

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, FEBRUARY 10, 2015 10:00 A.M.**

BE IT REMEMBERED that a Regular Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 10:00 a.m. on February 10, 2015, being the second Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: De'Keither Stamps, President, Ward 4; Melvin Priester, Jr., Vice-President, Ward 2; Kenneth Stokes, Ward 3; Tyrone Hendrix, Ward 6 and Margaret Barrett-Simon, Ward 7. Directors: Tony Yarber, Mayor; Angela Harris, Deputy City Clerk; Allice Lattimore, Deputy City Clerk and Monica Joiner, City Attorney.

Absent: Ashby Foote, Ward 1 and Charles Tillman, Ward 5.

The meeting was called to order by **President De'Keither Stamps**.

The invocation was offered by **Pastor Roderick Richardson**, The Word Center.

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 CAR CARE CLINIC TO REFACE THE EXISTING NON-CONFORMING 82 SQUARE FOOT GROUND SIGN WITHIN A C80/MU ZONE THAT LIMITS GROUND SIGNS TO ONLY BE 15 SQUARE FEET IN SIZE.

President Stamps recognized Aubrey Hursh, with Sign Crafters, Inc. and Bob Tewes, owner of Car Care Clinic, who spoke in favor of said Order and requested that the Council approve said variance.

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO DENY THE SIGN VARIANCE REQUEST FOR CAR CARE CLINIC TO REFACE THE EXISTING NON-CONFORMING 82 SQUARE FOOT GROUND SIGN WITHIN A C80/MU ZONE THAT LIMITS GROUND SIGNS TO ONLY BE 15 SQUARE FEET IN SIZE.

There was no opposition from the Public.

President Stamps recognized **Mayor Tony Yarber** who introduced the following individuals:

- **Dr. William Merritt**, Executive Director of Jackson Public Schools Elementary Education
- **Dr. Karla McCollough**, Executive Director of the Juanita Sims-Doty Foundation
- **Dr. Kathleen Grigsby**, Principal of Davis Magnet School

Mayor Tony further introduced and presented resolutions to the "Duke Tips Scholars" of Davis Magnet School. Accepting the Resolutions with appropriate remarks was Dr. Kathleen Grigsby.

President Stamps requested that Agenda Items No. 25 and 26 be moved forward on the Agenda. Hearing no objections, the following was presented:

Mayor Tony Yarber presented a PROCLAMATION HONORING AND COMMENDING ALEXANDER WASHINGTON ON HIS RECENT ACHIEVEMENTS AND COMMITMENT TO EXCELLENCE. Accepting the Proclamation with appropriate remarks was Alexander Washington.

Mayor Yarber presented a PROCLAMATION HONORING AND COMMENDING JORDAN CHRISTINA RICE ON HER RECENT ACHIEVEMENTS AND COMMITMENT TO EXCELLENCE. Accepting the Proclamation with appropriate remarks was Jordan Christina Rice.

President Stamps recessed the meeting at 10:25 a.m.

President Stamps called the meeting back to order at 10:40 a.m.

There came on for Introduction Agenda Item No. 4:

ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI ESTABLISHING THE HONORARY RENAMING OF OAK PARK STREET FROM HOLLYWOOD AVENUE TO CENTER STREET IN HONOR OF MOTHER ARZELIA GRIFFIN. 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 DR. MARTIN LUTHER KING, JR. DRIVE FROM ANN BANKS STREET TO GRANDBERRY STREET IN HONOR OF CELLIE B. LEWIS. Said item was referred to the Planning Committee.

ORDER APPROVING CLAIMS NUMBER 4861 TO 5246, APPEARING AT PAGES 776 TO 833, INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$13,982,119.02 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 4861 to 5246 appearing at pages 776 to 833, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$13,982,119.02 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

BUSINESS IMPROV FUND (LANDSCP)	151,395.48
CAPITAL CITY REVENUE FUND	500.00
DISABILITY RELIEF FUND	1,646,052.79
EARLY CHILDHOOD (DAYCARE)	321.56
EMPLOYEES GROUP INSURANCE FUND	19,680.21
G O PUB IMP CONS BD 2003 (\$20M)	26,664.86
GENERAL FUND	10,598,845.53
HAIL DAMAGE MARCH 2013	945.08
HOME PROGRAM FUND	2,000.00
LANDFILL/SANITATION FUND	93,372.48
MADISON SEWAGE DISP OP & MAINT	2,559.09
P E G ACCESS- PROGRAMMING FUND	1,675.56
PARKS & RECR FUND	29,896.82
REPAIR & REPLACEMENT FUND	369.03
RESURFACING – REPAIR & REPL. FD	15,702.92
STATE TORT CLAIMS FUND	426.21
TECHNOLOGY FUND	30,184.83
TITLE III AGING PROGRAMS	3,869.07
TRANSPORTATION FUND	391,235.97
UNEMPLOYMENT COMPENSATION REVO	22,183.93
VEHICLE POOL FUND	570.00
WATER/SEWER CAPITAL IMPR FUND	53,996.73
WATER/SEWER OP & MAINT FUND	877,279.75
WATER/SEWER REVENUE FUND	12,391.12

TOTAL **\$13,982,119.02**

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

President Stamps recognized **Trivia Jones**, the City’s Director of Administration, who provided the Council with a brief overview of the Claims Docket at the request of **President Stamps**.

Thereafter, **President Stamps** called for a vote on the Claims Docket:

- Yeas- Barrett-Simon, Hendrix and Stamps.
- Nays- Stokes.
- Abstention- Priester.
- Absent- Foote and Tillman.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 4861 TO 5246 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 4861 to 5246, inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$ 243,572.39 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the Payroll Fund for the immediate payment thereof.

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

<u>FROM</u>	<u>TO ACCOUNTS PAYABLE FUND</u>	<u>TO PAYROLL FUND</u>
GENERAL FUND		2,104,523.58
PARKS & RECR. FUND		70,870.66
LANDFILL FUND		26,847.39
SENIOR AIDES		2,578.72
WATER/SEWER OPER. & MAINT		240,551.98
PAYROLL FUND		1,318.50
EARLY CHILDHOOD		35,250.02
HOUSING COMM DEV		6,629.52
TITLE III AGING PROGRAMS		6,176.40
AMERICORP CAPITAL CITY REBUILD		10,275.84
TRANSPORTATION FUND		5,370.77
T-WARNER PA/GA FUND		6,587.78
PAYROLL	243,572.39	

TOTAL **\$2,516,981.16**

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 TO THE CONTRACT WITH HYDRO-CHEM SYSTEMS, INC. FOR THE PURCHASE OF BUS WASH-RELATED EQUIPMENT FOR THE JATRAN ADMINISTRATION AND MAINTENANCE HEADQUARTERS, CITY PROJECT NO. 5AA7001.

WHEREAS, sealed competitive bids for the purchase of Bus Wash-Related Equipment for the JATRAN Administrative and Maintenance Headquarters were received on December 20, 2011; and

WHEREAS, the City of Jackson Hydro-Chem Systems, Inc. entered into an Agreement, authorized by the governing authorities at its March 20, 2012 regular meeting, for the purchase of Bus Wash-Related Equipment for the JATRAN Administration and Maintenance Headquarters, in the total amount of \$243,587.00; and

WHEREAS, notice to proceed for the production of design shop drawings was provided December 18, 2012; and

WHEREAS, due to delay resulting from the HVAC redesign and other construction delays, notice to proceed for the manufacture of the bus wash related equipment was never provided; and

WHEREAS, due to delays beyond its control Hydro-Chem Systems, Inc. the cost of materials and labor has increased \$18,269.03 as a result of the delay; and

WHEREAS, the Department of Public works recommends that the governing authorities accept Change Order No. 1 to the contract of Hydro-Chem Systems, Inc. in the amount of \$18,269.03 and authorize the Mayor to execute the change order.

IT IS, THEREFORE, ORDERED that Change Order No. 1 to the contract with Hydro-Chem, Inc. for Bus Wash-Related Equipment for the JATLAN Administration and Maintenance Headquarters, Project No. 5AA7001, in the amount of \$18,269.03 is accepted.

IT IS FURTHER ORDERED that the Mayor is authorized to execute, and the City Clerk is authorized to attest, Change Order No. 1 to the contract with Hydro-Chem Systems, Inc. for Bus Wash-Related Equipment for the JATLAN Administration and Maintenance Headquarters, Project No. 5AA7001, in the amount of \$18,269.03.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

ORDER AUTHORIZING FINAL PAYMENT TO BLISS PRODUCTS AND SERVICES, INC. FOR THE 2013 PLAYGROUND RESURFACING PROJECT, CITY PROJECT NUMBERS 3B8002 AND 3B8003, AND AUTHORIZING PUBLICATION OF NOTICE OF COMPLETION.

WHEREAS, on September 24, 2013, the City Council authorized the Mayor to execute a contract of \$23,260.00 with Bliss Products and Services, Inc., for the 2013 Playground Resurfacing Project, City Project Numbers 3B8002 and 3B8003; and

WHEREAS, the Mayor executed this contract on October 30, 2013; and

WHEREAS, Change Order One for additional playground surfacing at Grove Park in the amount of \$9,058.00 was approved by City Council on July 29, 2014; and

WHEREAS, the City of Jackson Engineering Division conducted a Final Inspection of the project on October 3, 2014; and

WHEREAS, the surety, The Ohio Casualty Insurance Company, Raymond E. Cobb, Jr., Attorney-in-Fact, has authorized release and payment of all money due under this contract; and

WHEREAS, the Director of the Department of Public Works recommends that the City accept this project and make Final Payment to Bliss Products and Services, Inc.

IT IS, THEREFORE, ORDERED that the City is authorized to make final payment of \$3,231.80 to Bliss Products and Services, Inc., and that the City Clerk publish Notice of Completion of the 2013 Playground Resurfacing Project, City Project Numbers 3B8002 and 3B8003.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

ORDER AUTHORIZING FINAL PAYMENT TO THE CONTRACT OF DIVERSIFIED CONSTRUCTION SERVICES, INC. AND ORDERING PUBLICATION OF NOTICE OF COMPLETION OF THE THALIA MARA HALL RENOVATIONS PROJECT, CITY PROJECT NO. 14B7000-701.

WHEREAS, the City entered into a contract with Diversified Construction Services, Inc., in the amount of \$849,000.00; said contract was approved by the City Council on March 3, 2014, for the Thalia Mara Hall Renovations Project, City Project No. 14B7000-701; and

WHEREAS, the Mayor executed this contract on March 6, 2014; and

WHEREAS, all work under this contract has been completed; and

WHEREAS, the surety, Hartford Fire Insurance Company, Angie M. Strickland, Attorney-in-Fact, has authorized release and payment of retainage and final payment to Diversified Construction Services Inc.; and

WHEREAS, the Department of Public Works has inspected the project and recommends the acceptance of the Thalia Mara Hall Renovations Project, City Project No. 14B7000-701.

IT IS, THEREFORE, ORDERED that final payment in the amount of \$42,450.00 is hereby authorized to be made to Diversified Construction Services, Inc.

IT IS FURTHER ORDERED that the City Clerk publish of the Notice of Completion for the Thalia Mara Hall Renovations Project, City Project No. 14B7000-701.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

ORDER ACCEPTING THE FOREST HILL ROAD BRIDGE REPLACEMENT, CITY PROJECT NO. 14B4004 AS COMPLETE, AUTHORIZING FINAL PAYMENT, AND FURTHER AUTHORIZING PUBLICATION OF NOTICE OF COMPLETION.

WHEREAS, the City of Jackson Engineering Division determined the bridge structure located on Forest Hill Road was structurally insufficient creating welfare and safety concerns for motorist traveling daily to their destination point; and

WHEREAS, the Department of Public Works requested the Mayor to declare an emergency, under Section 31-7-13(k) of the Mississippi Code of 1972, as amended, due to structural deficiencies of the Forest Hill Bridge structure causing closure and creating delayed response times for first responders; and

WHEREAS, the Mayor declared an emergency under Section 31-7-13 (k) of the Mississippi Code of 1972, as amended, to remove and replace the bridge structure; and

WHEREAS, the City Council authorized a contract with Socrates Garrett Enterprises, Inc. for the removal and replacement of the bridge structure; and

WHEREAS, a final inspection was held on December 5, 2014 and the Department of Public Works recommends acceptance of the project; and

WHEREAS, the Department of Public Works recommends final payment should be made to Socrates Garrett Enterprises, Inc., in an amount of \$13,800.00; and

WHEREAS, the bonding company, The Guarantee Company of North America, surety on performance of this contract, has authorized release and payment of all money due under this contract.

IT IS, THEREFORE, ORDERED that the Forest Hill Road Bridge Replacement, City Project No. 14B4004 is accepted as completed.

IT IS FURTHER ORDERED that final payment in the amount of \$13,800.00 should be made, that all securities held should be released to Socrates Garrett Enterprises, Inc., for all work done and material furnished under this contract, and that City Clerk should publish the Notice of Completion on the Forest Hill Road Bridge Replacement, City Project No. 14B4004.

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

Yeas- Barrett-Simon, Hendrix, Stamps and Stokes.
Nays- Priester.
Absent- Foote and Tillman.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND DONALD M. JONES/JONES LANDSCAPE & CONTRACTOR SERVICES, P.O. BOX 2126, JACKSON, MS 39225 FOR THE BOARD UP AND SECURING OF STRUCTURE(S) AND/OR THE CUTTING OF GRASS AND WEEDS AND REMOVAL OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE ACCORDING TO THE MISSISSIPPI CODE ANNOTATED SECTION 21-19-11.

WHEREAS, on February 27, 2014 the City Council adopted the resolutions, declaring certain parcels of real property in the City of Jackson to be a menace to public health, safety and welfare pursuant to Section 21-19-11 of the Mississippi Code pursuant to Administrative Hearing held on November 19, 2013 for the following case: Case# 2013-2526 located in Ward 7; and

WHEREAS, on June 9, 2014, the Jackson Police Department, Community Improvement Unit, solicited quotes from the qualified contractors to provide the stated services; and

WHEREAS, on June 26, 2014 quotes were received by the Office of the City Clerk; and

WHEREAS, the Chief of Police determined that Donald M. Jones/Jones Landscape & Contractor Services, submitted the lowest and best quote to provide stated services for the property located at: 1) 4087 Pine Hill Dr.; and

WHEREAS, the quote submitted by Donald M. Jones/Jones Landscape & Contractor Services, for the board up and securing of structure(s) and/or cutting of grass and weeds and cleaning of the aforementioned parcel was \$775.00.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute a contract with Donald M. Jones/Jones Landscape & Contractor Services, providing the board up and securing of structure(s) and the cutting of grass and weeds and removal of trash and debris on the stated property.

IT IS, THEREFORE, ORDERED that the payment for the said contract be made from the Community Improvement Unit's Budget.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.
Nays- None.
Absent- Foote and Tillman.

ORDER AUTHORIZING THE AWARD OF MATCHING FUNDS PURSUANT TO SECTION 39-15-1 OF THE MISSISSIPPI CODE IN THE AMOUNT OF \$140,000.00 TO THE GREATER JACKSON ARTS COUNCIL FOR THE PROMOTION OF THE ARTS AND AUTHORIZING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE AGENCY.

WHEREAS, Section 39-15-1 of the Mississippi Code Annotated (1972), as amended, authorizes the governing authorities of any municipality in their discretion to expend monies from the general fund to match any other funds available for the purpose of supporting the development, promotion, and coordination of the arts in the municipality; and

WHEREAS, the City of Jackson, Mississippi (hereinafter "City") allocated funds in the budget for the City's Department of Human and Cultural Services to be used to match other funds available for the purpose of supporting the development, promotion, and coordination of the arts; and

WHEREAS, the Greater Jackson Arts Council has provided to the City, a budget summary for the 2014 - 2015 fiscal year totaling \$578,300.00; and

WHEREAS, the agency has requested that the City support its effort to promote and coordinate the arts by awarding it funds in the amount of \$140,000.00, which shall be matched by funds from other sources in the amount of \$278,600.00; and

WHEREAS, the funds will be used to provide services to Jackson Public School students, students in Hinds County, Mississippi, neighborhood associations, artist organizations, and to provide funding or grants to established and emerging artists; and

WHEREAS, the monies will be reimbursed to the agency based upon its expenditures and upon receipt of documentation establishing its expenditures during the period February 25, 2015 through September 30, 2015; and

WHEREAS, it is in the best interest of the City of Jackson to support the agency's efforts and award the funds sought.

IT IS HEREBY ORDERED that matching funds in the amount of \$140,000.00 shall be awarded to the Greater Jackson Arts Council, and issued based on the Greater Jackson Arts Council's expenditures during the period February 25, 2015 - September 30, 2015.

IT IS FURTHER HEREBY ORDERED that the Mayor shall be authorized to execute an agreement with the Greater Jackson Arts Council for the award of said funds, as well as any and all documents related thereto.

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

President Stamps recognized **Janet Scott**, Executive Director of the Greater Jackson Arts Council, who provided Council with a brief overview of how the funds would be used within the City and how constituents could apply for assistance.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.
Nays- None.
Absent- None.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AND SUBMIT AN APPLICATION TO THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY (MDAH) FOR A CERTIFIED LOCAL GOVERNMENT GRANT FISCAL YEAR 2015 (CLGFY2015) FOR INTERIOR AND EXTERIOR RENOVATIONS TO THE SMITH ROBERTSON MUSEUM.

WHEREAS, the City of Jackson is a Certified Local Government (CLG) designated by the Mississippi Department of Archives and History (MDAH), and as such, is eligible for state grant monies to implement the goals of Jackson's historic preservation program; and

WHEREAS, the Jackson Historic Preservation Commission is mandated by Ordinance to ensure harmonious, orderly and efficient growth and development of the City, and to effect and accomplish the protection, enhancement and perpetuation of historic properties which represent distinctive elements of the City's cultural, social, economic, political and architectural heritage; and

WHEREAS, the City of Jackson has received grant funds for thirteen (13) important preservation planning projects in past years, including the survey and national registration for Poindexter Park Neighborhood in 1995; the survey to identify the potential for local or national designation in 1996, which include Alta Woods, Washington Addition, Glenmary Street and others; preparation of the Belhaven & Heights Historic District Design Guidelines in 2001; a 2004 CLG grant to begin the project to replace signs; preparation for Downtown Design Guidelines in 2008; a 2010 CLG grant to replace the street signs in the Farish Neighborhood Historic District; national registration nomination for the Belhaven Historic District in 2011 and the national register nomination for the Medgar Evers Historic Neighborhood District in 2012; and

WHEREAS, the MDAH has informed the Department of Planning and Development and the Jackson Historic Preservation Commission that the City of Jackson is eligible to submit a Certified Local Government Grant Application to apply for the CLGFY2015 for the interior and exterior renovation to the Smith Robertson Museum; and

WHEREAS, this project is an eligible activity under the CLGFY2015 Grant.

IT IS, THEREFORE ORDERED that the Mayor is authorized to execute and submit an application for a CLGFY2015 Grant, to the Mississippi Department of Archives and History for the interior and exterior renovation to the Smith Robertson Museum, and to execute any and all related documents pertaining to said grant.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AND SUBMIT AN APPLICATION TO THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY (MDAH) FOR A CERTIFIED LOCAL GOVERNMENT GRANT FISCAL YEAR 2015 (CLGFY2015) FOR THE RENOVATION OF THE JOSH HALBERT GARDEN FOUNTAINS.

WHEREAS, the City of Jackson is a Certified Local Government (CLG) designated by the Mississippi Department of Archives and History (MDAH), and as such, is eligible for state grant monies to implement the goals of Jackson's historic preservation program; and

WHEREAS, the Jackson Historic Preservation Commission is mandated by Ordinance to ensure harmonious, orderly and efficient growth and development of the City, and to effect and accomplish the protection, enhancement and perpetuation of historic properties which represent distinctive elements of the City's cultural, social, economic, political and architectural heritage; and

WHEREAS, the City of Jackson has received grant funds for thirteen (13) important preservation planning projects in past years, including the survey and national registration for Poindexter Park Neighborhood in 1995; the survey to identify the potential for local or national designation in 1996, which include Alta Woods, Washington Addition, Glenmary Street and others; preparation of the Belhaven & Heights Historic District Design Guidelines in 2001; a 2004 CLG grant to begin the project to replace signs; preparation for Downtown Design Guidelines in 2008; a 2010 CLG grant to replace the street signs in the Farish Neighborhood Historic District; national registration nomination for the Belhaven Historic District in 2011 and the national register nomination for the Medgar Evers Historic Neighborhood District in 2012; and

WHEREAS, the MDAH has informed the Department of Planning and Development and the Jackson Historic Preservation Commission that the City of Jackson is eligible to submit a Certified Local Government Grant Application to apply for the CLGFY2015 for the renovation of the Josh Halbert Garden Fountains; and

WHEREAS, this project is an eligible activity under the CLGFY2015 Grant.

IT IS, THEREFORE ORDERED that the Mayor is authorized to execute and submit an application for a CLGFY2015 Grant, to the Mississippi Department of Archives and History for the renovation to the Josh Halbert Garden Fountains, and to execute any and all related documents pertaining to said grant.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

ORDER AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS RELATED TO THE PROPER CONVEYANCE OF PROPERTY AND RELEASE OF REVERSIONARY INTEREST FOR PROPERTIES CONVEYED TO THE JACKSON MEDICAL MALL FOUNDATION (JMMF) FOR THE EAST VILLAGE ESTATES DEVELOPMENT.

WHEREAS, the City of Jackson, Mississippi (City), pursuant to its Land Bank Policy, conveyed certain blighted property to JMMF, for the development of such property into moderate to low income family housing consisting of single family residential houses, within two (2) years of the date of each deed from the City of Jackson, Mississippi; and

WHEREAS, the City acknowledges that JMMF, in anticipation of developing the parcels, conveyed certain parcels to University Parkway LLC for the continued development, and that University Parkway LLC has begun construction of such moderate to low income family housing as set forth in each deed of conveyance; and

WHEREAS, the City desires to continue to promote the development of low to moderate income housing within the City of Jackson and as such, will work with JMMF and University Parkway LLC to ensure that, for this sole project, each conveyance is correct and proper.

WHEREAS, the City does authorize the Mayor of the City of Jackson, Mississippi to execute any and all documents related to the proper conveyance and to execute a Release and Termination of Reversionary Interest, for the parcels listed below, at the appropriate time.

THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Jackson, Mississippi authorizes the Mayor of the City of Jackson, Mississippi to execute any and all documents related to the proper conveyance and to execute a Release and Termination of Reversionary Interest, for the parcels listed below, at the appropriate time.

Parcel Number(s):

100-34	100-104
100-64-1	100-104-1
100-101-4	100-126
100-103-1	100-140
100-103-7	100-144
100-103-11	100-163
100-165	100-166
100-168	70-79

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

President Stamps recognized **David Kelly**, a representative of Chartre Consulting, LTD., who answered questions posed to him by Council regarding the East Village Estates Development.

After a thorough discussion, **President Stamps** referred said item to the Planning Committee for further consideration.

Council Members Priester and Barrett-Simon withdrew their motion and second.

ORDER AUTHORIZING SETTLEMENT OF ALL CLAIMS IN THE MATTER STYLED *RHONDA DANIELS, ET AL. V. CITY OF JACKSON, MISSISSIPPI, ET AL.*, U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CAUSE NO. 3:14cv279DPJ-FKB.

WHEREAS, on April 2, 2014, a lawsuit was filed naming the City of Jackson, Mississippi, as a Defendant, alleging violations of the Fair Labor Standards Act and seeking recovery of overtime wages by certain Jackson Police officers, styled “Rhonda Daniels, et al vs. City of Jackson, Mississippi,” in the United States District Court for the Southern District of Mississippi, Cause No. 3:14cv279DPJ-FKB, with said lawsuit subsequently amended to include forty three Plaintiff police officers; and

WHEREAS, on July 3, 2014, the United States District Court for the Southern District of Mississippi, held a telephonic case management conference wherein it directed the City of Jackson, Mississippi, and the *Daniels* Plaintiffs to mediate the aforementioned consolidated lawsuit before United States District Court Magistrate Judge Linda R. Anderson; and

WHEREAS, on February 2, 2015, pursuant to the direction of the United States District Court for the Southern District of Mississippi, the *Daniels* Plaintiffs and their counsel and the City of Jackson, Mississippi, through its counsel, participated in said mediation reaching a proposed agreement to settle the aforementioned lawsuit styled *RHONDA DANIELS, ET AL. V. CITY OF JACKSON, MISSISSIPPI*, U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CAUSE NO. 3:14cv279 DPJ-FKB; and

WHEREAS, under the FLSA, the City of Jackson, Mississippi is allegedly liable to the forty three Plaintiff police officers for unpaid wages, interest, liquidated damages and attorneys’ fees; and

WHEREAS, entry of a Settlement Agreement which, in part, compromises attorney fees and expenses is in the best interest of the City of Jackson, Mississippi, but shall not constitute an admission of liability on the part of the City of Jackson, Mississippi; and

WHEREAS, continued litigation will only increase the amount of wages and damages ultimately claimed by the Plaintiff officers.

IT IS FURTHER ORDERED that payment of said wages and claims be in a form and style as requested by Plaintiffs' Counsel and in return for executed releases/settlement agreements by each Plaintiff, and that the Office of the City Attorney is authorized to take any and all action, including execution of documents, necessary to effect resolution of all claims for an amount not to exceed \$24,754.

IT IS HEREBY ORDERED by the City Council of the City of Jackson, Mississippi, that the City, through the Office of the City Attorney is authorized to make payment of statutory attorneys' fees and expenses pursuant to the FLSA, to the *Daniels* Plaintiffs' counsel consisting of Williams Newman Williams, PLLC, in the total amount not to exceed \$24,754.

IT IS FURTHER ORDERED that payment of said statutory attorneys' fees and expenses pursuant to the FLSA, is reasonable and necessary to effect resolution of all claims in the lawsuit styled *RHONDA DANIELS, ET AL. V. CITY OF JACKSON, MISSISSIPPI*, U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CAUSE NO. 3:14cv279 DPJ-FKB.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

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WHEREAS, on July 3, 2014, the United States District Court for the Southern District of Mississippi, held a telephonic case management conference wherein it directed the City of Jackson, Mississippi, and the *Daniels* Plaintiffs to mediate the aforementioned consolidated lawsuit before United States District Court Magistrate Judge Linda R. Anderson; and

WHEREAS, on February 2, 2015, pursuant to the direction of the United States District Court for the Southern District of Mississippi, the *Daniels* Plaintiffs and their counsel and the City of Jackson, Mississippi, through its counsel, participated in said mediation reaching a proposed agreement to settle the aforementioned lawsuit styled *RHONDA DANIELS, ET AL. V. CITY OF JACKSON, MISSISSIPPI*, U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CAUSE NO. 3:14cv279DPJ-FKB; and

WHEREAS, under the FLSA, the City of Jackson, Mississippi is allegedly liable to the forty three Plaintiff police officers for unpaid wages, interest, liquidated damages and attorneys' fees; and

WHEREAS, entry of a Settlement Agreement which, in part, compromises attorney fees and expenses is in the best interest of the City of Jackson, Mississippi, but shall not constitute an admission of liability on the part of the City of Jackson, Mississippi; and

WHEREAS, continued litigation will only increase the amount of wages and damages ultimately claimed by the Plaintiff officers.

IT IS HEREBY ORDERED by the City Council of the City of Jackson, Mississippi, that the City, through the Office of the City Attorney is authorized to make payment to the Daniels Plaintiffs in the amount of \$48,426.00, for wages and damages, in the total amount not to exceed \$48,426.00.

IT IS FURTHER ORDERED that payment of said wages and claims is reasonable and necessary to effect resolution of all claims in the lawsuit styled *RHONDA DANIELS, ET AL. V. CITY OF JACKSON, MISSISSIPPI*, U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, CAUSE NO. 3:14cv279DPJ-FKB.

IT IS FURTHER ORDERED that payment of said wages and claims be in a form and style as requested by Plaintiffs' Counsel and in return for executed releases/settlement agreements by each Plaintiff, and that the Office of the City Attorney is authorized to take any and all action, including execution of documents, necessary to effect resolution of all claims for an amount not to exceed \$48,426.00.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR CAR CARE CLINIC TO REFACE THE EXISTING NON-CONFORMING 82 SQUARE FOOT GROUND SIGN WITHIN A C80/MU ZONE THAT LIMITS GROUND SIGNS TO ONLY BE 15 SQUARE FEET IN SIZE.

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; and
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; and

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, Car Care Clinic, the applicant herein, has requested a variance from the Sign Ordinance regulations to reface the existing non-conforming 82 square foot ground sign within a C80/MU zone that limits ground signs to only be 15 square feet in size.

IT IS THEREFORE, ORDERED that Car Care Clinic is hereby (*approved*) a variance from the Sign Ordinance regulations to reface the existing non-conforming 82 square foot ground sign within a C80/MU zone that limits ground signs to only be 15 square feet in size, it being determined that the parties in interest and the general citizenry first had their opportunity to be heard and that the applicant (*has*) met the necessary criteria for the requested variance.

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

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI IN SUPPORT OF THE OBSERVANCE OF BLACK HISTORY MONTH.

WHEREAS, the Jackson City Council recognizes the importance of the observance of the rich tradition and contributions of the African American citizens to the development and foundation of the fabric of society in all aspects of the American nation throughout history; and

WHEREAS, the setting aside of the month of February was originated in 1926, by Dr. Carter Godwin Woodson. What began as a week of celebration has become known as Black History Month in February; and

WHEREAS, Dr. Woodson chose the month of February in deference to Frederick Douglass and President Abraham Lincoln who were both born in that month; and

WHEREAS, Dr. Carter G. Woodson was born in New Canton, Virginia, on December 19, 1875. He studied at the University of Chicago, the Sorbonne, and received a Ph.D. from Harvard University in 1912; and

WHEREAS, Dr. Carter G. Woodson spent his entire life working to educate all people about the vast contributions made by black men and women throughout history; and

WHEREAS, Dr. Carter G. Woodson died on April 3, 1950, leaving a legacy that has inspired generations.

THEREFORE, BE IT RESOLVED that the City Council of Jackson, Mississippi hereby supports the observance of Black History Month.

Council Member Stokes moved adoption; Council Member Priester seconded.

President Stamps recognized Priscilla Sterling and Gloria Williams, relatives of Emmett Till, who provided information regarding the life of Emmett Till and his mother.

Thereafter, President Stamps called for a vote:

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

President Stamps left the meeting at 12:04 p.m.

Vice President Priester recognized Council Member Stokes who requested that the Council consider an Agenda Item that had not been submitted to the City Clerk by the agenda deadline of 3:00 p.m., Wednesday, February 4, 2015, as mandated by Sec. 2-63 of the Jackson Code of Ordinances.

Council Member Stokes moved, seconded by Council Member Hendrix to consider the Resolution to be added to the agenda. The motion prevailed by the following vote:

Yeas- Barrett-Simon, Hendrix, Priester and Stokes.

Nays- None.

Absent- Foote, Stamps and Tillman.

Thereafter, Vice President Priester requested that the Clerk read the Resolution:

**RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
SUPPORTING MAKING A REQUEST TO KROGER TO CONTINUE SOUTH
JACKSON STORE LOCATION.**

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

WHEREAS, the Kroger store has provided a major food supply location in the south Jackson area as well as jobs and sales tax income to the City of Jackson; and

WHEREAS, the possibility of an empty building in the middle of a community is not favorable nor desired.

THEREFORE, BE IT HEREBY RESOLVED that the City Council of Jackson, Mississippi hereby supports making a request to Kroger to continue the south Jackson store location.

Council Member Stokes moved adoption; Council Member Hendrix seconded.

President Stamps returned to the meeting at 12:07 p.m.

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

Yeas- Barrett-Simon, Hendrix, Priester, Stamps and Stokes.

Nays- None.

Absent- Foote and Tillman.

DISCUSSION: NEW ORDINANCES: President Stamps requested that a new ordinance to discuss Uber taxi services within the City of Jackson be referred to the Rules Committee for further discussion.

DISCUSSION: LANIER AVENUE/MOBILE STREET: President Stamps recognized **Council Member Stokes**, who requested that the Public Works Department repair uneven pavement that could possibly lead to accidents on said streets.

DISCUSSION: GUN STREET MURDERS: President Stamps recognized **Council Member Stokes**, who stated that Hinds County issued a reward leading to the arrest and conviction of person(s) in the deaths of two young males killed on Gun Street.

There came on for consideration Agenda Item No. 27:

RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING REVEREND P.J. WILLIAMS AS A MAN OF GOD, AN OUTSTANDING CITIZEN OF THE CITY OF JACKSON, AND IN OBSERVANCE OF BLACK HISTORY MONTH. President Stamps recognized **Council Member Stokes**, who presented a plaque instead of a Resolution to **Reverend P. J. Williams**. Accepting the plaque with appropriate remarks was **Reverend P. J. Williams**.

The following reports/announcements were provided during the meeting:

- **Mayor Tony Yarber** announced that the “Subrecipients Awards Ceremony” would be held on February 12, 2015 at 6:00 p.m. at Jackson State University to honor local nonprofit agencies.
- **Mayor Yarber** announced that the details regarding the city’s Project Read initiative would be introduced during the grand re-opening of the Mary C. Jones community center on February 13, 2015.
- **Mayor Yarber** announced that free diabetes management classes would be offered as follows:
 - A six-week class at T.L. Love Center, located at 2912 Holmes Ave. will run from February 3rd to March 10th, 2015 at 10:00 a.m.
 - A five-week class would be held at Golden Key Community Center, located at 3450 Albermarle Road on March 18th, March 25th, April 1st, April 15th and April 29th, 2015 from 10:30 a.m. to 12:30 p.m.
- **Mayor Yarber** announced that a job fair for Veterans, their spouses and dependents would be held on February 18, 2015 from 9:00 a.m. to 2:00 p.m. at the Metrocenter Mall.

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- **Mayor Yarber** announced that the Mayor's Summer Youth Employment Program is accepting applicants for the ages of 16 years to 24 years of age until March 2, 2015.
- **Mayor Yarber** announced that NerdWallet, a research group, declared the City of Jackson as the eighth city within the United States, where African American businesses had a tract record of starting and succeeding.
- **Council Member Stokes** announced that a black history program would be held at Cornerstone Baptist Church on February 25, 2015.
- **Council Member Stokes** announced that a "Stop the Violence, Stop the Killing" march would be held on February 21, 2015 at 12:00 p.m. starting at Freedom corner to Medgar Evers library.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Meeting to be held at 4:00 p.m. on Tuesday, February 17, 2015; at 12:42 p.m., the Council stood adjourned.

ATTEST:

Krista Moore
CITY CLERK

APPROVED:

[Signature] 3.3.15
MAYOR DATE
