

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, FEBRUARY 27, 2018 6:00 P.M.**

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 27, 2018, being the fourth Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Charles H. Tillman, President, Ward 5; Melvin Priester, Jr., Vice President, Ward 2; Ashby Foote, Ward 1; Kenneth Stokes, Ward 3; De'Keither Stamps, Ward 4; Aaron Banks, Ward 6 and Virgi Lindsay, Ward 7. Directors: Chokwe Antar Lumumba, Mayor; Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Allice Lattimore, Deputy City Clerk and Sharon Gipson, Interim City Attorney.

Absent: None.

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

The invocation was offered by **Bishop Michael Nesby** of The Gathering of Believers Church.

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

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR SPECTACLES TO ERECT A 30 SQ. FT. BUILDING SIGN WITHIN A COMMUNITY MIXED USE ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR BUILDING SIGNAGE.

President Tillman recognized **William Brown**, a representative of the Applicant, who spoke via telephone in favor of said Order and requested that the Council approve said variance.

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

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO DENY THE SIGN VARIANCE REQUEST FOR SPECTACLES TO ERECT A 30 SQ. FT. BUILDING SIGN WITHIN A COMMUNITY MIXED USE ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR BUILDING SIGNAGE.

There was no opposition from the public.

President Tillman requested that Agenda Item No. 11 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR SPECTACLES TO ERECT A 30 SQ. FT. BUILDING SIGN WITHIN A COMMUNITY MIXED USE ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR BUILDING SIGNAGE.

MINUTE BOOK 6M

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

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

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

WHEREAS, said variance application shall also demonstrate that:

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

WHEREAS, Spectacles, the applicant herein, has requested a variance from the Sign Ordinance regulations to erect a 30 sq. ft. building sign within a Community Mixed Use zone which allows a total of 15 sq. ft. for building signage.

IT IS THEREFORE, ORDERED that Spectacles is hereby (approved) a variance from the Sign Ordinance regulations to erect a 30 sq. ft. building sign within a Community Mixed Use zone which allows a total of 15 sq. ft. for building signage.

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

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

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

Nays- None.

Absent- None.

The following individuals were introduced during the meeting:

- **Judge Tabitha Britton**
- **Jesse Pittman**

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

- **Gyasi Williams** expressed concerns regarding “Project Eject” and recommended that said project be removed from the City of Jackson.
- **Adofa Minka** who expressed concerns regarding issues with policing and criminal justice systems.
- **Corinthian Sanders** spoke in support of the reopening of Lake Hico.
- **Tetrina Blalock** expressed concerns regarding the shooting of Lee Edward Bonner and requested that the City perform an independent investigation.
- **Colandra Davis** expressed concerns regarding “Project Eject” and officer involved shootings within the City of Jackson.
- **Johnnie Jackson** expressed concerns regarding her water bill and issues with the City’s water services.
- **Clay Hays** spoke in support of the Bike Share program.
- **Gennel Mosley** expressed concerns regarding marijuana and the City’s residency requirements.
- **Akil Bakari** spoke in support of developing a Citizen’s Review Board and invited citizens to attend a crime summit on April 18, 2018.

President Tillman requested that Agenda Items No. 35, 36 and 37 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

President Tillman recognized **Council Member Banks** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING JOSHUA DIXON OF FOREST HILL HIGH SCHOOL AND BERNARD DUNCAN OF CALLAWAY HIGH SCHOOL FOR THEIR OUTSTANDING SPORTSMANSHIP TOWARD AN INJURED CROSS COUNTRY RUNNER (LIAM JORDAN) DURING THE STATE CROSS COUNTRY RACE.** Accepting the Resolution with appropriate remarks were **Bernard Duncan** and **Joshua Dixon.**

President Tillman presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MRS. DEBRA MCGEE ON HER CAREER IN BANKING AND AS A SERVANT TO THE COMMUNITY**. Accepting the Resolution with appropriate remarks was **Debra McGee**.

President Tillman recognized **Council Member Stokes** who presented a **RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING ALL FOR ONE LINE DANCE ORGANIZATION FOR EXCELLENCE IN COMMUNITY SERVICE**. Accepting the Resolution with appropriate remarks was **Shameka Shelton**.

President Tillman requested that Agenda Items No. 30, 31, 32, 33 and 34 be moved forward on the Agenda. Hearing no objections, the following were presented:

President Tillman recognized **Council Member Stamps** who presented a **CERTIFICATE OF APPRECIATION TO MS. DORIS DIVINE**. Accepting the Certificate with appropriate remarks was **Ms. Doris Divine**.

President Tillman recognized **Mayor Chokwe Antar Lumumba** who presented **THE KEY TO THE CITY PLAQUE TO AUTHOR ANGIE THOMAS**. Accepting the Plaque with appropriate remarks was **Angie Thomas**.

President Tillman recognized **Keyshia Sanders** who presented **CERTIFICATES OF APPRECIATION TO THE CITY'S WATER MAINTENANCE WORKERS** on the behalf of **Mayor Chokwe Antar Lumumba**. Accepting the Certificates were **Orlando Chambers, Michael Jones, Scheradda Maxie, Victor Pickett, Jerry Smith and Andrea Williams**.

President Tillman recognized **Keyshia Sanders** who presented **AWARDS TO THE HOLIDAY PARADE WINNERS** as follows:

Bands	Most Entertaining	Best Dance Troop	City Departments
Murrah High School	Jamobree Childcare Center	Protégé Jackson Allstars	Jackson Police Dept.
Jim Hill High School	Kids University Daycare	Dee Williams Cheer Team	Jackson Fire Dept.
Kirksey Middle School	Xplizit Car Club	Purple Diamonds	Parks & Recreation

There came on for Introduction Agenda Item No. 4:

ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI RENAMING SUNRAY DRIVE (IN ITS ENTIRETY) TO WILLIE LINDSEY, JR. DRIVE. Said item was referred to the Planning Committee.

There came on for Introduction Agenda Item No. 5:

ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI ESTABLISHING THE HONORARY RENAMING OF CARNATION STREET (FROM POCAHONTAS AVENUE TO HOLMES AVENUE) TO REVEREND FRANK WILBERT JAMES DRIVE. Said item was referred to the Planning Committee.

ORDINANCE AMENDING ARTICLE II. SEWAGE DISPOSAL STANDARDS TO CREATE A FATS, OILS AND GREASE (FOG) CONTROL PROGRAM AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Jackson entered into a Consent Decree with the State of Mississippi and the United States of America on March 1, 2013 in the case entitled, United States of America and the State of Mississippi vs. The City of Jackson, Mississippi, No. 3_12-cv-790 TSL-MTP, United States District Court for the Southern District of Mississippi; and

WHEREAS, the Consent Decree requires the City to implement certain Capacity, Management, Operations, and Maintenance program, including a fats, oils, and grease (FOG) control program; and

WHEREAS, the City of Jackson submitted a proposed FOG Control Program to the United States Environmental Protection Administration, Region IV, for review and approve, which included a commitment to revise the City's ordinances to implement the FOG Control Program and enforce compliance with it.

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

SECTION 1. Section 122-76. – Definitions is repealed and replaced in its entirety as follows:

Section 122-76. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means the city engineering section of the utilities division of the public works department or the director of public works or other designated official of the city or his duly authorized deputy, agent or representative.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Chlorine requirement means the amount of chlorine in milligrams per liter, which must be added to sewage to produce a residual chlorine content or to meet the requirements of some other objective, in accordance with procedures set forth in the definition for the term "standard methods."

FOG stands for fats, oils and grease.

Food Service Establishment (FSE) means any establishment, business, or facility engaged in preparing, serving, or making food available for consumption.

Garbage means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Garbage Grinder means a device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

Gravity Grease Interceptor is a large tank or device so constructed as to separate and trap or hold fats, oil and grease substances from entering the sanitary sewer collection system. Grease interceptors are typically located outside FSEs due to their size.

Grease is a material composed primarily of fats, oil and grease from animal or vegetable sources. The term fats, oil and grease may be referred to as grease or types of grease and does not include petroleum-based products.

- *Brown grease*- are fats, oils and grease that is discharged to the grease control equipment.

- *Yellow grease*- are fats, oils and grease, usually spent oil from deep frying, that has not been in contact with or contaminated from other sources (water, wastewater, solid wastes, etc.) and can be recycled.

Grease Control Device (GCD) is a device for separating and retaining grease and solids prior to wastewater existing the food service establishment (FSE) and entering the sanitary collection system. These devices include hydro mechanical grease interceptors and gravity grease interceptors.

Hydrogen ion concentration. See the definition for pH.

Automated interior grease trap is a hydromechanical grease control interceptor designed to separate, trap or hold fats, oil, and grease substances to prevent their entry into the sanitary collection system and provide automated, continuous removal of the collected FOG into a container. These devices are usually installed inside, and under, or in close proximity to, sinks or other fixtures likely to discharge grease.

Manual interior grease trap is a small manually-cleaned interior grease interceptor with a flow control device installed on sinks in smaller FSEs where no frying occurs.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams, per liter of solution.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Regulatory agency means the state department of environmental quality, office of pollution control.

Sand/Oil Interceptor means a device to separate oil and sand from wastewater produced from car washes; motor vehicle, airplane, and boat storage yards; gasoline and diesel service stations; repair garages; any private or public wash rack used for cleaning machinery or

machine parts; or any other similar facility which may introduce sand, oil, or hydrocarbons into the city sewer.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted.

Service charge means the basic assessment levied on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and stormwater as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewerage works means all facilities for collecting, pumping, treating, and disposing of sewage.

Slug means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Standard methods means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

Storm drain (sometimes termed "storm sewer") means a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Surcharge means the assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Waste Hauler is one who transfers waste from the site of a customer to an approved site for disposal or treatment. Waste Haulers are required to be certified as a Pumper by the Mississippi State Department of Health.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. Section 122-172. – Interceptors required for certain liquid wastes is repealed in its entirety and replaced with the following:

Sec. 122-172. - Interceptors required for sand and oil.

- (a) Sand/oil interceptors shall be provided when required the City of Jackson FOG Control Program Manual. Such interceptors shall be maintained according to the FOG Control Program Manual.

(b) The failure to install a Sand/oil interceptor when such is required by the FOG Control Program Manual or the failure to properly maintain the interceptor according to the FOG Control Program Manual shall constitute a violation of this Article.

SECTION 3. Section 122-173. – Parameters for maximum concentrations of discharges is repealed in its entirety and replaced with the following:

Section 122-173. – Parameters for maximum concentrations of discharges.

(a) The limits for following materials shall be based on any applicable EPA categorical industrial guidelines, receiving stream water quality standards, criteria established by the Mississippi Department of Environmental Quality, biological treatment process threshold inhibition levels, and sludge quality criteria:

Arsenic
Barium
Boron
Cadmium
Chromium
Copper
Cyanide
Lead
Manganese
Mercury
Nickel
Selenium
Silver
Zinc

(b) As a condition for authorization to dispose of or continue to dispose of industrial wastes through the municipal system, the industrial applicant for a sewer permit shall provide the city with information describing wastewater constituents and characteristics, and the type of activity and quantity of production with the application. Any industrial discharger shall provide such information at the request of the Director of the Department of Public Works or his/her designee.

(c) Any nonconventional material that is specific to an industrial process that results in a discharge of BOD, SS and TKN may be increased by written approval of the Director of the Department of Public Works or his/her designee for limited periods of time.

SECTION 4. There is hereby enacted the following new ordinances that are to be codified as indicated:

DIVISION 5. – FATS, OILS AND GREASE CONTROL PROGRAM

Sec. 122-177. – FOG Control Plan and Fees

- (a) FSEs lawfully in existence as of the date of this ordinance are not required to install a grease control device unless and until a FOG discharge to the City's sanitary collection system from the FSE has caused a blockage or system problem, as documented by the Director of the Department of Public Works. If such a blockage or system problem occurs, the FSE shall be required to submit a FOG Control Plan and install a grease control device.
- (b) All new FSEs, FSEs undergoing a remodel requiring a building permit under the City Building Code, or FSEs undergoing a change of ownership shall have an approved FOG Control Plan.
- (c) New FSEs and FSE remodels shall submit and have approved by the Director a separate FOG Control Plan describing the FSE characteristics and the method of FOG control prior to the issuance of the certificate of occupancy by the Building Official. The Plan shall conform to the requirements and standards of the City of Jackson FOG Control Program Manual, as approved by the Director of the Department of Public Works.
- (d) For FSE changes in ownership, a FOG Control Plan shall be submitted and approved within fourteen (14) calendar days of the issuance of the business license. If the FSE has no existing GCD, a GCD meeting the requirements and standards of the City of Jackson FOG Control Program Manual shall be installed.
- (e) FOG Control Plans shall be on forms provided by the City. FOG Control Plans shall be verified and shall conform to the requirements and standards of the City of Jackson FOG Control Program Manual.
- (f) FSEs submitting a FOG Control Plan for review and approval shall pay a fee of 200.
- (g) All FSEs shall pay an annual fee of 150.

Sec. 122-178. – Grease Control Devices Sizing and Standards

All Grease Control Devices installed shall conform to the requirements and standards contained in the City of Jackson FOG Control Program Manual.

Sec. 122-179. – Food Service Establishment (FSE) Recordkeeping and Onsite Management

- (a) Cleaning and pumping-
 - (1) Manual interior grease traps shall be cleaned as often as necessary to prevent grease from entering the City's sanitary collection system, but at least once per month. Automated interior grease traps shall be maintained at all times to prevent grease from entering the City's sanitary collection system. Failure to perform cleaning and maintenance of a grease trap as required may result in a notice of violation and the issuance of an Administrative Order.
 - (2) Gravity grease interceptors shall be cleaned out at least every three (3) months, or as often as necessary to prevent grease from entering the City's sanitary collection system. Measurement of solids volume greater than or equal to 25% of the interceptor volume shall be considered non-compliance with the City's FOG Control Program.

(b) Disposal of Grease Waste-

- (1) Waste removed from grease interceptors must be disposed of with solid waste or garbage in a sealed container, unless cleaned and hauled by a Waste Hauler.
- (2) All waste removed from grease interceptors must be disposed of at a facility approved to receive such wastes and shall not be returned to any private or public portion of the sanitary sewer collection system.
- (3) All pumpage from gravity grease interceptors must be tracked by a manifest which confirms the pumping, hauling and disposal of the waste. The customer or FSE must obtain a manifest from the waste hauler with signatures and copies must be kept for record purposes.

(c) Maintenance Log-

- (1) A grease control device/equipment cleaning record maintenance log and pumping manifest indicating cleaning or pumping for the previous 24 months shall be maintained by each facility required to install grease control device/equipment.
- (2) Maintenance logs for grease control devices/equipment shall include the date and time of cleaning, the company and/or person conducting the cleaning, the volume pumped, and the disposal site for the gravity grease interceptor pumpage.

Sec. 122-180. – FSE inspections and entry

- (a) Authorized personnel of the City shall have the right to enter upon all properties subject to this chapter, at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review.
- (b) Each FSE shall be subject to inspection on an as-needed basis to ensure each facility is complying with the FOG Control Program requirements, but shall be inspected at least every two (2) years.

DIVISION 6. ENVIRONMENTAL ENFORCEMENT

Sec. 122-181. – Environmental violations and penalties.

a. Definitions.

- (1) **Administrative Penalties.** An administrative penalty is a monetary penalty assessed by the Director or his designee for violations of Article II. Sewage Disposal Standards, including, but not limited to, the FOG Program, violations of the Stormwater Quality Protection Ordinance, Sections 122-301 through 122-307, and Chapter 106, Solid Waste, Sections 106-1 through 106-220. Administrative penalties are to be used as an escalated enforcement action and are not related to a specific cost born by the Director or his designee. Instead, the amount of the penalty should recapture any economic benefit gained by noncompliance and/or deter future violations. An Administrative Order is to be used to assess an administrative penalty.
- (2) **Administrative Orders (AO).** Administrative Orders are to be issued by the Director or the Director's designee. Administrative Orders are enforcement documents that direct users to undertake and/or to cease specified activities. Administrative Orders are to be used as the first formal response to significant noncompliance, and may incorporate compliance schedules, administrative penalties, assessments for costs incurred during investigation and/or enforcement, attorney's fees, assessments for damages and termination of service. The Department has adopted three (3) general types of AOs: Compliance Orders, Cease and Desist Orders, and Agreed Orders:

(a) **Compliance Order.** A Compliance Order directs the User to achieve or restore compliance by a specified date and is the primary means of assessing penalties and costs. The Compliance Order will document the noncompliance and state required actions to be accomplished by specific dates and is issued by the Director or his designee.

(b) **Cease and Desist Order.** A Cease and Desist Order directs the noncompliant User to cease illegal or unauthorized discharge immediately or to terminate discharge altogether. To preserve the usefulness of this order in emergency situations, penalties should not be assessed in this document. A Cease and Desist Order will be used in situations where the discharge is causing interference, pass through, environmental harm, or otherwise creating an emergency situation. The order may be issued immediately upon discovery of an emergency situation or following a hearing. In an emergency, the order to cease and desist may be given by telephone with a subsequent written order to be served by the Director or his designee before the close of business on the next working day. If the User fails to comply with the order, the Director or his designee may take independent action to halt the discharge.

(c) **Agreed Order.** The Agreed Order is an agreement between the Department and the User. The Agreed Order normally contains three elements: (1) compliance schedules with specific milestone dates; (2) stipulated penalties, damages, and/or remedial actions; and (3) signature by the Director and the User representative. An Agreed Order is appropriate when the User assumes the responsibility for its noncompliance and is willing (in good faith) to correct the causes.

(3) **Noncompliance Notification (NCN).** The Noncompliance Notification (NCN) is a notification to the user that a practice, an action, or wastewater discharge is noncompliant with Department regulations or policies. A NCN informs the user that an action is required of the user within a specified time period designated by the Director, or their designee, or the noncompliance will require the Director to escalate enforcement action against the user.

(4) **Notice of Violation (NOV).** The Notice of Violation (NOV) is an official communication from the Director to the noncompliant user that informs the user that a violation has occurred. The NOV is issued for relatively minor or infrequent violations of standards and requirements, and should be issued within five (5) working days of the identification of a violation. A NOV does not contain assessment of penalties or cost recovery. The NOV provides the regulated entity with an opportunity to correct the noncompliance on its own initiative rather than according to a schedule of actions determined by the Director. The NOV documents the initial attempts of the Department to resolve the noncompliance. Authenticated copies of NOV's may serve as evidence in judicial proceedings.

(5) **Schedule of Compliance.** A Schedule of Compliance is a detailed list of steps to be taken by a noncompliant user whereby compliance with all pertinent regulations will be achieved. This schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional GCD or other facilities required for the regulated entity to meet the applicable standards and requirements (e.g. hiring an engineer, completing preliminary plans, executing contracts for components, commencing construction, etc.).

b. Penalty Assessment. The City of Jackson has categorized the various types of violations of the FOG Control Program, and assigned a penalty range to each category. Penalty categories are determined by using the Enforcement Response Guide, which is included in the FOG Control Program Manual. All penalty assessments will be approved and signed by the Director or the Director's designee. Penalty amounts determined are considered to be an economic deterrent to the noncompliance being addressed. Penalty ranges have been designed to recover any economic benefit gained by the violation through noncompliance. Violations of other environmental ordinances subject to this Division shall be assessed consistent with the penalties provided in those ordinances. The ranges of penalties for any violation of the requirements and standards for the FOG Control Program shall be as follows:

CATEGORY 0	=	NO PENALTY
CATEGORY 1	=	\$200.00 TO \$500.00
CATEGORY 2	=	\$500.00 TO \$1,000.00
CATEGORY 3	=	\$1,000.00 TO \$10,000.00
CATEGORY 4	=	DIRECT LEGAL ACTION

Assessments for damages or destruction of the facilities of the POTW, and any penalties, costs, and attorney's fees incurred by the City of Jackson as the result of the illegal activity, as well as the expenses involved in enforcement, are not part of this penalty assessment procedure.

Sec. 122-182. – Emergency suspension of services

The City may suspend water or wastewater service when such suspension is necessary, and without prior notice, when in the opinion of the Director of the Department of Public Works, one of the following situations occurs with respect to the FOG Control Program:

- (1) Three notices of violation of the FOG Control Program have occurred within a 12-month period,
- (2) When there is imminent or substantial endangerment to the health or welfare of persons or the environment,
- (3) When stoppages or sanitary sewer overflows have occurred, or excessive maintenance has to be performed to prevent stoppages or overflows in the sanitary sewer collection system,
- (4) When interference occurs with the operation and/or maintenance of the wastewater treatment facility, or
- (5) Any condition that causes the City to violate any condition of its NPDES permits, agreed orders, or consent decree.

Sec. 122-183. – Appeal and waiver provisions:

(a) Any person aggrieved by an action of the Director of the Department of Public Works or the rejection any FOG Control Plan, suspending or revoking any Plan, or any other final action imposing affirmative or negative obligations on such user, or imposing an Administrative Penalty under this chapter may appeal such decision to the Administrative Law Judge. No notice of violation of this chapter, no requirement only for information or data concerning a regulated activity and no action of the Director not imposing specific affirmative or negative obligations or an Administrative Penalty shall be appealable. The Administrative Law Judge must receive the written appeal within 15 calendar days of the date of the Director's action, identifying the action appealed from, the relevant facts, and any information that such person requests the Administrative Law Judge to consider. The Administrative Law Judge may in his or her discretion either informally decide the appeal without a hearing or may hold a hearing at which such person may present his or her arguments and evidence. At any hearing held pursuant this paragraph testimony and evidence will be under oath. The Administrative Law Judge shall endeavor to affirm, modify or rescind the action in writing within 30 calendar days of the appeal or any hearing held hereunder.

(b) If an FSE is reasonably unable to install an outside gravity grease interceptor, the FSE must install a properly sized automated interior grease trap or traps. The FSE may submit a written request for a variance to this requirement to the Director of the Department of Public Works or his or her designee for consideration. All requests shall contain all such information as the Director may require. The Director may grant a variance on a case-by-case basis after consideration. No such variance shall authorize the creation or maintenance of a nuisance or any danger to public health or safety. No variance granted by the Director shall be construed to authorize any activity in violation of state or any federal pollution control regulation or requirement.

Sec. 122-184. – Creation of the Administrative Law Judge for Appeals from Environmental Ordinance Violations:

(a) The position of Administrative Law Judge for appeals from Administrative Orders and Administrative Penalties is hereby created.

(b) The Mayor shall appoint one or more of the currently serving Municipal Judges to serve as Administrative Law Judges to hear appeals from Administrative Orders and Administrative Penalties issued under the authority of Article II. Sewage Disposal Standards, including, but not limited to, the FOG Program; violations of the Stormwater Quality Protection Ordinance, Sections 122-301 through 122-307; and Chapter 106, Solid Waste, Sections 106-1 through 106-220.

(c) The decision of the Administrative Law Judge shall constitute final action by the City. which may be appealed by bill of exceptions to a court of competent jurisdiction.

SECTION 5. This ordinance shall be effective March 1, 2018.

Vice President Priester moved adoption; **President Tillman** seconded.

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

Nays- Stamps and Stokes.

Absent- None.

**ORDINANCE TO ESTABLISH A LEISURE AND RECREATION DISTRICT
WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF JACKSON,
MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN
THE BOUNDARIES OF THE DISTRICT.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
JACKSON, MISSISSIPPI:**

WHEREAS, the City of Jackson, Mississippi, is a municipal corporation, organized and existing according to the laws of the State of Mississippi; and

WHEREAS, during the 2016 Legislative Session, the Mississippi Legislature enacted House Bill 1223, effective July 1, 2016, and codified in Miss. Code Ann § 67-1101, which permits and authorizes certain municipalities in the State of Mississippi to establish "Leisure and Recreation Districts" and to designate the geographic areas to be included within the district; and

WHEREAS, during the 2017 Legislative session, The Mississippi Legislature enacted Senate Bill 2612, effective July 1, 2017, which amended Miss. Code Ann § 67-1101 by providing additional areas which may authorize to establish a Leisure and Recreation District, including the legal description of a 22.822 acre parcel located in Jackson, Mississippi and known as The District at Eastover; and

WHEREAS, Miss. Code Ann. § 47-1101 requires that an Ordinance which establishes a Leisure and Recreation District include a detailed description of the area or areas within the district, the boundaries of the district, and a georeferenced map of the district, as well as a description of the manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district; and

WHEREAS, municipalities which create Leisure and Recreation Districts authorize business entities that hold alcoholic beverage permits issued by the Department of Revenue, and that are located within the boundaries of the designated Leisure and Recreation District, to allow patrons to leave the licensed premises with an open container of alcohol and to carry and consume alcoholic beverages within the designated Leisure and Recreation District; and

WHEREAS, the governing authority of the City of Jackson, Mississippi, has determined and hereby finds that the City of Jackson would benefit from the establishment of a Leisure and Recreation District by enhancing pedestrian-oriented areas; and

WHEREAS, the governing authority of the City of Jackson, Mississippi, has further determined that the establishment of a Leisure and Recreation District at The District at Eastover would be in the best interests of the City of Jackson; and

WHEREAS, the governing authority of the City of Jackson has found and determined that the manner of current law enforcement is adequate and sufficient for the area to be designated as a Leisure and Recreation District, and the Mayor therefore has agreed to direct that the Jackson Police Department continue to provide adequate and sufficient law enforcement and other public safety measures and services as stated herein in the city's Leisure and Recreation District; and

WHEREAS, nothing herein is intended to confer any rights or entitlement as the sale of alcohol within an area designated as a Leisure and Recreation District is a privilege and not a right and is subject at all times to reasonable regulation; and

WHEREAS, subject to Miss. Code Ann. § 67-1-101 and this Ordinance, the City of Jackson hereby establishes a Leisure and Recreation District at The District at Eastover as more fully set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI AS FOLLOWS:

SECTION 1. ADOPTION OF FINDING& The matters, facts and things recited in the above and foregoing Preamble to this Ordinance are hereby adopted as official findings of the Governing Authority of the City of Jackson.

SECTION 2. TITLE: This ordinance shall be known as **JACKSON LEISURE AND RECREATION DISTRICT ORDINANCE.**

SECTION 3. CREATION AND ESTABLISHMENT OF DISTRICTS: Under the authority granted in Miss. Code Ann. § 67-1-101, the City of Jackson does hereby establish Leisure and Recreation District(s) within the City of Jackson, hereafter known as the DISTRICT, within the geographic areas and within such boundaries as are set forth and designated herein and as represented on the geo-referenced Map which is incorporated herein and attached hereto:

- a. DISTRICT description is attached as Exhibit 1;
- b. DISTRICT map is attached as Exhibit 2;
- c. Additional districts may be created in the future as deemed beneficial by the Mayor and City Council for the City of Jackson.

SECTION 4. OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES PERMITTED; CONDITIONS. Any on-premises retail alcoholic beverage permittee (hereinafter, "permittee") located within the DISTRICT shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that permittee may remove an open container of alcoholic beverage, beer, or wine from the licensed premises, and may possess and consume such beverage outside of the licensed premises anywhere within the boundaries of the District subject to the following regulations:

1. Nothing in this Ordinance permits a patron to possess or consume an alcoholic beverage, beer or wine in an open container that was not purchased from an on-premises retail alcohol beverage permittee located within the DISTRICT.
2. A person may not enter a licensed premises with an open container or closed container of alcoholic beverage, beer or wine acquired elsewhere.
3. A permittee located in the DISTRICT shall allow alcoholic beverages to *be* removed from the licensed premises only in containers possessing the insignia or indicia of a permittee located in the District.
4. No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of an alcoholic beverage, and it shall be unlawful for any person to exit such licensed premises with more than one such open container. Permittees located in the DISTRICT may allow alcoholic beverages to be removed from the licensed premises during any times said permitted retail establishment is open, so long as it is consistent with Jackson's Code of Ordinances governing the sale of Alcoholic Beverages.
5. Nothing in this ordinance shall require a permittee located in the DISTRICT to allow its patrons to remove alcoholic beverages in open containers from the licensed premises.
6. Permittees located in the DISTRICT shall post, at 01 points of egress from the licensed premises, a map of the boundaries of the DISTRICT in which it is located along with an overview of the policies enacted to enforce this Ordinance. The map and policies shall be provided, either in electronic or paper form, to those permittees upon their request.

7. The purpose of this ordinance being primarily to allow pedestrians to carry open containers as described in this ordinance within a Leisure and Recreation District, nothing in this ordinance shall be construed to allow patrons, guests, or members of a permittee to drive a motor vehicle or non-motor vehicle while carrying an open container of alcoholic beverage onto or into such vehicle, and it shall be a violation of this ordinance for any person to drive a motor vehicle or non-motor vehicle while carrying an open container, as described in this ordinance, containing an alcoholic beverage within the DISTRICT in which it was purchased. Nothing in this ordinance shall be construed to allow patrons, guests or members of a permittee to leave the DISTRICT as a pedestrian or passenger in a motor vehicle or non-motor vehicle of any kind while carrying an open container of an alcoholic beverage.
8. Each permittee shall be required to place trash receptacles, consistent with the specific design approved for the District, at an exit door of the premises.
9. Permittees located in the District may allow alcohol beverages to be removed from the licensed premises during any time said permitted establishment is open, so long as it is consistent with City ordinances that specify hours of consumption.
10. The City of Jackson, by and through its Police and Fire Departments, shall provide for adequate law enforcement and other public safety measures and services within the DISTRICT as required by State Law. In addition, the Police and Fire Departments shall provide public safety services within the District in the same manner it provides those services in the remainder of the City. Nothing in this ordinance shall amend or change any other ordinance pertaining to amplified music, noise, litter or loitering.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be effective thirty (30) days after its adoption by the City of Jackson.

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

President Tillman recognized **Council Member Lindsay** who moved, seconded by **Vice President Priester** to replace said draft ordinance with the revised ordinance as amended by the Legal Department. The motion prevailed by the following vote:

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

Thereafter, **President Tillman** called for a vote on said Order as amended:

ORDINANCE TO ESTABLISH A LEISURE AND RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF JACKSON, MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN THE BOUNDARIES OF SAID DISTRICT.

WHEREAS, the City of Jackson, Mississippi, is a municipal corporation, organized and existing according to the laws of the State of Mississippi; and

WHEREAS, during the 2016 Legislative Session, the Mississippi Legislature enacted House Bill 1223, effective July 1, 2016, and codified in Miss. Code Ann § 67-1-101, which permits and authorizes certain municipalities in the State of Mississippi to establish "Leisure and Recreation Districts" and to designate the geographic areas to be included within the district; and

WHEREAS, during the 2017 Legislative Session, the Mississippi Legislature enacted Senate Bill 2612, effective July 1, 2017, which amended Miss. Code Ann § 67-1-101 by providing additional areas which may authorized to establish a Leisure and Recreation District, including the legal description of a 22.822 acre parcel located in Jackson, Mississippi and known as The District at Eastover; and

WHEREAS, Miss. Code Ann. § 67-1-101 requires that an Ordinance which establishes a Leisure and Recreation District include a detailed description of the area or areas within the district, the boundaries of the district, and a georeferenced map of the district, as well as a description of the manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district; and

WHEREAS, municipalities which create Leisure and Recreation Districts authorize business entities that hold alcoholic beverage permits issued by the Department of Revenue, and that are located within the boundaries of the designated Leisure and Recreation District, to allow patrons to leave the licensed premises with an open container of alcohol and to carry and consume alcoholic beverages within the designated Leisure and Recreation District; and

WHEREAS, the governing authority of the City of Jackson, Mississippi, has determined and hereby finds that the City of Jackson would benefit from the establishment of a Leisure and Recreation District by enhancing pedestrian-oriented areas; and

WHEREAS, the governing authority of the City of Jackson, Mississippi, has further determined that the establishment of a Leisure and Recreation District at The District at Eastover would be in the best interests of the City of Jackson; and

WHEREAS, the governing authority of the City of Jackson has found and determined that the manner of current law enforcement is adequate and sufficient for the area to be designated as a Leisure and Recreation District, and the Mayor therefore has agreed to direct that the Jackson Police Department continue to provide adequate and sufficient law enforcement and other public safety measures and services as stated herein in the city's Leisure and Recreation District; and

WHEREAS, nothing herein is intended to confer any rights or entitlement as the sale of alcohol within an area designated as a Leisure and Recreation District is a privilege and not a right and is subject at all times to reasonable regulation; and

WHEREAS, subject to Miss. Code Ann. § 67-1-101 and this Ordinance, the City of Jackson hereby establishes a Leisure and Recreation District at The District at Eastover as more fully set forth herein.

SECTION 1. TITLE: This ordinance shall be known as **JACKSON LEISURE AND RECREATION DISTRICT ORDINANCE**.

SECTION 2. CREATION AND ESTABLISHMENT OF DISTRICTS: Under the authority granted in Miss. Code Ann. § 67-1-101, the City of Jackson does hereby establish Leisure and Recreation District(s) within the City of Jackson, hereafter known as the District, within the geographic areas and within such boundaries as are set forth and designated herein and as represented on the geo-referenced Map which is incorporated herein and attached hereto:

- a. THE DISTRICT description is attached as Exhibit 1;
- b. THE DISTRICT map is attached as Exhibit 2;
- c. Additional districts may be created in the future as deemed beneficial by the Mayor and City Council for the City of Jackson.

SECTION 3. OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES PERMITTED; CONDITIONS. Any on-premises retail alcoholic beverage permittee (hereinafter, "permittee") located within the District shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that permittee may remove an open container of alcoholic beverage, beer, or wine from the licensed premises, and may possess and consume such beverage outside of the licensed premises anywhere within the boundaries of the District subject to the following regulations:

1. Nothing in this Ordinance permits a patron to possess or consume an alcoholic beverage, beer or wine in an open container that was not purchased from an on-premises retail alcohol beverage permittee located within the District.
2. A person may not enter a licensed premises with an open container or closed container of alcoholic beverage, beer or wine acquired outside the District.
3. A permittee located in the District shall allow alcoholic beverages to be removed from the licensed premises only in containers possessing the insignia or indicia of a permittee or The District.
4. No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of an alcoholic beverage, and it shall be unlawful for any person to exit such licensed premises with more than one such open container. Permittees located in the District may allow alcoholic beverages to be removed from the licensed premises during the Districts hours of consumption, which are during the permittees hours of operation.
5. Nothing in this ordinance shall require a permittee located in the District to allow its patrons to remove alcoholic beverages in open containers from the licensed premises.
6. Permittees located in the District shall post, at all points of egress from the licensed premises, a map of the boundaries of the District in which it is located along with an overview of the policies enacted to enforce this Ordinance. The map and policies shall be provided, either in electronic or paper form, to those permittees upon their request.
7. The purpose of this ordinance being primarily to allow pedestrians to carry open containers as described in this ordinance within a Leisure and Recreation District, nothing in this ordinance shall be construed to allow patrons, guests, or members of a permittee to drive a motor vehicle or non-motor vehicle while c carrying an open container of alcoholic beverage onto or into such vehicle, and it shall be a violation of this ordinance for any person to drive a motor vehicle or non-motor vehicle while carrying an open container, as described in this ordinance, containing an alcoholic beverage within the District in which it was purchased. Nothing in this ordinance shall be construed to allow patrons, guests or members of a permittee to leave the District as a pedestrian or passenger in a motor vehicle or non- motor vehicle of any kind while carrying an open container of an alcoholic beverage.
8. Each permittee shall be required to place trash receptacles, consistent with the specific design approved for the District, at an exit and/or entrance door of the premises.

SECTION 4. DEFINITION OF ALCOHOLIC BEVERAGES: For the purposes of this Ordinance, the term "alcoholic beverages" shall mean any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, including native wines. Within the boundaries of the DISTRICT, a permittee may allow beer and light wine to be removed from the licensed premises as permitted in Section 4 of this Ordinance.

SECTION 5. RESERVATION OF RIGHTS: The City reserves the right to modify or repeal this ordinance, and any district designation created hereunder, upon at least thirty days written notice to all permittees located within the District.

SECTION 6. PUBLIC SAFETY MEASURES: The City of Jackson, by and through its Police and Fire Departments, shall provide for adequate law enforcement and other public safety measures and services with the District as required by State Law. In addition, the Police and Fire Department shall provide public safety services within the District in the same manner it provides those services in the remainder of the City. Nothing in this ordinance shall amend or change any other ordinance pertaining to amplified music, noise, litter or loitering.

SECTION 7. EFFECTIVE DATE: This ordinance shall be effective upon approval as required by law, execution and publication.

EXHIBIT 1

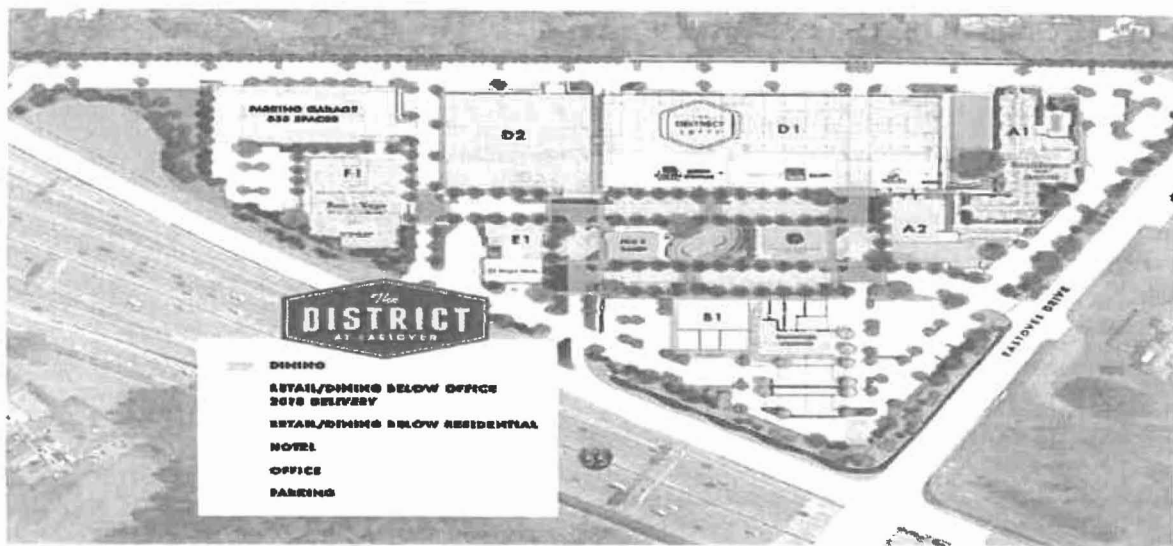
LEGAL DESCRIPTION OF THE DISTRICT AT EASTOVER

Starting at a concrete monument that is the SE corner of the SW 1/4 of the SW 1/4 of Section 24, T6N, R1E in the First Judicial District, Hinds County, Mississippi, run thence N 00°-01' E along the line between the E 1/2 and the W 1/2 of the SW 1/4 of Section 24, T6N, R1E for a distance of 194.40 feet to a point on the north line of Eastover Drive, as said drive is now laid out and improved, the point of beginning.

Run thence N 56°-46' W along said north line of said Eastover Drive for a distance of 3.02 feet to the P.C. of a curve to the left with a radius (chord) of 5769.65 feet (angle of curve was omitted, 04°-00'-0r"); Run thence along said curve and said north line of Eastover Drive for a distance of 402.91 feet to the P.T. of said curve; Run thence N 60°-46' W along said north line of said Eastover Drive for a distance of 684.92 feet to a point on the east right-of-way line of U.S. Highway No. 51, as said highway is now laid out and improved, Run thence N 29°-14' E along said east right-of-way line of U.S. Highway No. 51 for a distance of 1422.24 feet to a point; Run thence N-87°-06' E for a distance of 251.28 feet to a point on the line between the E 1/2 and the W 1/2 of the SW 1/4 of Section 24, T6N, R1 E, and also being a point on the south line of share 1 of the Mosal partition; Run Thence S 00°-01' W along said line between the E 1/2 and the W 1/2 of the SW 1/4 of Section 24, T6N, R1E for a distance of 1796.17 feet to the point of -beginning.

All the above described land being situated in the W 1/2 of the SW 1/4 of Section 24, T6N, R1E in the First Judicial District of Hinds County, Mississippi, and being wholly within the corporate limits of the City of Jackson and containing 22.822 acres.

EXHIBIT 2



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

**ORDINANCE AMENDING CHAPTER 10 ALCOHOLIC BEVERAGES,
SECTION 5 OF THE CITY OF JACKSON CODE OF ORDINANCES: FOR THE
PURPOSE OF THE EXCLUSION OF THOSE AREAS DESIGNATED LEISURE
AND RECREATION DISTRICTS.**

WHEREAS, the governing authority of the City of Jackson, Mississippi, has determined and hereby finds that the City of Jackson would benefit from the establishment of a Leisure and Recreation District by enhancing pedestrian-oriented areas; and

WHEREAS, the governing authority of the City of Jackson, Mississippi, has further determined that the establishment of a Leisure and Recreation District at The District at Eastover would be in the best interests of the City of Jackson; and

WHEREAS, it is the desire of the governing authority to be consistent in its legislation and adhere to public policy. The governing authority finds that it is necessary to amend Chapter 10, Section 5 of the City of Jackson Ordinances, for the purpose of excluding those areas designated Leisure and Recreation Districts.

**THEREFORE, BE IT AMENDED, BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF JACKSON, THE FOLLOWING:**

Sec. 10-5. - Sale, possession or consumption in public.

- (a) *Definitions.* For the purpose of this section, the following terms shall have the meaning indicated in this section. No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.

Open container means any opened can, bottle, carton, glass or other vessel containing any alcoholic beverage and from which alcohol is immediately capable of being consumed or which the seal or top placed by the manufacturer has been broken.

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Street means any public street, avenue, boulevard, roadway, highway, alley, sidewalk, or other right-of-way located within the city.

- (b) *Congregate for consumption.* It shall be unlawful for anyone to remain on the premises of any commercial establishment outside of an enclosed building or structure, not licensed for on-premises consumption, or any other portion thereof or street right-of-way adjacent thereto while such person is consuming any alcoholic beverage, or in possession of an open container of any alcoholic beverage. If an establishment is properly permitted and licensed for the sale and consumption of any alcoholic beverages on the premises, then it will not be a violation of this section for customers to consume any alcoholic beverages while on the premises, whether indoors or outdoors, as long as they remain on the establishment's property. Further, it shall not be unlawful for any person to consume an alcoholic beverage, beer or wine on any street or other property located within an established LEISURE AND RECREATION DISTRICT.

- (c) *Exceptions; possession or consumption on streets and sidewalks.* It shall be unlawful for one person or several people to possess open containers of any alcoholic beverages or to consume such alcoholic beverages on any public street or sidewalk unless it is within an established LEISURE AND RECREATION DISTRICT or during a city-sponsored event or such other event that has been sponsored with the permission of the city (e.g., Jubilee Jam). Permission of the city shall be obtained in writing from the chief of police. However, any party aggrieved with the decision of the chief of police may appeal to the city council within 30 days of the denial.

- (d) **EFFECTIVE DATE:** This ordinance shall be effective upon approval as required by law, execution and publication.

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

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

* * * * *

**ORDER APPROVING CLAIMS NUMBER 3962 TO 4335
APPEARING AT PAGES 609 TO 666 INCLUSIVE THEREON, ON MUNICIPAL
"DOCKET OF CLAIMS", IN THE AMOUNT OF \$18,405,172.07 AND MAKING
APPROPRIATIONS FOR THE PAYMENT THEREOF.**

IT IS HEREBY ORDERED that claims numbered 3962 to 4335 appearing at pages 609 to 666, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$18,405,172.07 are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

IT IS FURTHER ORDERED that there is appropriated from the various funds the sums necessary to be transferred to other funds for the purpose of paying the claims as follows:

FROM:	TO ACCOUNTS PAYABLE FUND
1% INFRASTRUCTURE TAX	1,602,370.32
2009 GP STREET CONST B & I FD	1,250.00
EARLY CHILDHOOD (DAYCARE)	8,295.84
EMPLOYEES GROUP INSURANCE FUND	205,807.47

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FIRE PROTECTION	4,378.74
GENERAL FUND	13,904,384.78
H O P W A GRANT – DEPT. OF HUD	135,839.89
HOME PROGRAM FUND	795.00
HOUSING COMM DEV ACT (CDBG) FD	47,807.99
JXN CONVENTION & VISITORS BUR	293,212.27
LANDFILL/SANITATION FUND	144,224.93
MADISON SEWAGE DISP OP & MAINT	1,284.73
MEMA-DOMESTIC PREPARDNSS EQUIP	5,720.00
NCSC SENIOR AIDES	68.38
P E G ACCESS- PROGRAMMING FUND	7,674.26
PARKS & RECR FUND	83,919.91
RESURFACING – REPAIR & REPL. FD	42,856.09
SAMSHA – 1 U79 SM061630-01	185.92
SEIZURE & FORFEITED PROP- STATE	14,171.85
STATE TORT CLAIMS FUND	22,956.05
TECHNOLOGY FUND	171,024.42
TRAFFIC – REPAIR & REPL FD	336.18
TRANSPORTATION FUND	3,603.20
WATER/SEWER CAPITAL IMPR FUND	99,605.02
WATER/SEWER CONST FD 1999-\$35M	142,221.21
WATER/SEWER OP & MAINT FUND	1,460,347.35
WATR SEWER REVENUE FUND	830.27
TOTAL	<u>\$18,405,172.07</u>

Vice President Priester moved adoption; **Council Member Lindsay** seconded.

President Tillman recognized **Council Member Banks** who moved, seconded by **Council Member Stamps** to remove payments to Veolia in the amount of \$9,765,600.00. The motion failed by the following vote:

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

President Tillman recognized **Council Member Stokes** who inquired whether or not payments were made for the winter emergency. **Charles Hatcher**, Director of Administration, stated that he believed some payments had been presented but **Robert Miller**, Director of Public Works would have to elaborate. **Council Member Stamps** inquired as whether or not emergency orders had to come before the Council before payment could be issued. **Sharon Gipson**, Interim City Attorney, requested time to allow her office to research said request.

Thereafter, **President Tillman** recessed the meeting for six (6) minutes to allow the Legal Department time to research the Claims Docket to determine if any payments were paid for services provided during the City's winter emergency.

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President Tillman called the meeting back to order.

President Tillman recognized **Mayor Chokwe Antar Lumumba** who stated that the current Claims Docket does not contain any water emergency payments.

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

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

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 3962 TO 4335 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 3962 to 4335 inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$140,970.41 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		1,865,697.01
PARKS & RECR FUND		60,846.49
LANDFILL FUND		12,514.53
SENIOR AIDES		2,451.36
WATER/SEWER OPER & MAINT		206,989.09
PAYROLL FUND		957.00
PAYROLL	140,970.41	
EARLY CHILDHOOD		31,050.56
HOUSING COMM DEV		5,526.80
TITLE III AGING PROGRAMS		4,174.40
TRANSPORTATION FUND		13,459.04
T-WARNER PA/GA FUND		4,552.54
SAMSHA		2,406.81
TOTAL		<u>\$2,210,625.63</u>

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ZAGSTER TO PROVIDE PLANNING SERVICES FOR THE ESTABLISHMENT OF A BIKE SHARE PROGRAM.

WHEREAS, in October, 2016, the City Council adopted the Complete Streets Policy, which defines a complete street as to provide a safe, convenient, and context-sensitive facility for all modes of travel, for users of all ages and all abilities; and

WHEREAS, to promote pedestrian, bicycle, and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

WHEREAS, the City of Jackson commits to the Complete Streets Policy to focus non-motorized connectivity improvements to services, schools, parks, civic uses, regional connection and commercial uses; and

WHEREAS, Bike Share relies on a system of self-service bike stations. Users typically check out a bike using a membership or credit/debit card. They can then ride to their destination and park the bike in a nearby docking station; and

WHEREAS, Bike Share program can introduce new people into bicycle commuting by providing fun, safe, and secure bikes, can increase the visibility of cyclists, making riding safer for everyone, and

WHEREAS, Bike Share program offers a great chance for people to choose active transportation for short trips, has a health benefit, and has a positive economic impact on commercial areas, and

WHEREAS, Zagster, which is the leading provider of Bike Share programs for cities, universities, businesses and real-estate properties, has provided a written request to enter into a Bike Share Program Agreement with the City to assist the City in developing a Bike Share program at no monetary cost to the City.

IT IS, THEREFORE ORDERED that the Mayor is authorized to execute a Bike Share Program Agreement with Zagster for the establishment of a Bike Share Program at no monetary cost to the City.

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

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

ORDER AUTHORIZING THE SALE OF LOST, STOLEN, ABANDONED, AND MISPLACED MOTOR VEHICLES AND EQUIPMENT AT A PUBLIC AUCTION ON MAY 5, 2018.

WHEREAS, the City of Jackson routinely receives and recovers lost, stolen, abandoned or misplaced motor vehicles which must be disposed of pursuant to the procedure set forth in Section 21-39-21, Mississippi Code of 1972, as Amended; and

WHEREAS, it is required under said statute to sell lost, stolen, abandoned, or misplaced motor vehicles and equipment at a public auction; and

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WHEREAS, the Jackson Police Department request a public auction be held at 4225-C Michael Avalon Street on May 05, 2018 to dispose of lost, stolen, abandoned, and misplaced motor vehicles and equipment; and

WHEREAS, a list of said motor vehicles and equipment sold at a public auction will be file with the City Clerk, and posted in accordance with Section 21-39-21, Mississippi Code of 1972, as Amended.

IT IS HEREBY ORDERED that motor vehicles and equipment be sold at a public auction to be held at 4225-C Michael Avalon Street on May 5, 2018, in compliance with Section 21-39-21, Mississippi Code of 1972, as Amended.

IT IS FURTHER ORDERED that the Jackson Police Department designee be authorized to signed the necessary documents to effectuate the sale of the vehicles and equipment which are sold at the auction.

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

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

ORDER AUTHORIZING THE JACKSON ZOOLOGICAL SOCIETY TO ADD A PROTECTIVE ROOF NEXT TO THE TRAIN DEPOT BUILDING IN LIVINGSTON PARK, LOCATED AT 2918 WEST CAPITOL STREET, JACKSON, MISSISSIPPI 39203.

WHEREAS, the Jackson Zoological Park, Inc. ("JZP") has an operating agreement with the City of Jackson whereby it manages the Jackson Zoo; and

WHEREAS, the Jackson Zoo is located near Livingston Park and the zoo train runs through the park; and

WHEREAS, JZP uses the train as a means to generate revenue for the zoo; and

WHEREAS, JZP recently contacted the Department of Parks and Recreation regarding adding a roof next to the train depot in the park; and

WHEREAS, the roof will be used to provide a covering for the zoo train; and

WHEREAS, JZP estimates the cost to add the roof is eight thousand dollars (\$8,000.00); and

WHEREAS, JZP will pay the entire cost of construction for adding the roof at no cost to the City; and

WHEREAS, the Department of Parks and Recreation believes that this is in the best interest of the City.

IT IS THEREFORE ORDERED that the Mayor be authorized to execute an agreement with JZP whereby JZP is authorized to construct a roof next to the train depot building in Livingston Park.

IT IS FURTHER ORDERED that JZP shall solicit competitive quotes; select a contractor that will, at its expense, carry public liability and contractor's protection, liability insurance, each with maximum limits of \$1,000,000/\$1,000,000 for bodily injury and \$1,000,000/\$1,000,000 for property damage, and Workman's Compensation Insurance.

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

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

Nays- None.

Absent- None.

ORDER AUTHORIZING A LETTER OF INTENT TO SERVE TO THE MISSISSIPPI PUBLIC SERVICE COMMISSION REGARDING THE SALE OF FOREST WOODS UTILITY COMPANY TO THE CITY OF BYRAM.

WHEREAS, the City of Jackson currently provides treatment services for the effluent from Forest Woods Utility Company at the City's Trahon/Big Creek Wastewater Treatment Plant; and

WHEREAS, the City of Jackson provides that treatment under a contract with Forest Woods Utility Company; and

WHEREAS, the City of Byram is purchasing Forest Woods Utilities from its current owners; and

WHEREAS, the Mississippi Public Service Commission has requested that the City of Jackson provide it with a Letter of Intent to Serve the City of Byram with wastewater treatment at its Trahon/Big Creek Wastewater Treatment Plant following the transfer of ownership to the City of Byram; and

WHEREAS, the Department of Public Works recommends the City provide the requested letter.

IT IS, THEREFORE, ORDERED that a letter of intent to the Mississippi Public Service Commission to serve the City of Byram with wastewater treatment for the former service area of Forest Woods Utility Company is authorized.

Council Member Stokes moved adoption; **President Tillman** seconded.

President Tillman recognized **Council Member Stamps** who inquired whether or not the City was selling the Trahon plant. **Terry Williamson**, Legal Counsel for the Department of Public Works, stated that the Trahon plant is not being sold. **Attorney Williamson** stated that the Forest Woods Utility Company is being acquired by the City of Byram. The City of Jackson has provided wastewater treatment for the effluent from Forest Woods Utility and the Byram is requesting an agreement for continuation of service.

Thereafter, **Council Member Stokes** withdrew his motion. **Vice President Priester** replaced the motion.

ORDER AUTHORIZING A LETTER OF INTENT TO SERVE TO THE MISSISSIPPI PUBLIC SERVICE COMMISSION REGARDING THE SALE OF FOREST WOODS UTILITY COMPANY TO THE CITY OF BYRAM.

WHEREAS, the City of Jackson currently provides treatment services for the effluent from Forest Woods Utility Company at the City's Trahon/Big Creek Wastewater Treatment Plant; and

WHEREAS, the City of Jackson provides that treatment under a contract with Forest Woods Utility Company; and

WHEREAS, the City of Byram is purchasing Forest Woods Utilities from its current owners; and

WHEREAS, the Mississippi Public Service Commission has requested that the City of Jackson provide it with a Letter of Intent to Serve the City of Byram with wastewater treatment at its Trahon/Big Creek Wastewater Treatment Plant following the transfer of ownership to the City of Byram; and

WHEREAS, the Department of Public Works recommends the City provide the requested letter.

IT IS, THEREFORE, ORDERED that a letter of intent to the Mississippi Public Service Commission to serve the City of Byram with wastewater treatment for the former service area of Forest Woods Utility Company is authorized.

Vice President Priester moved adoption; **President Tillman** seconded.

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

Nays- Stamps and Stokes.

Absent- None.

ORDER AUTHORIZING SINGLE SOURCE PURCHASE OF HARDWARE AND SOFTWARE UPGRADES, TRAINING, WEB-HOSTING, AND SUPPORT FOR WinCan PIPELINE ASSESSMENT SOFTWARE FROM WinCan LLC.

WHEREAS, the Sewer Maintenance Division of the Department of Public Works uses the WinCan Pipeline Assessment Software system to perform the assessment of problem areas in the sewage collection system to determine the necessary repairs or cleaning; and

WHEREAS, upgrades to the WinCan Pipeline Assessment Software system are necessary to continue the effective use of this system, which is a vital aspect of the City's compliance with its obligations under the Clean Water Act Consent Decree; and

WHEREAS, WinCan LLC is the only provider of the hardware and software upgrades, training, web-hosting, and support for the WinCan Pipeline Assessment Software system as evidenced by its letter stating that it is the sole provider of WinCan Pipeline Assessment Software, upgrades, and service in North America and South America; and

WHEREAS, the proposal for hardware and software upgrades, a module to integrate with CityWorks, training, web hosting, and support is \$53,990.00; and

WHEREAS, the Department of Public Works recommends accepting this price quote for the described bundle.

IT IS, THEREFORE, ORDERED that the certification of WinCan LLC as the sole provider of WinCan Pipeline Assessment software, upgrades, and service pursuant to Section 31-7-13 (m) (viii) is accepted.

IT IS FURTHER ORDERED that the proposal of WinCan LLC for hardware and software upgrades, a module to integrate with CityWorks, training, web hosting, and support in the amount of \$53,909.00 is accepted.

IT IS FURTHER ORDERED that payment to WinCan LLC in the amount of \$53,990.00 for the cost of the accepted proposal is authorized.

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

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

Nays- Stamps.

Absent- None.

ORDER AUTHORIZING THE SOLE SOURCE PURCHASE OF FACTORY-SUPPLIED PARTS FOR CASSETTE REFURBISHMENT OF THE FRAMES OF TRAIN #1 AND TRAIN #5 FROM ZENON ENVIRONMENTAL CORP. FOR THE O.B. CURTIS WATER TREATMENT FACILITY.

WHEREAS, the cassette frames of Train #1 and Train #5 are in need of repairs at the O.B. Curtis Water Treatment Facility; and

WHEREAS, the cassette frames of Train #1 and Train #5 have reached their lifespan due to normal wear and tear. These are the original cassette frames for these two trains when the membrane plant was put on-line in 2007; and

WHEREAS, the cassette refurbishment parts for the frames are necessary to maintain safe, high-quality potable water for the City of Jackson and to make enough water to meet the demands of the City; and

WHEREAS, ZENON Environmental Corp. is the sole source provider of the parts necessary for the repairs to the membrane plant equipment to the City of Jackson and has provided a cost of \$123,418.00 for the O.B. Curtis Water Treatment Facility; and

WHEREAS, the Department of Public Works recommends that the governing authority authorize the purchase of factory-supplied parts from ZENON Environmental Corp.

IT IS, THEREFORE, ORDERED that the City is authorized to purchase the parts necessary for the repairs to the membrane plant equipment from ZENON Environmental Corp. at a cost of \$123,418.00 for the O.B. Curtis Water Treatment Facility.

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

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

Nays- None.

Absent- None.

ORDER AUTHORIZING THE PROFESSIONAL SERVICES OF ALFA LAVAL INC., THE SOLE SOURCE MANUFACTURER AND SERVICE SUPPLIER, FOR EMERGENCY TROUBLESHOOTING AND INSPECTION OF CENTRIFUGE #2 LOCATED AT THE O. B. CURTIS WATER TREATMENT PLANT.

WHEREAS, the centrifuge used in the sludge plant at O. B. Curtis Water Treatment Plant failed on or about January 22, 2018, and repairs must be made; and

WHEREAS, the centrifuge is required for the de-watering of the alum sludge from the O. B. Curtis Water Treatment Plant; and

WHEREAS, the centrifuge is necessary to remain in compliance with the Mississippi Department of Environmental Quality (MDEQ); and

WHEREAS, Alfa Laval Inc., is the sole source manufacturer and service supplier of said equipment; and

WHEREAS, the onsite field service proposal, including travel, is \$8,200.00; and

WHEREAS, the Department of Public Works recommends the professional services agreement with Alfa Laval for emergency inspection at the O. B. Curtis Water Treatment Plant.

IT IS, THEREFORE, ORDERED that a field service proposal in the amount of \$8,200.00 is authorized.

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

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

Nays- None.

Absent- None.

* * * * *

ORDER AUTHORIZING THE MAYOR TO EXECUTE A ONE (1) YEAR EXTENDED SERVICE WARRANTY CONTRACT WITH MICRO-COMM, INC. TO PROVIDE PARTS AND SERVICE ON THE SCADA SYSTEMS FOR THE WATER STORAGE TANKS AND WELL SYSTEM.

WHEREAS, Micro-Comm, Inc. currently provides extended warranty services for the SCADA systems on the City Water Tanks and on the City well system; and

WHEREAS, the monitoring of the City's water storage tank levels and the status of the well system by SCADA is necessary for the proper operations of the water system in order to maintain adequate water supply and pressure; and

WHEREAS, the monitoring of the City wells by SCADA system ensures the safety of the public by notifying the water system operator of any problems with the chlorine feed system, including potentially harmful chlorine leaks; and

WHEREAS, this SCADA system has served the City since 1987 and is a proprietary system for which Micro-Comm, Inc. is the sole supplier of replacement parts and technical expertise; and

WHEREAS, the one-year extended service warranty contract in the amount of \$4,600.00 will ensure that the City has replacement parts available in the event components of the SCADA system fail or need troubleshooting; and

WHEREAS, the one-year extended service warranty contract also allows the City to obtain, as needed, onsite service for \$90.00 per hour (four-hour minimum), plus \$40.00 per hour travel time and all expenses or a maximum daily charge of \$900.00 per day plus \$40.00 per hour travel and all expenses; and

WHEREAS, the Public Works Department recommends this SCADA System one-year extended service warranty contract with Micro-Comm, Inc.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute any and all documents necessary to procure a one (1) year Extended Service Warranty Contract with Micro-Comm, Inc., to provide replacement parts and service at discounted rates for the water storage tanks and well system SCADA system for the water storage tanks and well system in the amount of \$4,600.00.

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

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

Nays- None.

Absent- None.

**RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
CONDEMNING VIOLENCE, THE USE OF GUNS TO COMMIT VIOLENT ACTS
AGAINST INNOCENT HUMANITY, GUN SHOWS PUTTING GUNS IN THE
HANDS OF IRRESPONSIBLE PERSONS; AND FOR THE PROMOTING OF THE
DENIAL OF GUN SHOWS IN 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 incidence of guns, violence related to guns, and gun shows with questionable gun background checks has contributed to the loss of life in this City, State, and Nation; and

WHEREAS, responsible gun ownership does not include the use of guns for violence against innocent human beings; and

WHEREAS, gun shows in the City of Jackson are counterproductive.

THEREFORE, BE IT HEREBY RESOLVED that the City Council of Jackson, Mississippi hereby supports the condemnation of violence, the use of guns to commit violence against humanity, gun shows putting guns in the hands of irresponsible persons; and for the promoting of the denial of gun shows in the City of Jackson.

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

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

Nays- Foote.

Absent- None.

**RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
SUPPORTING THE REOPENING OF LAKE HICO.**

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

WHEREAS, recreation and jobs will increase with the reopening of Lake Hico in the City of Jackson; and

WHEREAS, Lake Hico is a safe and valuable asset and the reopening of Lake Hico will raise the quality of life for the citizens of the City of Jackson.

THEREFORE, BE IT HEREBY RESOLVED that the City Council of Jackson, Mississippi hereby supports the reopening of Lake Hico in the City of Jackson.

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

President Tillman recognized **Council Member Stokes** who invited **Corinthian Sanders** to provide information regarding the benefits of reopening Lake Hico.

Thereafter, **Council Member Stokes** and **Banks** withdrew their motion and second. Said item was referred to the Planning Committee.

**ORDER OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI REVISING
FISCAL YEAR 2017-2018 BUDGET TO RESTORE THE MONIES RECEIVED
FROM THE GRAND GULF NUCLEAR STATION.**

WHEREAS, the City of Jackson, Mississippi receives approximately \$1.6 million every year from the Grand Gulf Nuclear Station for emergency planning along the Highway 18 corridor which is designated as one of the evacuation routes for the Grand Gulf Nuclear Station; and

WHEREAS, said revenue has historically been utilized as part of the General Fund to fund city programs and services; and

WHEREAS, the City Council of Jackson, Mississippi agrees that said funds should be used for its intended purpose.

IT IS THEREFORE ORDERED by the City Council of Jackson, Mississippi that the fiscal year 2017-2018 budget be revised to transfer \$975,000 from Account Number 001-5899, the Applied Fund Balance and placed into Fund 365, the Grand Gulf Emergency Planning Improvement Fund, effective immediately.

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

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

Council Member Stamps and Stokes left the meeting.

President Tillman recognized Vice President Priester who moved, seconded by Council Member Banks to add an Agenda Item that had not been submitted to the City Clerk by the agenda deadline of 3:00 P.M., Wednesday, February 21, 2018 as mandated by Sec. 2-63 of the Jackson Code of Ordinances. The motion prevailed by the following vote:

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

Note: Council Member Stamps returned to the meeting and did not participate in the vote.

Thereafter, President Tillman requested that the Clerk read the Order:

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND ENVIRONMENTAL MANAGEMENT PLUS, INC. AND ADVANCED ENVIRONMENTAL CONSULTANTS, INC. FOR THE USE OF LEAD-BASED PAINT HAZARD CONTROL (LBPHC) GRANT 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 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 the U.S. Department of Housing and Urban Development's Lead-Based Paint Hazard Control Grant and Healthy Homes Supplemental Funds and \$487,377 of matching Community Development Block Grant (CDBG) funds; and

WHEREAS, on January 8-31, 2018, the Department of Planning and Development through the Office of Housing and Community Development advertised a Request for Proposals (RFPs) for the Lead Safe Jackson Housing Program to invest Lead-Based Paint Hazard Control (LBPHC) Grant and Community Development Block Grant funds for inspection, lead risk assessments, and clearance tests of lead hazards to renter and owner occupied units throughout the City; and

WHEREAS, on January 31, 2018, the Office of Housing and Community Development received three (3) RFP's; and

WHEREAS, two (2) lead contractors offered the lowest rate to perform lead inspections, lead risk assessments, and lead clearance tests on qualifying units enrolled in the Lead Safe Jackson Housing Program; and

MINUTE BOOK 6M

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, FEBRUARY 27, 2018 6:00 P.M.**

WHEREAS, the City wants to award contracts to Advanced Environmental Consultants, Inc. and Environmental Management Plus, Inc. to perform Lead Safe Jackson Housing Program activities in the amount of \$1,500.00 per unit and \$500.00 per unit to perform lead based paint clearance testing, 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 Advanced Environmental Consultants, Inc. and Environmental Management Plus, Inc. 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 citywide.

Vice President Priester moved adoption; **President Tillman** seconded.

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

DISCUSSION: OFFICER INVOLVED SHOOTINGS: **President Tillman** recognized **Council Member Stamps** who requested that **Anthony Moore**, Interim Chief of Police, provide a brief overview of the police department's Use of Force policy. **Interim Chief Moore** stated that the policy varies and officers have the right to use deadly force if they are placed in eminent danger of themselves or the lives of other citizens. After, a thorough discussion, said item was referred to the Government Operations Committee.

There came on for consideration Agenda Item No. 25:

DISCUSSION: 3520 HORTON STREET, JACKSON, MISSISSIPPI: **President Tillman** stated that said item would be tabled due to the absence of **Council Member Stokes**.

There came on for consideration Agenda Item No. 26:

DISCUSSION: MANHATTAN ROAD: **President Tillman** stated that said item would be tabled due to the absence of **Council Member Stokes**.

DISCUSSION: CASH BONDS: **President Tillman** recognized **Council Member Stamps** who stated that said item would be referred to the Government Operations Committee to discuss adjusting the cash bail system.

DISCUSSION: ELECTRONIC BIDDING: President Tillman recognized Vice President Priester who inquired about the status of the City's obligation to participate in electronic bidding. Dr. Charles Hatcher, Director of Administration, stated that permission has been granted by the Department of Finance Administration to be exempted from the Reverse Auction's February deadline and that a two-month extension has been requested. Dr. Hatcher stated that he is currently working with the City Clerk to secure electronic bidding.

Council Member Stamps left the meeting.

DISCUSSION: OPIOID CRISIS: President Tillman recognized Mayor Chokwe Antar Lumumba who stated that said item had been discussed during the February 26, 2018 Work Session.

Council Member Banks moved, seconded by Council Member Lindsay to consider going into Executive Session to discuss litigation. The motion prevailed by the following vote:

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

Vice President Priester moved, seconded by Council Member Banks to go into Executive Session to discuss litigation. The motion prevailed by the following vote:

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

President Tillman announced to the public that the Council voted to go into Executive Session to discuss litigation.

Vice President Priester moved and Council Member Lindsay seconded to come out of Executive Session. The motion prevailed by the following vote:

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

Note: Council Member Foote left the meeting during Executive Session.

President Tillman announced to the public that the Council voted to come out of Executive Session and no action was taken.

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, FEBRUARY 27, 2018 6:00 P.M.

The following reports/announcement were provided during the meeting:

- **Mayor Chokwe Antar Lumumba** announced that a Crime and Justice Summit would be held on April 19, 2018 at 6:00 p.m. at the Jackson Convention Center.
- **Mayor Chokwe Antar Lumumba** announced that “What Makes You a Jacksonian” community conversation would be held as follows:
 - March 1, 2018 at 6:00 p.m. at Precinct 1 located at 810 Cooper Road
 - March 5, 2018 at 6:00p.m. at the Smith Robertson Museum
 - March 8, 2018 at 6:00 p.m. at Broadmeadow United Methodist Church

The meeting was closed in memory of the following individuals:

- **Vincent Johnson**

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Council meeting/Confirmation Hearing at 2:30 p.m. on March 6, 2018; at 11:59 p.m., the Council stood adjourned.

ATTEST:

APPROVED:

Christi Moore
CITY CLERK

Chokwe A. Lumumba, ^{SR} 3/27/2018
MAYOR _{KB} DATE
