collocate on an existing Support Structure; and

2. The Director must recommend the specific placement of a new Support Structure in the Right of Way; and
3. The applicant must agree that any newly constructed Support Structures shall be built in such manner as to readily accommodate collocation by no less than one (1) similar entity with a facility and accessory equipment of equal or greater size unless otherwise allowed by the Director.

**Sec. 35-67 – Design Guidelines**

The following design guidelines will be evaluated for each application for proposed Small Wireless Facilities, Support Structures, and Accessory Equipment:

1. All Small Wireless Facilities and accessory equipment shall be designed to minimize visual impact on the surrounding properties and public streets.
2. All Small Wireless Facilities and accessory equipment shall be designed to be compatible with the character and aesthetics of the immediate area.
3. All Small Wireless Facilities and accessory equipment are to be consistent with the historic nature and characteristics of a requested location. When proposed facilities are in designated historic districts or are designated landmarks, the application must be approved by the Jackson Historic Preservation Commission.
4. All Small Wireless Facilities and accessory equipment shall be designed to not interfere with vehicular traffic, pedestrian or bicycle passage, and other use of the Right of Way by the public whether existing or planned for the future.
5. Any proposed new Support Structure shall be designed to minimize clutter within the Right of Way.
6. All existing Support Structures must be determined to be structurally capable of safely supporting the requested Small Wireless Facilities and accessory equipment by a Mississippi licensed Professional Engineer.
7. Support Structures that have multiple uses including temporary or seasonal uses shall not be used unless the Applicant accommodates the multiple uses of such Support Structure.

**Sec. 35-68 – Design Standards**

The following design standards apply to all proposed Small Wireless Facilities, Support Structures, and Accessory Equipment:

1. All wires and other hardware shall be located internal to the support structure or be contained in conduits, shrouds, or antennas.
2. All conduit, shrouds, antennas, and other hardware shall match the color of the Support Structure on which it is installed.
3. All new or replaced Support Structures shall be of neutral color and shall match the color and material of adjacent structures.
4. All Facilities including all related equipment and appurtenances must employ stealth techniques to conceal the appearance of the Facility.
5. The maximum height of a Facility mounted to an existing support structure shall be no more than ten percent taller than the Support Structure on which the facility is located and shall not exceed fifty (50) feet in height including antennas unless otherwise approved by the director.



6. The maximum height of a new Support Structures shall be no more than ten percent taller than other adjacent existing structures and shall not exceed fifty (50) feet in height including antennas unless otherwise approved by the director.
7. All Accessory Equipment shall be buried or shall be placed at least twelve (12) feet above the ground.
8. The combined total volume of above-ground antenna and accessory equipment comprising a Facility shall be no more than twenty-eight (28) cubic feet.
9. Antenna arrays shall be flush mounted within six (6) inches of the Support Structure, or be contained in a cantenna that is a continuation of the diameter of the Support Structure.
10. No additional guy or support wires shall be used in connection with a Facility unless the Facility is to be attached to an existing structure that incorporated guy wires prior to application.
11. All proposed Facilities shall be no closer than five-hundred (500) linear feet from any other similar Facility unless collocating on the same support structure. The Director shall have the authority to allow proposed Facilities to be less than five-hundred (500) linear feet based on a determination of specific technological need or physical or other line of sight obstruction.
12. The Facility including the Accessory Equipment shall not be illuminated unless required by applicable laws and regulations.
13. Display of logos, branding, or the like on the Facilities in any way that may reasonably be construed as advertising shall be prohibited;
14. The proposed installation shall not interfere with the visual sight triangle as determined by the City Traffic Engineer.
15. The Right of Way must be restored to its preexisting condition following any installation.
16. No Structure or Facilities shall in any way interfere with the telecommunications capabilities of public safety personnel.
17. All facilities proposed to be located on City-owned traffic signal or street light poles on Right-of-Way shall include a structural analysis of the pole to confirm that the pole can structurally handle the additional loads. If the pole cannot handle such a load, the Applicant will be required to replace the City-owned pole with another pole approved by the Director. The City shall retain ownership of the old pole and the new pole.
18. To help reduce pole and sidewalk clutter, the Applicant agrees to allow the City to attach street signs and use the Applicant's pole for other public purposes, as the City determines necessary, provided such use by the City does not substantially interfere with the provision of Wireless Services using the Facilities. The City will provide reasonable advance notice to the Applicant of any such use.
19. The City's decorative and/or architecturally significant street light poles are inappropriate for use as a Support Structure.
20. All facilities proposed to be placed within designated historic districts shall also be approved by the Jackson Historic Preservation Commission prior to the start of construction.

**Sec. 35-69 – Underground Requirements**

Accessory Equipment shall be placed underground in areas where electrical and telecommunications utilities are currently placed underground provided such requirements shall not prohibit the replacement of existing structures.



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**Sec. 35-70 - Site Restoration**

The Right of Way must be restored to its preexisting condition following any installation. Upon completion of the new work, the contractor shall restore the street and/or alley pavement, all concrete walks, driveway aprons, and other concrete, and all trees, lawns and/or sod strips with topsoil and sod.

**Sec. 35-71 - Application.**

An application shall not be deemed complete until the Applicant has submitted all documents, information, and forms required in this ordinance, in such form as the Director may prescribe, that pertain to the location, construction, or configuration of the Facilities or Support Structures at the requested location(s).

Within thirty (30) calendar days after an application for permit is submitted, the City shall notify the applicant in writing if any additional information is needed to complete that application or supplemental information is required to process the request. Once the Application is deemed complete, the Director shall make the final decision to approve or deny a complete application within 60 days unless the Director provides a letter to the Applicant requesting a specified amount of additional time and explaining the reasons for delay.

The application process for locations within City Right of Way follows herein. Applications for locations on private property, to include additions to existing Structures on private property, are required to be pursued with the City's Zoning Division, subject additionally to the City's Zoning Ordinance and construction permitting processes.

**Sec. 35-72 – Required Submittal Information**

The following information must be submitted as part of an Application:

1. A general description of the equipment, the technology (including, for example spectrum usage and transmitter power), and the services to be provided by the Facilities;
2. Drawings stamped by an engineer licensed in the State of Mississippi depicting the type of Facilities, Support Structure, and means and points at which such Facilities and associated Accessory Equipment will be attached to a Support Structure, and a loading analysis statement.
3. Drawings including a site survey drawn to scale showing City water/sewer/drainage and any other items on site necessary for City review.
4. Map(s) designating with specificity, the location(s) of the requested Facilities and all other existing or proposed locations planned within the next twelve (12) months of the application by the Applicant within 1,000 feet;
5. The geographic coordinates of all antenna and other proposed Facilities included in the application;
6. If the Facilities will be located on a Support Structure on the Right of Way that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement or other documentation evidencing that the owner of that Support Structure authorizes the Facilities to be attached to that Support Structure.
7. If the Applicant requests permission to place Facilities on a new Support Structure, include the documentation required by this Article to justify a new Support Structure.
8. Photo-simulated post-construction renderings depicting the proposed Facilities and equipment, including any/all equipment cabinets, ancillary structures, coloration, and landscaping.

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**Sec. 35-73 – Insurance Requirements**

Prior to installing the Facilities or Support Structures, the Applicant shall provide the City a certificate(s) of insurance evidencing that it has obtained and will maintain the following types of insurance in connection with its operations on or use of the Right of Way:

1. Commercial General Liability coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of Facility or Support Structure placed within the Right of Way by the Applicant (or any of their contractors) with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate; and
2. Workers Compensation Insurance as required by statute. The required General Liability coverage shall include the City as an additional insured, and may be provided through a combination of a primary and umbrella excess policies. All required insurance policies shall be furnished by insurers who are eligible to transact business in the State of Mississippi and are rated at least A-VII by AM Best. Following initial installation, if any changes in coverage occur, the Applicant shall furnish the City a new Certificate indicating that the above-noted coverage remains and will remain in effect. In lieu of the insurance requirements above, an Applicant may provide a certificate of self-insurance sufficient to satisfy the above amounts.

**Sec. 35-74 – Permit Validity, Expiration**

Permits shall allow construction of new facilities or the placement of collocated equipment shall be good for six (6) months following issuance of the permit. If construction or installation are not completed in that amount of time, the permit will terminate and the Applicant will be required to remove any partially installed equipment. The City may take Applications for the same or nearby locations and hold them in standby until it is known whether or not full installation/construction on an active permit is completed. If/when construction or installation is underway, but delayed due to unforeseen circumstances, the city may consider a request for one six (6) month extension to a permit. Permit fees shall be non-refundable.

**Sec. 35-75 – Compliance with other laws and regulations**

All Facilities and associated Support Structures shall be installed, erected, maintained and operated in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC.

If those Facilities or Support Structures should fail at any time to comply with applicable laws and regulations, the Applicant, at either of their expense, shall cause those Support Structures to be brought into compliance with said laws and regulations within thirty (30) days of the date of any written notice to them from the Director. Failure to bring Facilities or Support Structures into compliance shall result in permit and/or license revocation.

**Sec. 35-76 – Maintenance**

The Facilities and associated Support Structures must at all times be maintained in good and safe condition. If the support structures are found to be defective the Applicant shall at its own expense replace, restore, or strengthen said support structure to a sound condition. The Applicant shall upon receiving notice from the city make repairs or replacement to restore good and safe condition within 45 days.

**Sec. 35-77 – Indemnity**

Each Applicant that applies for a permit to place Facilities and Support Structures on the Right of Way and installs and utilizes those Facilities and Support Structures shall defend, indemnify and hold the City and its employees or officials, harmless from all demands, losses, expenses (including attorney's fees and court costs), claims for personal injury or property damage, judgments or liabilities of any type that may be asserted or claimed against the City (or its employees or officials) by any third person, firm or entity that arise out of or relate in any manner to the following:

1. The installation, construction, maintenance, use or operation of the permitted Facilities, Accessory Equipment or any Support Structure on or about the Right of Way;
2. The City's act of granting a permit;
3. The failure of the Applicant to perform any of their respective responsibilities, obligations and permit requirements in this ordinance. Notwithstanding the foregoing, the Applicant shall not be obligated to indemnify the City for City claims resulting from the sole negligence or willful acts of the City (or its representatives).

**Sec. 35-78 – Franchise Agreements for Other Uses of Right of Way.**

No provision of this ordinance is intended to permit, regulate or authorize the placement by an Applicant of fiber optic lines, coaxial cable, switches, pedestals or networking equipment of any type that is used to transport telecommunication signals, data or messages between Support Structures or for any other purpose within the Right of Way. In the event any such Applicant desires to place telecommunications equipment or Facilities within the Right of Way and such facilities are not Small Wireless Facilities nor Accessory Equipment, other sections of the Code may apply, and the City may require a franchise or similar agreement to authorize, govern and apply to such other use of the Right of Way.

**Sec. 35-79 – Application Fees**

The Applicant for a permit to place Facilities and associated Support Structures within the Right of Way shall pay the following fees:

1. Collocated Attachment Application Fee- \$500.00 non-recurring permit application fee that may include up to five (5) Facilities, with an additional \$100.00 for each Facility beyond five (5). No more than fifteen (15) facilities shall be submitted on a single application.
2. New Support Structure Application Fee - \$1,000.00 non-recurring permit application fee for the first new support structure location, and \$500.00 for each additional support structure up to five (5). No more than five (5) facilities shall be submitted on a single application.

Each location in a combined application shall be required to receive a unique permit per location.

**Sec. 35-80 – Annual License Fee**

To recover the City's expenses relating to the management and protection of the Right of Way, the administration of permits, and other City costs relating to the permit described in the Article, the Applicant shall pay as an Annual license fee to the City, through the duration of this permit, \$270.00 for each small wireless facility.

In the first year of the permit, the Applicant's license fee shall be due upon completion of a structure or installation and payable within thirty (30) days therefrom. During the first year the License Fee shall be \$270.00 for facilities completed and/or installed between January 1 and June 30 and shall be \$135.00 for facilities completed and/or installed between July 1 and December 31. Thereafter, the Applicant's Annual License Fee shall be due and payable to the City annually on or before December 31 for the following calendar year.

Failure to make full payment within sixty (60) days of the applicable payment date shall be grounds to revoke the permit and remove the facilities.

**Sec. 35-81 – Fees to be deposited in fund; use.**

Permit and license fees generated by this article shall be deposited in a special fund dedicated for use in participating in the Mississippi 811 Service, it being understood that these may not be the sole source of funds used for such purposes.

**Sec. 35-82 - Abandonment of Facilities**

If an Applicant abandons any Facility or an associated Support Structure (collectively "Facilities" for purposes of this Section) the City may require the Applicant, at their expense, to remove and reclaim the abandoned Facilities within six (6) months from the date of written notice of abandonment given by the City to them and to reasonably restore the condition of the property at which the Facilities are located to that existing before the Facilities were installed. If the Applicant fails to remove and reclaim its abandoned Facilities within such six (6) month period and the Facilities are located on the Right-of-Way, the City shall have the rights to:

1. Remove them and charge the expense of any such removal operation to the account of the Applicant;
2. Charge any expense incurred by the City to restore the Right-of-Way to the account of the Applicant; and
3. At the City's discretion, either resell the abandoned Facilities to a third party, or dispose and salvage them; provided that the net proceeds of any resale of abandoned Facilities by the City to a third party shall be credited to the account of the Applicant that used those Facilities before the abandonment.

**Sec. 35-83 - Non-Applicability.**

The placement of an antenna(s), facilities, or equipment related to the following types of wireless communication services are exempt from regulation under this ordinance:

1. Amateur radio service that is licensed by the FCC, if the facilities related thereto are not used or licensed for any commercial purpose; and
2. Facilities used by any federal, state or local government or agency to provide safety or emergency services.
3. The provisions in this Chapter are supplemental to, and not intended to alter, affect or modify any other provisions in the City of Jackson Code that may be applicable to the placement or use of macro telecommunications towers.

**Sec. 35-84- Posting of Permits.**

At all times while work or construction is in progress, a copy of the permit must be located at or near the work or construction site and shall, on request, be shown to the Director or his or her permit administrator or any public safety or code officer.

**Sec. 35-85 - Suspension or Revocation of Permit or License.**

If work under an issued permit and/or fails to conform to the conditions of the permit and/or license, the requirements of this Ordinance, or existing Ordinances of the City of Jackson, the permit and/or may be revoked or suspended. If the permit and/or is suspended, work shall be stopped until such time as the permittee gives assurance to the Director the permittee's ability and intention to complete the work in accordance with the conditions of the permit, and this Ordinance, and the other Ordinances of the City. Any notice of revocation or suspension shall be delivered in writing to the permittee, its designee or, a representative of the permittee. The notice shall state the reasons for such action.

**Sec. 35-86 - Liability of the City.**

Neither the City nor any officer or employee thereof shall be held responsible for any damages caused by any work or construction in any street, alley, sidewalk, right-of-way, or other public place made by any person under the authority of a permit issued pursuant to the provisions of this Ordinance. The permittee shall be solely liable for any damage or loss occasioned by any act or omission occurring in connection with such work or construction, and shall fully indemnify, hold harmless and defend City, its officers, officials, and employees from and against any and all suits, actions, judgments, losses, costs, demands, claims, expenses (including attorney's fees), damages, and liabilities of every kind to which the City and its officers, officials, and employees may be subjected for injury of any type, death or property damage arising from or connected with any such



act or omission. The City shall promptly notify a permittee, at the address(es) set forth in the permit, of any claim or suit served upon the City and alleging negligent or wrongful conduct by the permittee in connection with work or construction that is the subject of a permit.

**Sec. 35-87 - Violations and Penalties.**

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed. Upon conviction of any such violation, said violator(s) shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each such violation.

No person who has violated any provision of this Article shall be issued another permit hereunder, nor shall any contractor or agent apply for or be issued such a permit on such person's behalf, until the underlying circumstance that caused the violation is corrected or a plan for correction is approved by the Director, or their authorized representative(s), which approval shall not be unreasonably withheld, and any fine for such violation is paid.

**Sec. 35-88 - Other Ordinances; Severability.**

1. Where there is a conflict between this chapter and any other ordinance adopted by the City of Jackson, the more restrictive provision shall prevail.
2. If any sentence, paragraph, subdivision, clause, phrase, or section of this Article or the application thereof to any person or circumstances be adjudged or held to be unconstitutional, illegal, invalid, or unenforceable by a court of competent jurisdiction, such finding or such invalidity shall not serve as an invalidation or affect the validity or enforceability of any other section or provision of this Article and to this end, the provisions of this Article are declared to be severable. Such an invalid sentence, paragraph, subdivision, clause, phrase, or section shall also not affect the validity of the Code of Ordinances as a whole.

**SECTION 2.** This ordinance shall be in force and effect thirty (30) days after passage and after publication of the same by the City.

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

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

\*\*\*\*\*

**President Priester** left the meeting and **Council Member Tillman** presided over the meeting.

\*\*\*\*\*

**ORDER APPROVING CLAIMS NUMBER 3865 TO 4284 APPEARING AT PAGES 587 TO 651 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$20,346,746.57 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that claims numbered 3865 to 4284 appearing at pages 587 to 651, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$20,346,746.57 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:

<b>FROM:</b>	<b>TO</b>
<b>1% INFRASTRUCTURE TAX</b>	<b>ACCOUNTS PAYABLE</b>
	<b>FUND</b>
	700,294.42



**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, FEBRUARY 19, 2019 6:00 P.M.**

346

BUSINESS IMPROV FUND (LANDSCP)	162,794.27
CAPITAL CITY REVENUE FUND	43.22
DEPARTMENT OF PUBLIC SAFETY	12,754.10
DISABILITY RELIEF FUND	1,027,265.60
EARLY CHILDHOOD (DAYCARE)	10,573.66
EMPLOYEES GROUP INSURANCE FUND	17,251.93
GENERAL FUND	14,675,993.48
H O P W A GRANT – DEPT. OF HUD	171,518.54
HOME PROGRAM FUND	224.59
HOUSING COMM DEV ACT (CDBG) FD	50,388.27
LANDFILL/SANITATION FUND	564,065.73
LIBRARY FUND	167,537.50
MADISON SEWAGE DISP OP & MAINT	1,393.26
NCSC SENIOR AIDES	286.40
P E G ACCESS- PROGRAMMING FUND	21,015.67
PARKS & RECR FUND	104,223.81
REPAIR & REPLACEMENT FUND	48,233.04
RESURFACING- REPAIR & REPL. FD	460,807.32
SAMSHA – 1 U79 SM061630-01	878.00
SEIZURE & FORFEITED PROP-STATE	1,680.66
STATE TORT CLAIMS FUND	6,125.50
TECHNOLOGY FUND	158,567.41
TITLE III AGING PROGRAMS	135,465.00
TRAFFIC – REPAIR & REPL FD	167,082.98
TRANSPORTATION FUND	48,950.05
UNEMPLOYMENT COMPENSATION REVO	3,147.60
WATER/SEWER OP & MAINT FUND	1,614,653.97
WATER/SEWER REVENUE FUND	10,030.59
WATR SEWR REFD B&I 2011 \$50,663	3,500.00
<b>TOTAL</b>	<b><u>\$20,346,746.57</u></b>

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

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**Council Member Tillman** recognized **Mayor Chokwe Antar Lumumba** who stated that an amendment was needed in order to remove a payment in the amount of \$48,038.64.

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**Council Member Foote** moved, seconded by **Council Member Banks** to amend the Claims Docket to remove a payment in the amount of \$48,038.64 payable to Jeffries Studio Restoration LLC. The motion prevailed by the following vote:

- Yeas- Banks, Foote, Stamps, Stokes and Tillman.
  - Nays- None.
  - Absent- Lindsay and Priester.
- 

**Council Member Tillman** recognized **LaaWanda Horton**, Interim Director of Administration, who provided an overview of the Claims Docket at the request of **Council Member Banks**.

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Thereafter, **Council Member Tillman** called for a vote on said item as amended:

**ORDER APPROVING CLAIMS NUMBER 3865 TO 4284 APPEARING AT PAGES 587 TO 651 INCLUSIVE THEREON, ON MUNICIPAL “DOCKET OF CLAIMS”, IN THE AMOUNT OF \$20,298,707.93 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that claims numbered 3865 to 4284 appearing at pages 587 to 651, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$20,298,707.93 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:

<b>FROM:</b>	<b>TO ACCOUNTS PAYABLE FUND</b>
1% INFRASTRUCTURE TAX	700,294.42
BUSINESS IMPROV FUND (LANDSCP)	162,794.27
CAPITAL CITY REVENUE FUND	43.22
DEPARTMENT OF PUBLIC SAFETY	12,754.10
DISABILITY RELIEF FUND	1,027,265.60
EARLY CHILDHOOD (DAYCARE)	10,573.66
EMPLOYEES GROUP INSURANCE FUND	17,251.93
GENERAL FUND	14,675,993.48
H O P W A GRANT – DEPT. OF HUD	171,518.54
HOME PROGRAM FUND	224.59
HOUSING COMM DEV ACT (CDBG) FD	50,388.27
LANDFILL/SANITATION FUND	564,065.73
LIBRARY FUND	167,537.50
MADISON SEWAGE DISP OP & MAINT	1,393.26
NCSC SENIOR AIDES	286.40
P E G ACCESS- PROGRAMMING FUND	21,015.67
PARKS & RECR FUND	104,223.81
REPAIR & REPLACEMENT FUND	48,233.04
RESURFACING- REPAIR & REPL. FD	460,807.32
SAMSHA – 1 U79 SM061630-01	878.00
SEIZURE & FORFEITED PROP-STATE	1,680.66
STATE TORT CLAIMS FUND	6,125.50
TECHNOLOGY FUND	158,567.41
TITLE III AGING PROGRAMS	135,465.00
TRAFFIC – REPAIR & REPL FD	167,082.98
TRANSPORTATION FUND	48,950.05
UNEMPLOYMENT COMPENSATION REVO	3,147.60
WATER/SEWER OP & MAINT FUND	1,614,653.97
WATER/SEWER REVENUE FUND	10,030.59
WATR SEWR REFD B&I 2011 \$50,663	3,500.00
<b>TOTAL</b>	<b><u>\$20,298,707.93</u></b>

Yeas- Foote and Tillman.  
Nays- Banks, Stamps and Stokes.  
Absent- Lindsay and Priester.

**Note:** Said item failed for a lack of a majority vote.

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**Council Member Tillman** recognized **Council Member Banks** who moved, seconded by **Council Member Tillman** to re-consider the Claims Docket. The motion prevailed by the following vote:

Yeas- Banks, Foote, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay and Priester.

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Thereafter, **Council Member Tillman** requested that the Clerk read the Order:

**ORDER APPROVING CLAIMS NUMBER 3865 TO 4284 APPEARING AT PAGES 587 TO 651 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$20,346,746.57 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that claims numbered 3865 to 4284 appearing at pages 587 to 651, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$20,346,746.57 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:

<b>FROM:</b>	<b>TO ACCOUNTS PAYABLE FUND</b>
1% INFRASTRUCTURE TAX	700,294.42
BUSINESS IMPROV FUND (LANDSCP)	162,794.27
CAPITAL CITY REVENUE FUND	43.22
DEPARTMENT OF PUBLIC SAFETY	12,754.10
DISABILITY RELIEF FUND	1,027,265.60
EARLY CHILDHOOD (DAYCARE)	10,573.66
EMPLOYEES GROUP INSURANCE FUND	17,251.93
GENERAL FUND	14,675,993.48
H O P W A GRANT – DEPT. OF HUD	171,518.54
HOME PROGRAM FUND	224.59
HOUSING COMM DEV ACT (CDBG) FD	50,388.27
LANDFILL/SANITATION FUND	564,065.73
LIBRARY FUND	167,537.50
MADISON SEWAGE DISP OP & MAINT	1,393.26
NCSC SENIOR AIDES	286.40
P E G ACCESS- PROGRAMMING FUND	21,015.67
PARKS & RECR FUND	104,223.81
REPAIR & REPLACEMENT FUND	48,233.04
RESURFACING- REPAIR & REPL. FD	460,807.32
SAMSHA – 1 U79 SM061630-01	878.00
SEIZURE & FORFEITED PROP-STATE	1,680.66
STATE TORT CLAIMS FUND	6,125.50
TECHNOLOGY FUND	158,567.41
TITLE III AGING PROGRAMS	135,465.00
TRAFFIC – REPAIR & REPL FD	167,082.98
TRANSPORTATION FUND	48,950.05
UNEMPLOYMENT COMPENSATION REVO	3,147.60
WATER/SEWER OP & MAINT FUND	1,614,653.97
WATER/SEWER REVENUE FUND	10,030.59
WATR SEWR REFD B&I 2011 \$50,663	3,500.00
<b>TOTAL</b>	<b><u>\$20,346,746.57</u></b>

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

-----

**Council Member Foote** moved, seconded by **Council Member Stamps** to amend the Claims Docket to remove a payment in the amount of \$48,038.64 payable to Jeffries Studio Restoration, LLC. The motion prevailed by the following vote:

Yeas- Banks, Foote, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- Lindsay and Priester.

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**Council Member Tillman** recognized **Council Member Banks** who moved to remove payments payable to Veolia North America. The motion died for a lack of a second.

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Thereafter, **Council Member Tillman** called for a vote on said item as amended:

**ORDER APPROVING CLAIMS NUMBER 3865 TO 4284 APPEARING AT PAGES 587 TO 651 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$20,298,707.93 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that claims numbered 3865 to 4284 appearing at pages 587 to 651, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$20,298,707.93 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:

<b>FROM:</b>	<b>TO ACCOUNTS PAYABLE FUND</b>
1% INFRASTRUCTURE TAX	700,294.42
BUSINESS IMPROV FUND (LANDSCP)	162,794.27
CAPITAL CITY REVENUE FUND	43.22
DEPARTMENT OF PUBLIC SAFETY	12,754.10
DISABILITY RELIEF FUND	1,027,265.60
EARLY CHILDHOOD (DAYCARE)	10,573.66
EMPLOYEES GROUP INSURANCE FUND	17,251.93
GENERAL FUND	14,675,993.48
H O P W A GRANT – DEPT. OF HUD	171,518.54
HOME PROGRAM FUND	224.59
HOUSING COMM DEV ACT (CDBG) FD	50,388.27
LANDFILL/SANITATION FUND	564,065.73
LIBRARY FUND	167,537.50
MADISON SEWAGE DISP OP & MAINT	1,393.26
NCSC SENIOR AIDES	286.40
P E G ACCESS- PROGRAMMING FUND	21,015.67
PARKS & RECR FUND	104,223.81
REPAIR & REPLACEMENT FUND	194.40
RESURFACING- REPAIR & REPL. FD	460,807.32
SAMSHA – 1 U79 SM061630-01	878.00
SEIZURE & FORFEITED PROP-STATE	1,680.66
STATE TORT CLAIMS FUND	6,125.50
TECHNOLOGY FUND	158,567.41
TITLE III AGING PROGRAMS	135,465.00

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, FEBRUARY 19, 2019 6:00 P.M.**

350

TRAFFIC – REPAIR & REPL FD	167,082.98
TRANSPORTATION FUND	48,950.05
UNEMPLOYMENT COMPENSATION REVO	3,147.60
WATER/SEWER OP & MAINT FUND	1,614,653.97
WATER/SEWER REVENUE FUND	10,030.59
WATR SEWR REFD B&I 2011 \$50,663	3,500.00
<b>TOTAL</b>	<b><u>\$20,298,707.93</u></b>

Yeas- Foote, Stamps and Tillman.  
Nays- Banks and Stokes.  
Absent- Lindsay and Priester.

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**ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 3865 TO 4284 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.**

**IT IS HEREBY ORDERED** that payroll deduction claims numbered 3865 to 4284 inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$178,047.13 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

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

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		1,817,629.25
PARKS & RECR FUND		68,483.00
LANDFILL FUND		12,384.10
SENIOR AIDES		2,500.48
WATER/SEWER OPER & MAINT		206,564.75
PAYROLL FUND		699.00
PAYROLL	178,047.13	
EARLY CHILDHOOD		30,152.50
HOUSING COMM DEV		8,843.12
TITLE III AGING PROGRAMS		4,254.72
TRANSPORTATION FUND		12,400.93
T-WARNER PA/GA FUND		4,651.02
<b>TOTAL</b>		<b><u>\$2,168,562.87</u></b>

**Council Member Banks** moved adoption; **Council Member Stokes** seconded.

Yeas- Banks, Foote, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- Lindsay and Priester.

\*\*\*\*\*

**RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF JACKSON, MISSISSIPPI TO REIMBURSE ITSELF FROM THE PROCEEDS OF THE MASTER LEASE PURCHASE AGREEMENT FOR THE INITIAL PURCHASE OF TWO (2) MOWERS FOR THE PARKS AND RECREATION DEPARTMENT.**

**WHEREAS**, in connection with the initial purchase of two (2) mowers for the Jackson Parks and Recreation Department, the City has advanced and will advance internal funds; and



**WHEREAS**, the City intends to reimburse itself for all of such expenses from the proceeds of the Master Lease Purchase Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY ACTING FOR AND ON BEHALF OF THE MUNICIPALITY, AS FOLLOWS:**

**Section 1.** Declaration of official intent. The City of Jackson, Mississippi, hereby declares its official intent to reimburse itself from the proceeds of the Master Lease Purchase Agreement for the initial purchase of two (2) mowers for the Parks and Recreation Department, prior to and subsequent to the date of this Resolution in accordance with Treasury Regulations 1.150-2. This Resolution is intended as a declaration of official intent under Treasury Regulation 1.150-2. The debt to be issued to finance the initial purchase of two (2) mowers for the Parks and Recreation Department is expected not to exceed an aggregated principal amount of \$21,866.46.

**Section 2.** Incidental action. The Mayor is authorized to take such action as may be necessary to carry out the purpose of this Resolution, and is authorized to execute necessary and related documents required for the issuance of the debt.

**Council Member Banks** moved adoption; **Council Member Stokes** seconded.

Yeas- Banks, Foote, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay and Priester.

\*\*\*\*\*

**President Priester** returned to the meeting and presided over the meeting.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO RENEW THE MOBILE APPLICATION SUBSCRIPTION WITH CITY SOURCED, INC.**

**WHEREAS**, the City of Jackson (“City”) purchased a subscription from CitySourced in 2015 for a City iPhone and Android App; and

**WHEREAS**, CitySourced app went live on April 5, 2018; and

**WHEREAS**, the City of Jackson uses the CitySourced App for 311 service requests, CityWorks, and GIS functions; and

**WHEREAS**, the subscription for the App expired on January 13, 2019 and needs to be renewed; and

**WHEREAS**, the cost of renewal is \$14,400.00; and

**WHEREAS**, CitySourced, Inc., is the sole provider of the City’s app maintenance support; and

**WHEREAS**, the maintenance needs for this system have been analyzed and the purchase of maintenance for this system is recommended.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to renew the subscription with CitySourced, at a cost of \$14,400.00 for the period beginning at execution on January 12, 2019 through January 11, 2020.

**Council Member Banks** moved adoption; **Council Member Stokes** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CAYENTA, WHICH IS A DIVISION OF HARRIS COMPUTER CORPORATION, FOR THE PURCHASE OF A THIRD-PARTY MAINTENANCE AGREEMENT FOR THE CITY OF JACKSON'S CAYENTA "JIMS" FINANCIAL SOFTWARE SYSTEM.**

**WHEREAS**, the City of Jackson purchased Cayenta "JIMS" software from Cayenta in 1994; and

**WHEREAS**, the "JIMS" software uses Actuate, ACU4GL, and AcuCobol for its financial system; and

**WHEREAS**, the maintenance agreement for Actuate maintenance, ACU4GL and AcuCobol software expires on March 31, 2018 and will need to be renewed; and

**WHEREAS**, the cost of renewal is \$19, 840.53; and

**WHEREAS**, the maintenance needs for this system have been analyzed and the purchase of maintenance for this system is recommended.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to execute a maintenance agreement with Cayenta, at a cost of \$19, 840.53 for the period beginning on April 1, 2019 through March 31, 2020.

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENTS TO AGREEMENTS WITH POWERTEL/MEMPHIS, INC., A DELAWARE CORPORATION, FOR THE INSTALLATION OF LTE TECHNOLOGY TO CERTAIN ANTENNA SITES.**

**WHEREAS**, the City of Jackson has sixteen (16) antenna site license agreements with Powertel/Memphis; and

**WHEREAS**, Powertel/Memphis has indicated that it would like to add LTE technology to the following antenna site:

1. Magnolia (179 Magnolia Rd.)

**WHEREAS**, LTE Technology is designed to improve bandwidth available for receiving and transmitting data services; and

**WHEREAS**, installing the equipment at the above-referenced site will result in a \$300.00 increase of Powertel/Memphis' monthly rental payments; and

**WHEREAS**, the Telecommunications Division of the Administration Department recommends the execution of an amendment with Powertel/Memphis for the installation of LTE Technology and rent increase.

**IT IS HEREBY ORDERED** that the Mayor be authorized to execute amendments with Powertel/Memphis, Inc., a Delaware Corporation, for the installation of LTE Technology to the above-referenced site.

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

\*\*\*\*\*

**ORDER AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH MYTHICS, INC. FOR MAINTENANCE AGREEMENTS ON ORACLE DATABASE, DIAGNOSTIC PACK, AND TUNING PACK SOFTWARE.**

WHEREAS, the City of Jackson (“City”) previously purchased Oracle Database, Diagnostic Pack, and Tuning Pack software from Mythics, Inc. (“Mythics”); and

WHEREAS, the maintenance agreements on the software expires on March 12, 2019; and

WHEREAS, quotes were solicited from Oracle and two of their resellers responded; and

WHEREAS, Mythics had the lowest quote for \$35,653.34; and

WHEREAS, the City has a continued need for maintenance support on the Oracle software and execution of maintenance agreements for the Oracle software is recommended.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute agreements with Mythic to provide maintenance of the Oracle Database, Diagnostic Pack, and Tuning Pack software, said maintenance being provided at a cost of \$35,635.34 for the period beginning March 13, 2019 through March 12, 2020.

President Priester moved adoption; Council Member Banks seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES FOR THE PURCHASE OF ANNUAL MAINTENANCE SERVICES FOR TH CITY OF JACKSON’S ONESOLUTION PERMITTING SYSTEM SOFTWARE – PUBLIC ADMINISTRATION CORE MODULE.**

WHEREAS, the City of Jackson previously purchased OneSolution software from SunGard Public Sector, Inc., which became FIS, then Superior, and is now CentralSquare Technologies (“CentralSquare”); and

WHEREAS, the City of Jackson uses the OneSolution software for its permitting system; and

WHEREAS, the maintenance agreement for the OneSolution software has expired and is due for renewal; and

WHEREAS, CentralSquare is the sole provider of maintenance agreement for the OneSolution software; and

WHEREAS, the maintenance needs for this system have been analyzed and the purchase of maintenance for this system is recommended.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a maintenance agreement with CentralSquare for the purchase of a maintenance service agreement at a cost of \$27,988.68 for the period beginning on the last date of execution by both parties and lasting through October 31, 2019.

Council Member Stokes moved adoption; Council Member Banks seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MR. FRANK WILLIAMS FOR TRANSPORTING PRESCHOOL CHILDREN ON FIELD TRIPS.**

**WHEREAS**, the City of Jackson's Department of Human & Cultural Services Early Childhood Development Division seeks transportation services for children 2-5 years of age enrolled in its Early Learning Program; and

**WHEREAS**, the selected transportation provider, Mr. Frank Williams, whose address is 2860 Marion Dunbar Street, Jackson, Mississippi 39213, hereafter is the "Owner" and is a bus driver who meets requirements of the Mississippi State Department of Health Licensing Standards (Course: Miss. Code Ann. 43-20-8, Miss Code Ann. 43-20-8, and Miss. Code 43-20-8); and

**WHEREAS**, Mr. Frank Williams, meets all expectations and has provided evidence of performance expectations and provider qualifications (liability insurance, bus driver/vehicle requirements; and age-appropriate child safety restraints); and

**WHEREAS**, Mr. Frank Williams agrees to provide transportation services in a timely manner and agrees to periodic field transportation-where field trips vary monthly-with a minimum of five (5) days-notice given to him prior to date of trips; and

**WHEREAS**, the cost of each field trip will be based on a minimum payment between \$150.00-\$200.00 round trip, with a three-hour minimum wait period for each trip; and

**WHEREAS**, parents have agreed to pay a transportation fee each time his/her child participate in a field trip event; and

**WHEREAS**, this Memorandum of Understanding will begin March 4th, 2019 and may be renewed based on vendor performance and continued availability of funding; and

**WHEREAS**, the best interest of the City of Jackson would be served by authorizing the Mayor to execute a MOU with Mr. Frank Williams related to the City's participation in providing transportation services for preschool children (ages 3-5 years of age) enrolled in the City of Jackson Early Childhood Development Program.

**IT IS, THEREFORE, ORDERED** that the Mayor shall be authorized to execute a MOU with Mr. Frank Williams related to the City's participation in transportation services for children (ages-3-5 years old) enrolled in the City of Jackson Early Childhood Development Program.

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDER AMENDING PREVIOUS ORDER AUTHORIZING THE MAYOR TO APPROVE A LEASE AGREEMENT BETWEEN THE CITY OF JACKSON, MISSISSIPPI AND PNC EQUIPMENT FINANCE, LLC FOR THE RENTAL OF ONE (1) NEW, JACOBSEN GREENSKING IV PLUS RIDING GREENSMOWER AND ONE (1) NEW, SMITHCO 7576 TOURNAMENT ULTRA LITE GREENS ROLLER.**

**WHEREAS**, on November 6, 2018, the governing authorities for the City of Jackson approved an Order, which authorized the Mayor to execute a lease agreement between the City of Jackson and Ladd's Turf Golf and Utility Company for a forty-eight (48) month rental of one (1) new Jacobsen Greensking IV Plus Riding Greensmower and one (1) new Smithco 7576 Tournament Ultra Lite Greens Roller at a cost of \$907.00 per month and a one-time document signing fee of \$250.00; and

**WHEREAS**, the order approved by the Jackson City Council on November 6, 2018 contained errors regarding the identity of the vendor agreeing to lease the equipment, and the cost terms; and

**WHEREAS**, the lessor of the equipment is PNC Equipment Finance, LLC, and the rental cost terms are as follows: (1) monthly rental of \$730.82 and (2) \$250.00 document fee; and

**WHEREAS**, PNC Equipment Finance, LLC tendered to the City an invoice dated October 26, 2018 indicating that the sum of \$1,039.29 is due thirty (30) days after acceptance; and

**WHEREAS**, the aforementioned invoice of PNC Equipment Finance, LLC included the sum of \$58.47 in sales tax, which may not be charged to the City because of its exempt status; and

**WHEREAS**, the sum of \$980.82 becomes payable to PNC Equipment Finance, LLC, following delivery and acceptance of the equipment; and

**WHEREAS**, the lease agreement tendered by PNC Equipment Finance, LLC, provides that rent may be increased by PNC Equipment Finance, LLC by a sum *not exceeding* 15% because of changes in the equipment configuration; and

**WHEREAS**, the equipment is needed for daily operation and maintenance of the greens at the Sonny Guy Park Municipal Golf Course and the Buddy Butts Park Multiplex.

**IT IS HEREBY ORDERED** that the prior Order of the Jackson City Council approved on November 6, 2018 be amended as follows:

(1) The Mayor shall be authorized to execute a lease with PNC Equipment Finance, LLC for the rental of a Jacobsen Greensking IIV Plus Riding GreensMower and a Smithco 7576 Tournament Ultra Lite Greens Roller for a period of forty-eight (48) months.

(2) The sum of \$980.82 may be paid to PNC Equipment Finance, LLC upon delivery, receipt, and inspection of the equipment identified in this order for the first month of rental and the \$250.00 document fee.

(3) The sum of \$730.82 may be paid to PNC Equipment Finance, LLC as monthly rental for the equipment during the lease term.

**IT IS FINALLY ORDERED** that a copy of said Lease Agreement be filed for record in the Office of City Clerk.

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**RESOLUTION OF THE CITY OF JACKSON, MISSISSIPPI TO PARTNER WITH THE MISSISSIPPI URBAN FOREST COUNCIL ON AN URBAN FORESTRY PROJECT.**

**WHEREAS**, the City of Jackson Mississippi and the Mississippi Urban Forest Council (hereinafter "MUFC" desire for the City of Jackson to participate in certain grant projects written and implement in partnership with MUFC; and

**WHEREAS**, the City of Jackson desires to participate in the said grant program ("EcoConnexions") for planting trees and other plants as Rosemont Lynch Creek Park, with Grantor CN (or Canadian National) and AIB (or America in Bloom) to reimburse to the City the cost of said program; and

**WHEREAS**, MUFC possesses the expertise to manage said program in partnership with the city; and

**WHEREAS**, MUFC will assist with the implementation of the project, including some of the planting costs, supplies and all items necessary for completion of the project; and trees and plants will be provided through MUFC; and



**WHEREAS**, upon completion of the project, City shall apply to "said Grant" for reimbursement of \$25,000 for cost of doing the project and will then use these funds to reimburse MUFC for its costs in performing its services 14 days after receiving grant funds; and

**WHEREAS**, it is in the best interest of the City of Jackson to accept this grant awarded by Canadian National America in Bloom and local partners to implement the project.

**IT IS, THEREFORE, RESOLVED** by the Mayor as follows:

1. The City will participate in and join the program. The City hereby retains MUFC as a consultant to handle the City's participation in the planting program. MUFC agrees to write the proposal, oversee the selection and the correct planting of the plant material. MUFC will cover all the expenses. MUFC may request reimbursement, up to \$5,000.00, for the trees prior to receiving funds for the project. All other expenses will be covered in advance by the MUFC for reimbursement at close of project. City agrees to provide City labor and volunteers pursuant to the guidelines and other activities related to specific project details as established by the project description and to tract the City time and contributions to the project for purposes of providing a match.
2. Upon completion of the planting program, MUFC will complete the final report and forms for reimbursement for the cost of doing the planting program.
3. City agrees to reimburse MUFC for its costs associated with the aforesaid services within fourteen (14) days of receipt of the City's receiving the grant funds.

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

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**President Priester** recognized **Pastor Jimmie Edwards** of Rosemont Church and **Donna Yawl**, a representative of Mississippi Urban Forestry Commission, who provided information regarding a proposed park, garden and pavilion.

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Thereafter, **President Priester** called for a vote on said item:

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE A 48-MONTH RENTAL AGREEMENT WITH THE ADVANTAGE BUSINESS SYSTEM FOR A KONICA MINOLTA BIZHUB 458 BLACK/WHITE COPIER TO BE USED BY THE OFFICE OF COMMUNMITY IMPROVEMENT, A DIVISION OF THE PLANNING AND DEVELOPMENT DEPARTMENT.**

**WHEREAS**, the Office of Community Improvement Division of the Planning and Development Department desires to enter into a 48-month rental agreement of a copier machine; and

**WHEREAS**, the Advantage Business Systems provides a Konica Minolta Bizhub 458 Black/White Copier through the State of Mississippi Contract 82-00038141; and

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

**IT IS THEREFORE, ORDERED** that the Mayor be authorized to execute the necessary documents with Advantage Business Systems providing for the 48-month rental of a Konica Minolta Bizhub 458 Black/White Copier to meet the needs of the Office of Community Improvement as related to the functions of said division at a cost of \$155.00 per month, plus a copy charge of \$0.0079 per copy for black and white to include service and maintenance with the exception of paper or staples.

Council Member Stokes moved adoption; Council Member Banks seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND MURPHY'S DEVELOPMENT, LLC FOR THE USE OF LEAD-BASED PAINT HAZARD CONTROL (LBPHC) GRANT, HEALTHY HOMES SUPPLEMENTAL, AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO IMPLEMENT LEAD SAFE JACKSON HOUSING PROGRAM ACTIVITIES.**

**WHEREAS**, on April 05, 2016, found at Minute Book 6-J Page 20, the Mayor was authorized to execute all documents necessary to apply and administer the U.S. Department of Housing and Urban Development's (HUD) Lead-Based Paint Hazard Control Grant to the Office of Lead Hazard Control and Healthy Homes; and

**WHEREAS**, on July 20, 2016, HUD announced the City of Jackson as one of its recipients to be awarded grant funds through the Lead-Based Paint Hazard Control Grant and Healthy Homes Supplemental Funds for a 36-month funding period and issued Grant Agreements on October 17, 2016 to begin program activities for the City's Lead Safe Jackson Housing Program; and

**WHEREAS**, on February 7, 2017, found at Minute Book 6-K Page 517, the original order was amended to authorize the Mayor to execute any and all documents necessary to administer \$1,384,180.42 for the usage of funds awarded through HUD's Lead-Based Paint Hazard Control Grant and Healthy Homes Supplemental Funds and \$487,377 of matching CDBG funds; and

**WHEREAS**, on February 8-11, 2017, the Department of Planning and Development through the Office of Housing and Community Development advertised to accept Request for Qualifications (RFQs) for the Lead Safe Jackson Housing Program to invest Lead-Based Paint Hazard Control (LBPHC) Grant funds, Healthy Homes Supplemental funds, and Community Development Block Grant (CDBG) funds for the remediation of lead and healthy homes hazards to renter and owner occupied units throughout the City; and

**WHEREAS**, on November 30, 2018, the Office of Housing and Community Development received six (6) RFQ's; and

**WHEREAS**, six (6) contractors met all the qualifications to be included in OHCD's list of approved contractors eligible to bid on Lead Safe Jackson Housing Program contracts; and

**WHEREAS**, one (1) contractor's bid did not exceed or undercut the projected costs of the project; therefore, Murphy's Development, LLC submitted the most reasonable offer and being the only firm to submit a non-negotiable offer that was most closely aligned with the costs analysis to perform Lead Safe Jackson Housing Program activities on one (1) eligible unit scheduled to receive services through this program and will be required to enter into a HUD approved contract agreement with the City of Jackson to perform Lead Safe Jackson Housing Program activities for low to moderate income households with children present under the age of six and/or households occupied by pregnant women; and

**WHEREAS**, the City wants to award a contract to Murphy's Development, LLC to perform Lead Safe Jackson Housing Program activities subject to completion and acceptance of the appropriate environmental evaluations.

**IT, IS THEREFORE, ORDERED** that the Mayor is authorized to execute a contract and any and all documents necessary with Murphy's Development, LLC for the use of Lead-Based Paint Hazard Control (LBPHC) Grant, Healthy Homes Supplemental, and Community Development Block Grant Funds to implement Lead Safe Jackson Housing Program activities of one (1) unit scheduled to receive services through the Lead Safe Jackson Housing Program. The contractor, bid amount, and unit address is as follows:

Murphy's Development, LLC      515 Buena Vista      \$3,773.68

**IT, IS FURTHER, ORDERED** that the Office of Housing and Community Development (OHCD) is authorized to review and approve change orders with Murphy’s Development, LLC, for the use of Lead-Based Paint Hazard Control (LBPHC) Grant, Healthy Homes Supplemental, and Community Development Block Grant Funds to implement Lead Safe Jackson Housing Program activities of one (1) unit scheduled to receive services through the Lead Safe Jackson Housing Program for an amount not to exceed a total of \$3,500 with the proper supporting documentation evidencing need. Any amounts that would exceed this authorized total must receive council approval.

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS BETWEEN THE CITY OF JACKSON AND VARIOUS ORGANIZATIONS FOR THE USE OF 2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO IMPLEMENT VARIOUS PUBLIC SERVICE ACTIVITIES AND TO INCLUDE FAIR HOUSING ACTIVITIES WHICH INVOLVES EDUCATION AND OUTREACH.**

**WHEREAS**, on July 3, 2018 the City Council adopted an Order, recorded in Minute Book 6-N, page 319 authorizing the Mayor to submit the City of Jackson’s 2018 One-Year Action Plan of the 2015-2019 Consolidated Plan, consisting of the City’s CDBG, HOME, ESG and HOPWA components, to the Department of Housing and Urban Development (HUD); and

**WHEREAS**, on November 27, 2018 HUD notified the City of Jackson of its approval of the 2018 Annual Action Plan of the Consolidated Plan; and

**WHEREAS**, the CDBG component of the 2018 Annual Action Plan allocated funding for undetermined public service organizations during the 2018 Program Year (October 1, 2018 through September 30, 2019); and

**WHEREAS**, the City, based upon the recommendation of the City of Jackson’s Proposal Review Committee, wishes to award contracts to public service organizations for the use of CDBG funds for reimbursement of eligible expenses incurred during the 2018 Program Year.

**IT IS, THEREFORE, ORDERED** that the Mayor be authorized to execute contracts with various organizations for the use of 2018 CDBG funds as follows:

Bethlehem Center	\$30,000.00
Operation Shoestring	\$30,931.00
Catholic Charities- Battered Families	\$30,931.00
Catholic Charities- Karitas	\$30,931.00
Catholic Charities- Rape Crisis	\$30,932.00
Harbor House of Jackson, Inc.	\$19,635.00
Stewpot Community Services/Afterschool Program	\$27,700.00
Deliver Me Senior Support, Inc.	\$30,931.00
Jamboree Child Development Center	\$30,931.00
Housing Education and Economic Development	\$20,000.00

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS BETWEEN THE CITY OF JACKSON AND VARIOUS ORGANIZATIONS FOR THE USE OF 2018 EMERGENCY SOLUTIONS GRANT (ESG) FUNDS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

WHEREAS, on July 3, 2018 the City Council adopted an Order, recorded in Minute Book 6-N, page 319 authorizing the Mayor to submit the City of Jackson’s 2018 One-Year Action Plan of the 2015-2019 Consolidated Plan, consisting of the City’s CDBG, HOME, ESG and HOPWA components, to the Department of Housing and Urban Development (HUD); and

WHEREAS, on November 27, 2018 HUD notified the City of Jackson of its approval of the 2018 Annual Action Plan of the Consolidated Plan; and

WHEREAS, the ESG component of the 2018 Annual Action Plan allocated funding for undetermined public service organizations during the 2016 Program Year (October 1, 2018 through September 30, 2019); and

WHEREAS, the City, based upon the recommendation of the City of Jackson’s Proposal Review Committee, wishes to award contracts to public service organizations for the use of ESG funds for reimbursement of eligible expenses incurred during the 2018 Program Year.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute contracts with various organizations for the use of 2018 ESG funds as follows:

Mississippi United to End Homelessness (MUTEH)	\$68,123.00
Stewpot Community Services/Billy Brumfield	\$22,947.00
Stewpot Community Services/Matt House	\$22,947.00
Mississippi Center for Police & Sheriffs	\$22,947.00

Council Member Stokes moved adoption; Council Member Banks seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH MISSISSIPPI STATE FIRE ACADEMY (MSFA) TO PROVIDE THE CANDIDATE PHYSICAL ABILITY TEST (CPAT) TO JACKSON FIRE DEPARTMENT.**

WHEREAS, the City of Jackson, Mississippi, desires to enter into a service agreement with Mississippi State Fire Academy (MSFA) to administered course for the Candidate Physical Ability Test (CPAT) at the Jackson Fire Department; and

WHEREAS, Mississippi State Fire Academy, provides two instructors for the course, Candidate Physical Ability Test (CPAT) to represent the MSCB. Jackson Fire Department will provide two instructors to administer the test; and

WHEREAS, the service fee for 4 students is \$480.00; if the number of students from participating department changes, the cost per student will change. Charges will consist of fees for two academy instructors and CPAT fee per each student.

IT IS HEREBY ORDERED that the Mayor be authorized to execute the necessary documents with Mississippi State Fire Academy (MSFA) to effectuate the Candidate Physical Ability Test (CPAT) for the City of Jackson Fire Department.

Council Member Stokes moved adoption; Council Member Banks seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE SERVICE AGREEMENT WITH MISSISSIPPI STATE FIRE ACADEMY (MSFA) TO PROVIDE THE CANDIDATE PHYSICAL ABILITY TEST (CPAT) TO JACKSON FIRE DEPARTMENT.**

**WHEREAS**, the City of Jackson, Mississippi, desires to enter into a service agreement with Mississippi State Fire Academy (MSFA) to administer course for the Candidate Physical Ability Test (CPAT) at the Jackson Fire Department; and

**WHEREAS**, Mississippi State Fire Academy, provides two instructors for the CPTAT course, Candidate Physical Ability Test (CPAT) to represent the MSCB. Jackson Fire Department will provide two instructors to administer the test; and

**WHEREAS**, the service fee for 17 students is \$1,000.00; if the number of students from participating department changes, the cost per student will change. Charges will consist of fees for two academy instructors, CPAT fee per each student.

**IT IS HEREBY ORDERED** that the Mayor be authorized to execute the necessary documents with Mississippi State Fire Academy (MSFA) to effectuate the Candidate Physical Ability Test (CPAT) for the City of Jackson Fire Department.

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

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- Lindsay.

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There came on for consideration Agenda Item No. 28:

**ORDER RATIFYING A CONTRACT WITH RESTORATION 1 TO PROVIDE MITIGATION OF DAMAGES RESULTING FROM FIRE AT POLICE/MUNICIPAL COURT BUILDING.** Said item was pulled at the request of **Mayor Chokwe Antar Lumumba.**

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**ORDER AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO SETTLE, SUBJECT TO APPROVAL OF THE MISSISSIPPI WORKERS COMPENSATION COMMISSION, CLAIMS FOR MEDICAL AND ANY CLAIM FOR DISABILITY BENEFITS IN CAUSE #MWCC 17-05334-P-4587-E-33.**

**WHEREAS**, on or about May 9, 2017, an employee of the City of Jackson, Mississippi was involved in a motor vehicle accident at Gallatin and Pascagoula Streets and sustained injury; and

**WHEREAS**, the City had and was qualified as a self-insurer for workers compensation on the date of the employee's injury; and

**WHEREAS**, the employee's injury was not immediately accepted as a compensable injury pending investigation of whether defenses were available under the Mississippi Workers Compensation Act; and

**WHEREAS**, the employee retained an attorney, and a petition controverting the claim was filed on June 21, 2017; and

**WHEREAS**, the Office of the City Attorney answered the petition and has defended the action and evaluated defenses available and the likelihood of the Commission concluding that a compensable injury was sustained; and

**WHEREAS**, the Office of the City Attorney reasonably believes that the Commission will conclude that the employee's injury is compensable; and



**WHEREAS**, upon acceptance of the claim as compensable, the City's self-funded health insurance plan provided medical benefits and is entitled to be reimbursed by the City's self-insured workers compensation plan; and

**WHEREAS**, the Office of the City Attorney recommends that the City limit its exposure for benefits and additional medicals by compromising the claim as follows: (1) accepting claim as compensable and reimbursing the self-funded health insurance plan for benefits provided based on the workers compensation fee schedule (2) reimbursing the employee for outstanding medical expenses and out of pocket expenses related to the injury upon submission of documentation and (3) paying the lump sum of \$20,000.00 representing approximately \$11,900.00 in disability benefits and additional \$8,100.00 in future medical and interest payments; and

**WHEREAS**, settlement upon the above stated terms would be subject to approval of the Mississippi Workers Compensation Commission.

**IT IS, THEREFORE, ORDERED** that subject to approval of the Mississippi Workers Compensation Commission, the Office of the City Attorney shall be authorized to settle the claim pending before the Mississippi Workers Compensation Commission in MWCC #17-05334-P-4587-E-33 upon the following terms: (1) claim may be accepted as compensable and the self-funded health plan shall be reimbursed by the self-funded workers compensation plan; (2) the employee may be paid for out of pocket expenses and medicals upon submission of proper documentation and (3) payment of a lump sum not to exceed \$20,000.00 to the employee.

**IT IS FURTHER ORDERED** that the Office of the City Attorney shall be authorized to perform those acts necessary for effecting the purpose and tenor of this order.

**Council Member Banks** moved adoption; **President Priester** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.

Nays- None.

Absent- Lindsay.

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**ORDER AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT TO RETAIN AN EXPERT IN THE FIELD OF URBAN AND REGIONAL PLANNING AND FOR THE OFFICE OF THE CITY ATTORNEY TO INCUR EXPENSES IN THE LAWSUITS STYLED, "IN THE MATTER OF THE ENLARGEMENT AND EXTENSION OF THE MUNICIPAL BOUNDARIES OF THE CITY OF FLOWOOD V. CITY OF JACKSON CONSOLIDATED WITH IN THE MATTER OF THE ENLARGING, EXTENDING AND DEFINING THE CORPORATE LIMITS AND BOUNDARIES OF THE CITY OF PEARL V. CITY OF JACKSON"; CIVIL ACTION NO. 61CH1:18-cv-01395 and 18-1714.**

**WHEREAS**, the City of Jackson is a Defendant in a lawsuits styled, "IN THE MATTER OF THE ENLARGEMENT AND EXTENSION OF THE MUNICIPAL BOUNDARIES OF THE CITY OF FLOWOOD, RANKIN COUNTY, MISSISSIPPI VS. CITY OF JACKSON, MISSISSIPPI CONSOLIDATED WITH IN THE MATTER OF THE ENLARGING, EXTENDING AND DEFINING THE CORPORATE LIMITS AND BOUNDARIES OF THE CITY OF PEARL VS. CITY OF JACKSON, CIVIL ACTION NO. 61CH1:18-cv-01395 and 18-1714, in the Chancery Court of Rankin County, Mississippi; and

**WHEREAS**, municipal annexation cases often turn on the testimony of the parties' respective experts in the field of urban and regional planning; and

**WHEREAS**, it is necessary to defend the interest of the City of Jackson in the above styled matters, which require the retaining of a certified expert in the field of urban and regional planning to perform professional and technical services for municipal annexation analysis, feasibility and reasonableness, trial preparation and expert trial testimony; and

**WHEREAS**, there are two primary experts in Mississippi in the urban and regional planning field; and

**WHEREAS**, the Office of the City Attorney recommends that the City of Jackson retain Mike Slaughter as its expert in the field of urban and regional planning; and

**WHEREAS**, outside counsel has worked with Mr. Slaughter extensively in Mississippi municipal annexation cases for two decades; and

**WHEREAS**, outside counsel has represented to the Office of the City Attorney that Mr. Slaughter is an excellent expert witness and is extremely credible on the witness stand; and

**WHEREAS**, it is recommended that Slaughter & Associates, PLLC, be retained by the City of Jackson to provide planning and consulting services at a maximum cost of \$175.00 per hour not to exceed a total fee of \$25,000.00 without further Council approval; and

**WHEREAS**, it is recommended that Slaughter & Associates be reimbursed for out-of-pocket expenses including travel, per diem expenses for personnel, purchased information and services, copies, graphic materials and other necessary expenses at actual costs; and

**WHEREAS**, other costs not known may be required to effectively defend the City's interest in the litigation.

**IT IS HEREBY ORDERED** by the City Council of Jackson, Mississippi, that the Mayor be authorized to execute a letter of agreement to retain Slaughter & Associates, PLLC, for the provision of planning and consulting services at a maximum cost of \$175.00 per hour not to exceed \$25,000.00 without further Council approval, plus direct reimbursement for out-of-pocket expenses including travel, per diem expenses for personnel, purchased information and services, copies, graphic materials and other necessary expenses at actual cost, in the above styled lawsuits.

**IT IS, FURTHER, HEREBY ORDERED** that the Office of the City Attorney is also authorized to incur expenses reasonably related to the defense of the litigation.

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Priester, Stamps, Stokes and Tillman.  
Nays- None.  
Absent- Lindsay.

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**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AUTHORIZING THE HIRING OF GIBBS AND TRAVIS LAW FIRM AS LEGAL COUNSEL TO FILE A LAWSUIT AGAINST SIEMENS TO RECOUP FUNDS EXPENDED IN ACCORDANCE WITH AND PER ORDER OF THE JACKSON CITY COUNCIL ON THURSDAY, JANUARY 18, 2018, AT 10:00 A.M.**

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

**WHEREAS**, the Jackson City Council voted on Thursday, January 18, 2018 at 10:00 a.m. in the affirmative, as follows:

**"IT IS, THEREFORE, ORDERED** that the City Council of Jackson, Mississippi hereby authorizing the hiring of legal counsel to file a lawsuit against Siemens to recoup the funds; and"

**WHEREAS**, it is in the best interest of citizens of the City of Jackson that the funds expended for water meters and the failure of cost savings promised by Siemens have resulted in the loss of financial stability for the Water Department and to the detriment of the City budget, the taxpayers, water patrons and citizens of the City of Jackson; and

**WHEREAS**, the Gibbs and Travis Law Firm has a demonstrated track record of successfully filing a lawsuit and winning against Siemens.

**THEREFORE, BE IT HEREBY ORDAINED** that the City Council of Jackson, Mississippi hereby authorizes the hiring of Gibbs and Travis Law Firm as legal counsel to file a lawsuit against Siemens to recoup funds expended in accordance with and per Order of the Jackson City Council on Thursday, January 18, 2018, at 10:00 a.m.

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

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**President Priester** recognized **Timothy Howard**, City Attorney, who stated that an Attorney General’s opinion states that “the authority to recommend a contract for approval by the City Council rests solely with the Mayor.” **Attorney Howard** recommended that the proposed order be written in a different manner. Thereafter, **Council Members Stokes** and **Banks** withdrew their motion and second. **Council Member Stokes** stated that said item would be held pending a revised recommendation from the City’s Legal Department.

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**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AUTHORIZING THE CITY LEGAL DEPARTMENT TO TAKE LEGAL ACTION AGAINST THE CITY OF RICHLAND, MS, FOR DESTRUCTION OF PUBLIC PROPERTY AS A RESULT OF AN ILLEGAL HIGH SPEED CHASE INTO THE CITY OF JACKSON.**

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

**WHEREAS**, the City of Jackson has experienced high speed chases by outside cities resulting in death and in destruction of property on a continuous basis, placing lives and property at risk for non-violent offenses; and

**WHEREAS**, members of the public have been put in harm’s way and even killed by such chases; and

**WHEREAS**, it is in the best interest of the citizens of the City of Jackson that an Order for the redress of such crimes against the citizens and the City of Jackson.

**THEREFORE, BE IT HEREBY ORDERED** that the City Council of Jackson, Mississippi hereby authorizes the City Legal Department to take legal action against the City of Richland, MS, for destruction of public property as a result of an illegal high speed chase into the City of Jackson.

**Council Member Stokes** moved adoption; **Council Member Banks** seconded.

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**President Priester** recognized **Mayor Chokwe Antar Lumumba** who requested that the Council allow him a chance for diplomacy with mayors within the surrounding cities before taking any actions. Thereafter, **Council Members Stokes** and **Banks** withdrew their motion and second. Said item would be held for a later date.

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**DISCUSSION: ADEQUATE PAY FOR ESSENTIAL AND NON-ESSENTIAL PERSONNEL WITHIN THE POLICE AND FIRE DEPARTMENTS:** **President Priester** recognized **Council Member Banks** who expressed concerns regarding the pay scale for the City’s police and fire departments.

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