

RULES COMMITTEE MINUTES
Tuesday, January 21, 2020 2:00 P.M.

Present: Committee Members: Chairperson, Aaron Banks; Vice Chair, Ashby Foote; Melvin Priester, Jr.; Virgi Lindsay, Council President and Charles H. Tillman. Kristi Moore, City Clerk; Allice Lattimore, Deputy City Clerk; and Timothy Howard, City Attorney.

Absent: None.

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The meeting was called to order by **Chairperson Aaron Banks.**

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ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI TO AMEND THE CODE OF ORDINANCES OF THE INTERNAL AUDIT COMMITTEE.

WHEREAS, the City Council of Jackson, Mississippi is dedicated to increasing the accountability and transparency within the City of Jackson; and

WHEREAS, the City Council recognizes the need to ensure that the Internal Audit Committee maintains a keen sense of neutrality and objectivity with respect to auditing and preventing the assumption and perception of waste, fraud and abuse; and

WHEREAS, the governing authorities of the City of Jackson are in agreement that the Internal Audit Committee would serve the citizens of Jackson with the City Council having oversight over the Office of the Internal Auditor.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JACKSON, MISSISSIPPI that an ordinance to codify the principal function of the Internal Audit Committee be amended to read as follows:

Sec. 2-501.- Created.

There is hereby created an internal audit committee whose purpose shall be to have oversight and review the performance evaluation reports as prepared by the office of the internal auditor and any other reports as requested by the City Council of Jackson, Mississippi.

Sec. 2-502.- Composition.

The internal audit committee shall consist of five members. Three members shall be members of the city council, a chair and two council members shall be appointed by the president of the city council, one member shall be the mayor, or the mayor may designate the chief administrative officer or such other designee as he so elects, and one member shall be the city's chief financial officer or other such designee. Meetings shall be closed to only committee members.

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Sec. 2-503. – Duties and responsibilities; annual work plan.

The internal audit committee shall review the performance evaluation reports as prepared by the office of the Internal auditor and any other reports which may be requested.

Sec. 2-504. – Special projects.

Special projects may be requested to the internal audit committee from the Jackson City Council or by the mayor or chief administrative officer as conditions warrant. The special projects should require no more than 25 percent of the responsibilities and time of the office of the internal auditor.

Sec. 2-505. – Submission of findings.

Upon completion of any special internal audit or project, the office of the internal auditor shall submit all findings in writing to the mayor, chief administrative officer, the applicable department director, and to the internal audit committee.

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

Chairperson Banks recognized **Attorney James Anderson**, Deputy City Attorney, who requested that said item be held until the Legal Department could provide a full amended document that would comply with State statute.

After a thorough discussion, **Council Members Banks** and **Foote** withdrew their motion and second. Said item would remain in committee pending further research.

There came on for consideration Agenda Item No. 2:

RESOLUTION OF THE CITY COUNCIL OF JACKSON EXECUTING A VOTE OF NO CONFIDENCE IN THE COMPANY: VEOLIA NORTH AMERICA. Said item was withdrawn from the agenda by the author, **Council Member Banks**.

ORDINANCE AMENDING ARTICLE I, SECTION 110-2(a)(1) OF THE JACKSON CODE OF ORDINANCES- PROCEDURE FOR RENAMING STREETS AND PUBLIC FACILITIES.

WHEREAS, Section 110-2 of the Code of Ordinances of the City of Jackson, Mississippi, establishes the procedures for renaming streets and public facilities; and

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WHEREAS, the City of Jackson finds it necessary to amend rules and regulations relating to the procedure for renaming streets and public facilities to provide for a more efficient process; and

THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Section 110-2 of the Code of Ordinances of the City of Jackson, Mississippi, is hereby deleted and replaced to read as follows:

Sec. 110-2. - Procedure for renaming streets and public facilities.

The city council may name or rename a street or public facility within the city by ordinance through the formal renaming process or the honorary renaming process as outlined in this section. Streets and public facilities named through the formal renaming process change the official street name. Streets and public facilities renamed through the honorary renaming process are given an honorary name and allow for placement of commemorative signs, plaques, or other items in addition to existing street signs or facility signs.

(a) For the purposes of this section “public facility” and “streets” are defined as follows:

(1) Public facility means a building, structure or land owned by the City of Jackson.

(2) Street(s) means open and in use rights-of-way, which are dedicated to the City of Jackson. State and federally maintained streets and highways are not included in this definition.

(b) Formal Renaming

(1) Public Hearing and Notice

i. A public hearing is required for formal renaming of streets and public facilities.

1. In the case of a street renaming or public facility renaming public notice is required in a newspaper of general circulation within the City of Jackson, Mississippi, indicating the time and date of the hearing and a detailed description of the street or public facility to be named or renamed, the existing name, if applicable and the proposed name.

2. In the case of a street renaming, a letter including the date, time, location, and purpose of the stated public hearing must be sent to property owners within 160 feet of the proposed renaming via certified mail. The form for notice is to be provided by the planning department.

3. In the case of a public facility renaming, a sign providing notice of the requested name change and the date, time, and location of the public hearing must be placed at the main entrance of the public facility sought to be renamed. For larger facilities additional signs are to be provided at the request of the planning department.

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ii. The required notice must be provided at least 15 days in advance of the public hearing.

(2) A person seeking the renaming of a city street, or the naming or renaming of a public facility may file an application for such a request with the planning department on a form provided by the planning department. Such application must include:

- i. Initial Application
- ii. Name and address of petitioner.
- iii. Current and proposed name of the street or facility.
- iv. A written description and statement of significance of the proposed renaming.
- v. A map identifying the street or facility to be named.
- vi. Payment of required fee.
- vii. Proof of Notice

1. Proof of notice is to be submitted after initial application is reviewed.
2. The petitioner must show proof of publication of required advertisement.
3. If the application is for the formal renaming of a public street, the petitioner must show proof of notification to the required property owners by submitting certified mail receipts and a copy of the letter sent to the listed property owners.
4. If the application is for the formal renaming of a public facility, the petitioner must show proof of notification by sign at the required locations.

(3) Upon receipt of initial application, the planning department must:

- i. Review the application for completeness.
- ii. Review the proposed name for availability.
- iii. Set a public hearing date on the next available city council agenda that allows sufficient time for notice requirements to be met.
- iv. For street renaming, provide the petitioner the required notification list of property owners within 160 feet of the proposed renaming and the required form of notice.
- v. For public facilities renaming, provide the petitioner the required locations for placement of notification signs.
- vi. Transmit the application for review to the Public Works Department, Fire Department, and any other department the Planning Director deems pertinent.

(4) Upon completion of application, submission of proof of notice, and internal review, the planning department is to place the ordinance for the petition on the city council agenda. The planning department is to provide a written report to city council that includes the following information:

- i. A statement indicating how many properties are affected by the proposed change and the potential impact of the proposed change.
- ii. A statement indicating the estimated cost the City will incur if the proposed renaming is approved.

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- iii. A statement indicating if the proposed renaming will be able to be produced by the standard sign manufacturing capabilities of the public works department.
- iv. A statement identifying if the application meets the required criteria identified in this section.
- v. Any comments or concerns identified during internal staff review.

(5) Upon conclusion of the hearing on any petition as submitted under this section, the full city council may, in its discretion, adopt an ordinance naming or renaming of the street or public facility.

(c) Honorary Renaming

(1) Public Hearing and Notice

i. A public hearing is required for honorary renaming of streets and public facilities.

1. Public notice in a newspaper of general circulation within the City of Jackson, Mississippi, indicating the time and date of the hearing and a detailed description of the street or public facility to be named or renamed, the existing name, if applicable and the proposed name. The notice shall be published at least 15 days in advance of the public hearing.

2. In the case of an honorary street renaming, a sign providing notice of the requested name change and the date, time, and location of the public hearing must be placed at the intersections of the beginning and end of the street sought to be renamed. For longer streets additional signs are to be provided at the request of the planning department.

3. In the case of a public facility renaming, a sign providing notice of the requested name change and the date, time, and location of the public hearing must be placed at the main entrance of the public facility sought to be renamed. For larger facilities additional signs are to be provided at the request of the planning department.

ii. The required notice must be provided at least 15 days in advance of the public hearing.

(2) A person seeking the honorary renaming of a city street, or the honorary naming or renaming of any other city property may file an application for such a request with the planning department on a form provided by the planning department. Such application must include:

i. Initial Application

- 1. Name and address of petitioner.
- 2. Current and proposed name of the street or facility.
- 3. A written description and statement of significance of the proposed renaming.
- 4. A map identifying the street or facility to be named.
- 5. Payment of required fee.

ii. Proof of Notice

- 1. Proof of notice is to be submitted after initial application is reviewed.
- 2. The petitioner must show proof of publication of required advertisement.
- 3. The petitioner must show proof of notification by sign at the required locations.

(3) Upon receipt of initial application, the planning department must:

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- i. Review the application for completeness.
- ii. Review the proposed name for availability.
- iii. Set a public hearing date on the next available city council agenda that allows sufficient time for notice requirements to be met.
- iv. Provide the petitioner the required locations for placement of notification signs.
- v. Provide the petitioner the format and directions for newspaper notice.
- vi. Transmit the application for review to the Public Works Department, Fire Department, and any other department the Planning Director deems pertinent.

(4) Upon completion of application, submission of proof of notice, and internal review, the planning department is to place the ordinance for the petition on the city council agenda. The planning department is to provide a written report to city council that includes the following information:

- i. A statement indicating the estimated cost the City will incur if the proposed renaming is approved.
- ii. A statement indicating if the proposed renaming will be able to be produced by the standard sign manufacturing capabilities of the public works department.
- iii. A statement identifying if the application meets the required criteria identified in this section.
- iv. Any comments or concerns identified during internal staff review.

(5) Upon conclusion of the hearing on any petition as submitted under this section, the full city council may, in its discretion, adopt an ordinance providing for honorary naming or renaming of the street or public facility.

(d) All persons and bodies reviewing, providing a recommendation on, or disposing of a proposed renaming are to take into consideration the following criteria:

(1) Consideration is to be primarily given to the following purposes: to honor and commemorate noteworthy persons associated with the City; to celebrate local history, places, events or culture; to strengthen neighborhood identity; or to recognize native wildlife, flora, fauna or natural features related to the community and the City.

(2) If an application is made to rename a street after an individual, this person must have:

- i. Demonstrated excellence of contributions to the City's development, community service, personal sacrifice for public service or national defense, or efforts to foster equality among the citizens of the City.

- ii. Historical significance locally, nationally or globally with significant local or regional ties.

(3) An unbroken, continuous street must maintain the same name throughout the entire section. Honorary street naming can occur by block or segment.

(4) A proposed street name should not duplicate (written or phonetically) an existing street name, or create confusion or problems for the City's emergency services.

(5) Street names must not be longer than can be produced by the standard sign manufacturing capability of the public works department.

(e) Denial of an application may be appropriate if the proposed renaming may tend to bring disrepute upon the community for any reason, or would not be looked upon favorably by a majority of City residents.

(f) Fees

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- (1) A \$250.00 application fee shall be paid when the application is filed.
- (2) An installation fee in the amount of \$150.00 for each sign to be changed per each street intersection shall be paid upon approval of any naming or name change of a street or public facility.
- (3) Any costs associated with notice, advertisement, publication and all other fees or costs associated with processing petitioner's application shall be borne by the petitioner.
- (4) Application and Installation fees are not applied if petition is submitted by the Mayor or a member of the City Council.

SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Article be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances of the City of Jackson, Mississippi, as a whole.

SECTION 3. This ordinance shall become effective thirty (30) days after passage, and upon publication in accordance with Section 21-13-11 of the Mississippi Code Annotated, As Amended.

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

Chairperson Banks recognized **Jordan Hillman**, Director of Planning and Development, who stated that the Planning Department has prepared an alternate draft for street renaming process. The proposed document would offer to separate processes; one for formal street renamings and another one for honorary renamings.

Thereafter, **Council Members Banks** and **Priester** withdrew their motion and second. Said item would remain in committee.

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ORDINANCE AMENDING ARTICLE I, SECTION 110-28, OF THE CITY OF JACKSON, MISSISSIPPI CODE OF ORDINANCE, PROCEDURES FOR THE ERECTION OF PUBLIC ACCESS GATES TO NEIGHBORHOODS.

WHEREAS, the City of Jackson has received requests from citizens for the allowance of the installation of access gates across publicly dedicated streets, thoroughfares, rights-of-way and easements and the entrances to subdivisions located within the City; and

WHEREAS the City of Jackson has determined that it would be in the best interest of the City to amend the procedures required for the request and approval of said access gates.

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

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Sec. 110-28. - Procedures for the erection of public access gates to neighborhoods are amended as follows:

(a) Applicability. This section shall apply to any residential street within the city in which the homeowner's organization or other approved applicant agrees to install and maintain the gate(s) at applicant's sole expense.

(b) Accessibility.

(1) Gates controlling entry to residential streets must provide full and equal access to the residential neighborhood to all members of the general public 24 hours a day, seven days a week.

(2) All public access gates should be marked with signage indicating that it is open to the public. Gates may only be erected in neighborhoods, which are defined as one or more of the following:

a. Residential areas within the boundary of one homeowner's association.

b. Residential areas shown on one or multiple recorded plats with the same or similar name commonly considered or referred to as one neighborhood that may or may not be the same name as the recorded plat(s); or

c. Other areas determined by city staff to be distinctive and cohesive.

(3) Gates shall not be erected on or in conflict with any collector or arterial streets as shown on the current MDOT functional classification system map. (<http://mdot.ms.gov/documents/planning/?dir=Maps/Functional%20Class%20Maps/>).

(c) Gate Approval Process – Prior approval is required for installation of public access gates.

(1) Pre-Application Meeting – Prior to submittal a Public Access Gate Application, a pre-application meeting with Planning and Development Staff is required.

(2) Conceptual Drawing– Prior to submittal of a Public Access Gate Application, a conceptual drawing showing proposed locations shall be submitted to Planning and Development. After submittal of conceptual drawing, staff shall provide written notice to proceed with community meeting.

(3) Community Meeting – The applicant shall hold a community meeting to share conceptual drawings and to gather input. Planning and Development staff shall be present to provide technical support.

a. Notice Required:

(1) All property owners in the neighborhood boundary must be notified by certified mail of the time, place, and location of the community meeting at least 15 days prior to the scheduled meeting.

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(2) All property owners identified by staff as directly affected by the gate outside of the neighborhood boundary.

(3) Upon filing an application, a public notice sign, with time, date, and location for the community meeting, shall be posted at all proposed gate locations 15 days prior to the community meeting for the proposed gate.

b. Meeting Format: During the community meeting, the conceptual drawings shall be shared and a record of all input provided shall be kept by staff.

c. Upon completion of the public notice and community meeting required, the Planning and Development staff shall provide written approval to move forward to submit a formal application within 60 days.

(4) Formal Application: All applications for permits to install gates shall be submitted to the Department of Planning and Development's site plan review coordinator. All permit applications shall contain the following information:

a. Scaled site plans or photographs showing proposed gate dimensions and details of surrounding streetscape elements, including property lines, sidewalks, curb lines, lighting, trees indicating size, tree grates, planters, street signs, bus stops and fire hydrants if relevant.

b. A petition reflecting that at least 75 percent of the property owners who reside within the proposed gated area are in favor. In lieu of a petition, a ballot may be sent by mail to all property owners who reside within the proposed gated area. If 75 percent of those property owners vote in favor of the gate(s), a sworn letter confirming that the vote occurred as described shall be submitted in place of a petition. The names and addresses of property owners voting in favor of the public access gate must be provided with the sworn letter.

c. Any other additional information required by law, rule, or ordinance, or that any department of the city or city council, or the permit applicant reasonably deems appropriate to assist the city in determining whether the permit should be granted. The application can be supplemented prior to final determination.

d. Proof of Notice: Applicant shall provide visual time stamped evidence that public notice signs have been properly displayed and certified mail receipts for required letters.

(d) *Design standards.*

(1) All gate installations must conform to the following provisions:

a. Gates shall be designed in such way as to avoid damage to existing public infrastructure including road surface, base, and curbing.

b. A turn around space shall be constructed at the expense of the applicant or homeowners' association in an area at a distance in front of the public

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access gate to allow an average size passenger vehicle to turn around and leave without accessing the gate.

c. The absence of signage or use of signage, which in any manner discourages entrance by the public, shall not be allowed.

d. The gate shall have a Firebox and SOS system, which allows access by emergency vehicles, including fire and police department vehicles. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.

e. The area containing and adjacent to the public access gate shall be sufficiently lighted so that the public access gate may be easily seen at night.

f. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times. In the event of a loss of power, a default open function shall be installed to keep the gate open until such time as power has been restored.

g. In neighborhoods where multiple entrances exist, exit-only gates may be permitted so long as one entrance remains open to the general public at all times. The city shall determine whether or not a gate location is suitable to function as an "exit-only" gate on a case-by-case basis in the site plan review process.

h. The public access gate shall comply with all other design standards consistent with a policy established by staff to implement this section.

i. Gate shall have a primary and secondary means of triggering the public access gate control mechanism. Use of loops in the pavement is not allowed.

(2) Gates securing the fire apparatus access roads shall comply with all of the following criteria:

a. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).

b. Gates shall be of the swinging or sliding type.

c. Construction of gates shall be of materials that allow manual operation by one person.

d. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

e. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.

f. Electric gate operators, where provided, shall be listed in accordance with UL 325.

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g. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

(3) The applicant shall assume all costs and responsibility for planning, installation, and maintenance of the public access gate, including repair or replacement if the public access gate malfunctions, become inoperable, or is damaged.

(4) City shall have the right to enter, inspect, disable, open, or remove any device or other feature that implements or controls vehicle access at the sole expense of the applicant. All gate signage and equipment are subject to periodic inspection by the city and if found to be in a condition of disrepair must be repaired by the applicant within five days of written notice from the city to the applicant's listed point of contact. Any request for extension of time to repair must be approved, in writing, by city staff. While the gate is under repair it shall remain in an open position at all times.

(5) To protect the interests of the city, the applicant shall obtain a policy of liability insurance in an amount of not less than \$1,000,000.00, which policy will include the city as an additional insured interest and which will protect against costs, expenses, damages or judgments associated with claims arising out of the approval, installation and maintenance of the public access gate. Further, the applicant shall indemnify the city and hold harmless for any costs, expenses, damages or judgments associated with claims arising out of the approval, installation and maintenance of the public access gate.

(6) Upon submission of application to the site plan review committee, the applicant shall name an individual who will act as the point of contact for any issues relating to or regarding its gate. The applicant shall keep on file with the planning and development department the name, telephone number, and email address of the point of contact. Additionally, each applicant shall provide the same information of an alternate to act in the absence of the point of contact.

(e) Approval and appeals process.

(1) Within 60 days of receipt of the formal application, the site plan review committee shall make a written recommendation for approval or denial to be submitted to the planning and development director. At that time, the planning and development director shall notify the applicant of the determination, and shall also place upon the city council agenda its recommendation for the approval or denial of a permit to erect a public access gate. Council shall then, by regular or special called meeting, conduct a public hearing in which interested parties and general citizenry shall have an opportunity to be heard. Before the city council holds such a hearing, there shall be two advertisements of the hearing. Said advertisements set forth the time and place of the hearing, and describe the nature of the proposed action. Such publications shall be submitted to the city clerk's office for publication in a newspaper approved by staff and of general circulation within the city. The first publication shall be made at least 15 calendar days before such hearing. All advertising costs shall be borne by the applicant. Proof of

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publication shall be provided to the planning and development director five calendar days prior to the scheduled hearing.

(2) Any party aggrieved by a recommendation of the site plan review committee may, at the aforementioned public hearing, make known their opinions in support or in opposition to the committee's recommendation.

SECTION TWO: Should any sentence, paragraph, clause, phase, or section of this Article be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Article as a whole, or any part or provision thereof other the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinance of the City of Jackson, Mississippi, as a whole

SECTION THREE: This ordinance shall become effective thirty (30) days after passage, and upon publication in accordance with Section 2-13-11 of the Mississippi Code Annotated, as amended.

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

Chairperson Banks recognized **Jordan Hillman**, Director of Planning and Development, who stated that the Planning Department has prepared an amendment to gating ordinance. The proposed draft amendment would address a lot of the challenges that the current ordinance possesses. The proposed amendments would streamline the approval process and have community engagement.

Chairperson Banks recognized **Dana Robertson**, Executive Director of the Greater Eastover Neighborhood Association, who spoke in support of the proposed amendments to the gating approval process.

Thereafter, **Council Members Banks** and **Priester** withdrew their motion and second. Said item would remain in committee.

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There came on for consideration Agenda Item No. 5:

ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI REQUIRING A MANDATORY PUNISHMENT AND FINE FOR PARENTS AND/OR GUARDIANS OF MINORS UNDER 18 YEARS OF AGE WHO HAVE COMMITTEED A CRIME WITH A HANDGUN AND/OR FOUND TO HAVE POSSESSION OF A HANDGUN. Said item was withdrawn from the agenda by the author, **Council Member Banks**.

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There came on for consideration Agenda Item No. 6:

**ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
PROHIBITING ADVERTISEMENT OF IMAGES FEATURING GUNS AND THE
LIKENESS OF GUNS IN THE CITY OF JACKSON.** Said item would remain in
committee to allow further research.

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There being no further business, the meeting was adjourned at 2:44 p.m.