

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 November 5, 2013, being the first Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President, Ward 5; Melvin Priester, Jr., Vice President, Ward 2; Quentin Whitwell, Ward 1; LaRita Cooper-Stokes, Ward 3; De'Keither Stamps, Ward 4 and Margaret Barrett-Simon, Ward 7. Directors: Chokwe Lumumba, Mayor; Brenda Pree, City Clerk; Beatrice Byrd and Toya Martin, Deputy City Clerk's and Gail Wright Lowery, City Attorney.

Absent: Tony Yarber, Ward 6.

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

The invocation was offered by **Pastor Orlando Franklin** of New Galilean Baptist Church.

President Tillman requested that the **Item No. 41, 42, and 43** to be presented be moved forward on the Agenda. Hearing no objections, **President Tillman** requested that the Clerk read the following:

President Tillman, recognized **Mayor Choke Lumumba** who **PRESENTED THE PHOTO OF FORMER MAYOR, DR. LESLIE BURL MCLEMORE**. Accepting the photo with appropriate remarks was **Dr. Leslie Burl McLemore**.

RESOLUTION HONORING PROFESSOR MICHELLE ALEXANDER FOR HER SCHOLARSHIP ON CIVIL RIGHTS. Accepting the Resolution with appropriate remarks was **Patricia Ice**.

RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MISS ASIA BRAXTON AS MISS JACKSON TEEN USA.

Council Member Cooper-Stokes left the meeting at 10:32 a.m.

There came upon consideration Agenda No. 2: Public Hearing:

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR THE OVERBY COMPANY TO ERECT A 15 SQ. FT. PROJECTING SIGN IN A C-2 ZONE WHICH DOES NOT ALLOW PROJECTING SIGNS AND REQUESTING TO EXCEED THE 6 SQ. FT. ALLOWED FOR PROJECTING SIGNS.

President Tillman recognized Scott Overby, with the Overby Company, 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 THE OVERBY COMPANY TO ERECT A 15 SQ. FT. PROJECTING SIGN IN A C-2 ZONE, WHICH DOES NOT ALLOW PROJECTING SIGNS AND REQUESTING TO EXCEED THE 6 SQ. FT. ALLOWED FOR PROJECTING SIGNS.

There was no opposition from the Public.

Council Member Cooper-Stokes returned to the meeting at 10:36 a.m.

President Tillman requested that the Item No. 28 to be presented, be moved forward on the Agenda. Hearing no objections, President Tillman requested that the Clerk read the following:

ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR THE OVERBY COMPANY TO ERECT A 15 SQ. FT. PROJECTING SIGN IN A C-2 ZONE, WHICH DOES NOT ALLOW PROJECTING SIGNS AND REQUESTING TO EXCEED THE 6 SQ. FT. ALLOWED FOR PROJECTING SIGNS.

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; 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, The Overby Company, the applicant herein, has requested a variance from the Sign Ordinance regulations to erect a 15 sq. ft. projecting sign in a C-2 zone, which does not allow projecting signs and requesting to exceed the 6 sq. ft. allowed for projecting signs.

IT IS, THEREFORE, ORDERED that The Overby Company is hereby (*approved*) a variance from the Sign Ordinance regulations to erect a 15 sq. ft. projecting sign in a C-2 zone, which does not allow projecting signs and requesting to exceed the 6 sq. ft. allowed for projecting signs, 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 Barrett-Simon moved adoption; **Council Member Whitwell** seconded.

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

President Tillman recognized the following individuals who provided public comments:

- **Ron Chaney** who expressed concerns regarding the suspension of HUD Grant.
- **Teresa Sterling** who offered words of encouragement.
- **Willie Robinson** who expressed his support of the renaming of West Silas Brown to Rev. Raymond O'Baird Blvd.
- **Larry Nelson**, the President of Victims of Violent Crimes, thanked the City for participation and continued support of Town Hall Meetings.
- **Morgan Miller** of Cover Mississippi announced upcoming events: November 15th 10:00-4:00; November 21st 4:00-8:00; November 23rd 9:00-2:00.
- **Morris Kahn** who being a contractor, acknowledged the name change of the Lodge Apartments to Jackson Square Apartments will undergo remodeling for improvements.
- **Jarod Huffed** who being a contractor, acknowledged the name change of the Lodge Apartments to Jackson Square Apartments will undergo remodeling for improvements.

ORDER AUTHORIZING PAYMENT OF \$4,000.00 TO JANICE SMITH AS A FULL AND COMPLETE SETTLEMENT OF A PROPERTY DAMAGE CLAIM.

IT IS HEREBY ORDERED that payment in the amount of \$4,000.00 be made to Janice Smith as full and complete settlement for any and all claims resulting from property damage due to a sewer back up that occurred on September 20, 2013.

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

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

ORDER ACCEPTING PAYMENT OF \$8,596.72 FROM ALLSTATE INSURANCE COMPANY ON BEHALF OF ITS INSURED (CHRISTOPHER WINFORD) AS A PROPERTY DAMAGE SETTLEMENT.

IT IS HEREBY ORDERED by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment in the amount of \$8,596.72 as a property damage settlement for damage sustained to a City of Jackson vehicle (PC-1553) on August 17, 2013.

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

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

ORDER ACCEPTING PAYMENT OF \$75,000.00 FROM ZURICH AMERICAN INSURANCE COMPANY FOR ADVANCE PAYMENT TOWARDS CHILLER REPLACEMENT AT THE JACKSON POLICE DEPARTMENT HEADQUARTERS/MUNICIPAL COURT BUILDING, 327 EAST PASCAGOULA STREET, JACKSON, MISSISSIPPI.

IT IS HEREBY ORDERED by the City Council for the City of Jackson, Mississippi, that the City Attorney or designee, be authorized to execute all necessary documents and accept payment from Zurich American Insurance Company in the amount of \$75,000.00 as an advance payment towards chiller replacement at the Jackson Police Department Headquarters/Municipal Court Building, 327 East Pascagoula Street, Jackson, Mississippi, which was severely damaged as a result of an electrical service malfunction on July 21, 2013.

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

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

**ORDER APPROVING CLAIMS NUMBERED 1082 TO 1456,
APPEARING AT PAGES 175 TO 232, INCLUSIVE THEREON, ON
MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF
\$1,781,850.33 AND MAKING APPROPRIATIONS FOR THE PAYMENT
THEREOF.**

IT IS HEREBY ORDERED that claims numbered 1082 to 1456, appearing at pages 175 to 232, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$1,781,850.33 are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

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

<u>FROM:</u>	<u>TO</u>	<u>ACCOUNTS PAYABLE</u>
		<u>FUND</u>
2008 GO Street Construction FD	\$	74,842.53
2012 ED Byrne Memorial Justice		30,476.00
Early Childhood (Daycare)		4,251.45
Fire Protection		4,251.45
G O PUB IMP CONS BD 2003 (\$20M)		1,050.00
General Fund		409,290.28
Home Program Fund		25,000.00
Landfill/Sanitation Fund		185,499.81
Madison Sewage Disp OP & Maint		5.48
Metro Medical Response System		4,625.00
NCSC Senior Aides		35.00
P E G Access – Programming Fund		1,002.40
Parks & Recr. Fund		31,697.83
Police Prop Evidence Cash Fund		920.00
Resurfacing – Repair & Repl. FD		72,949.52
State Tort Claims Fund		500.00
Technology Fund		19,440.42
Title III Aging Programs		3,291.01
Traffic – Repair & Repl FD		74,595.38
Transportation Fund		147,590.95
Unemployment compensation Revo		30,903.64
Vehicle Pool Fund		21,295.31
Water/Sewer Capital Impr Fund		482,336.28
Water/Sewer Const FD 1999-\$35M		79.88
Water/Sewer Const FD 2002-\$50M		11,218.06
Water/Sewer OP & Maint Fund		135,333.93
Water/Sewer Revenue Fund		9,344.00
		<u>\$1,781,850.33</u>

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

President Tillman recognized **Lee Unger**, the City's Director of Administration, who provided the Council with a brief overview of the Claims Docket at the request of **Council Member Whitwell**.

Thereafter, **President Tillman** called for a final vote on the claims docket:

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

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 1082 TO 1456 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 1082 to 1456, inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$131,560.71 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>
EARLY CHILDHOOD (DAYCARE)		\$ 33,328.40
GENERAL FUND		1,946,903.61
LANDFILL/SANITATION FUND		25,071.89
NCSC SENIOR AIDES		2,578.72
PARKS & RECR. FUND		71,658.16
TITLE III AGING PROGRAMS		6,194.68
TRANSPORTATION FUND		7,613.45
WATER/SEWER OP & MAINT FUND		214,204.83
PAYROLL FUND		948.00
HOUSING COMM DEV.		7,883.37
AMERICORP CAPITAL CITY REBUILD		10,325.24
T-WARNER PA/GA FUND		6,751.76
COPS HIRING GRANT 2011		30,330.47

TOTAL \$2,363,792.58

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

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

ORDER APPOINTING GILBERT STURGIS TO THE BOARD OF DIRECTORS OF THE CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT.

WHEREAS, the Board of Directors of the Central Mississippi Planning and Development District ("Board") shall consist of four (4) members, appointed by the City of Jackson, Mississippi ("City of Jackson"), for a term of two (2) years; and

WHEREAS, David Pharr's term on the Board expired on March 8, 2013, thereby creating a vacancy; and

WHEREAS, Gilbert Sturgis, after evaluation of his qualifications, has been nominated by the Mayor to fill said vacancy.

IT IS, THEREFORE, ORDERED that Gilbert Sturgis is appointed to the Board, with said term to expire on March 1, 2015.

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Gilbert Sturgis** for consideration of appointment to the Board of Directors of the Central Mississippi Planning and Development District, City of Jackson, Mississippi. **Gilbert Sturgis** read his personal statement and answered questions posed to him by Council Members.

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

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

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

Nays- None.

Absent- Yarber.

ORDER CONFIRMING THE MAYOR'S NOMINATION OF BILL CHANDLER, WARD 1 RESIDENT, TO THE MUNICIPAL ELECTION COMMISSION.

WHEREAS, the Municipal Election Commission consists of seven members nominated by the Mayor and confirmed by the City Council for a term of four years; and

WHEREAS, the term of Ms. Nancy V. King, Ward 1 resident, has expired, thereby creating a vacancy; and

WHEREAS, after evaluation of his qualifications, the Mayor is nominating Mr. Bill Chandler to fill said vacancy.

IT IS, THEREFORE, ORDERED that the governing authorities appoint Mr. Bill Chandler, Ward 1 resident, to the Municipal Election Commission, with said term to expire September 1, 2017.

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Bill Chandler** for consideration of appointment to the, Election Commission, Ward 1 City of Jackson, Mississippi. **Bill Chandler** read his personal statement and answered questions posed to him by Council Members.

Council Member Whitwell moved adoption; Council Member Priester seconded.

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

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

ORDER CONFIRMING THE MAYOR'S NOMINATION OF DELLA COOPER, WARD 2 RESIDENT, TO THE MUNICIPAL ELECTION COMMISSION.

WHEREAS, the Municipal Election Commission consists of seven members nominated by the Mayor and confirmed by the City Council for a term of four years; and

WHEREAS, the term of Ms. Della Cooper, Ward 2 resident, has expired, thereby creating a vacancy; and

WHEREAS, after evaluation of her qualifications, the Mayor is nominating Ms. Della Cooper to fill said vacancy.

IT IS, THEREFORE, ORDERED that the governing authorities reappoint Ms. Della Cooper, Ward 2 resident, to the Municipal Election Commission, with said term to expire September 1, 2017.

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Della Cooper** for consideration of appointment to the Election Commission, Ward 2 City of Jackson, Mississippi. **Della Cooper** read his personal statement and answered questions posed to him by Council Members.

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

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

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

ORDER CONFIRMING THE MAYOR'S NOMINATION OF EMMA SANDERS, WARD 3 RESIDENT, TO THE MUNICIPAL ELECTION COMMISSION.

WHEREAS, the Municipal Election Commission consists of seven members nominated by the Mayor and confirmed by the City Council for a term of four years; and

WHEREAS, the term of Mrs. Emma Sanders, Ward 3 resident, has expired, thereby creating a vacancy; and

WHEREAS, after evaluation of her qualifications, the Mayor is nominating Mrs. Emma Sanders to fill said vacancy.

IT IS, THEREFORE, ORDERED that the governing authorities reappoint Mrs. Emma Sanders, Ward 3 resident, to the Municipal Election Commission, with said term to expire September 1, 2017.

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Emma Sanders** for consideration of appointment to the Election Commission, Ward 3 City of Jackson, Mississippi. **Emma Sanders** read his personal statement and answered questions posed to him by Council Members.

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

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

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

**ORDER CONFIRMING THE MAYOR'S NOMINATION OF
LINDA SANDERS, WARD 4 RESIDENT, TO THE MUNICIPAL
ELECTION COMMISSION.**

WHEREAS, the Municipal Election Commission consists of seven members nominated by the Mayor and confirmed by the City Council for a term of four years; and

WHEREAS, the term of Ms. Linda Sanders, Ward 4 resident, has expired, thereby creating a vacancy; and

WHEREAS, after evaluation of her qualifications, the Mayor is nominating Ms. Linda Sanders to fill said vacancy.

IT IS, THEREFORE, ORDERED that the governing authorities reappoint Ms. Linda Sanders, Ward 4 resident, to the Municipal Election Commission, with said term to expire September 1, 2017.

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

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Ms. Linda Sanders** for consideration of appointment to the Election Commission, Ward 4 City of Jackson, Mississippi. **Ms. Linda Sanders** read his personal statement and answered questions posed to him by Council Members.

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

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

**ORDER CONFIRMING THE MAYOR'S NOMINATION OF
DR. JAMES BROOKS, JR., WARD 5 RESIDENT, TO THE
MUNICIPAL ELECTION COMMISSION.**

WHEREAS, the Municipal Election Commission consists of seven members nominated by the Mayor and confirmed by the City Council for a term of four years; and

WHEREAS, the term of Dr. James Brooks, Ward 5 resident, has expired, thereby creating a vacancy; and

WHEREAS, after evaluation of his qualifications, the Mayor is nominating Dr. James Brooks, Jr., to fill said vacancy.

IT IS, THEREFORE, ORDERED that the governing authorities reappoint Dr. James Brooks, Jr., Ward 5 resident, to the Municipal Election Commission, with said term to expire September 1, 2017.

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

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Dr. James Brooks** for consideration of appointment to the Election Commission, Ward 5 City of Jackson, Mississippi. **Dr. James Brooks** read his personal statement and answered questions posed to him by Council Members.

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

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

**ORDERING CONFIRMING THE MAYOR'S NOMINATION OF
BEVERLY WALLACE, WARD 6 RESIDENT, TO THE
MUNICIPAL ELECTION COMMISSION.**

WHEREAS, the Municipal Election Commission consists of seven members nominated by the Mayor and confirmed by the City Council for a term of four years; and

WHEREAS, the term of Ms. Vonnamarie Frazier, Ward 6 resident, has expired, thereby creating a vacancy; and

WHEREAS, after evaluation of her qualifications, the Mayor is nominating Ms. Beverly Wallace to fill said vacancy.

IT IS, THEREFORE, ORDERED that the governing authorities reappoint Ms. Beverly Wallace, Ward 6 resident, to the Municipal Election Commission, with said term to expire September 1, 2017.

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

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **Ms. Beverly Wallace** for consideration of appointment to the Election Commission, Ward 6 City of Jackson, Mississippi. **Ms. Beverly Wallace** read his personal statement and answered questions posed to him by Council Members.

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

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

Council Member Barrett-Simon left the meeting at 12:03 p.m. after voting on item 15.

**ORDERING APPOINTING ATTORNEY WILLIAM WALKER JR.
AS MUNICIPAL JUDGE PRO TEMPORE, CITY OF JACKSON,
MISSISSIPPI.**

WHEREAS, the Mayor has nominated William Walker, Jr. to serve as Municipal Judge Pro Tempore for the City of Jackson, Mississippi; and

WHEREAS, the nomination is before the City Council for confirmation as required by Section 21-23-9, Mississippi Code of 1972, as amended; and

WHEREAS, the City Council by a majority of the Council present and voting, has considered the nomination.

IT IS, THEREFORE, ORDERED by the City Council of the City of Jackson, Mississippi, that William Walker, Jr. is appointed as Municipal Judge Pro Tempore for the City of Jackson, Mississippi.

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

President Tillman recognized **Mayor Chokwe Lumumba**, who gave a brief presentation on the qualifications of **William Walker, Jr.** for consideration of Municipal Judge Pro Tempore City of Jackson, Mississippi. **William Walker, Jr.** read his personal statement and answered questions posed to him by Council Members.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A USE LICENSE AGREEMENT WITH METROCENTER MALL, LLC AND THE PAYMENT OF \$1.00 TO METROCENTER MALL, LLC FOR USE OF SPACE TO SPONSOR THE CITY OF JACKSON'S "PRELUDE TO THE HOLIDAYS" EVENT ON NOVEMBER 13, 2013.

WHEREAS, Section 17-3-1 of the Mississippi Code authorizes municipalities of the State of Mississippi to set aside, appropriate and expend monies not to exceed one mill of their respective valuation and assessment for the purpose of advertising and bringing into favorable notice the opportunities, possibilities, and resources of the municipality; and

WHEREAS, Section 17-3-3 of the Mississippi Code states that advertising includes publicity, expositions, and public entertainment; and

WHEREAS, the Department of Human and Cultural Services had discussions with representatives of Ballet Magnificat and the Mississippi School for the Blind regarding performing for the public at a Prelude to the Holidays Event; and

WHEREAS, Ballet Magnificat and a choir from the Mississippi School for the Blind have agreed to provide a public performance at the Prelude to the Holidays Event; and

WHEREAS, Metrocenter Mall LLC has agreed to allow the City use of space in its facility located in the Metrocenter Mall for the Prelude to the Holidays Event, which will be held on November 13, 2013; and

WHEREAS, the Metrocenter Mall LLC is charging a nominal fee of \$1.00 for the use of the space and requires that the City of Jackson enter into a License Agreement prior to the event; and

WHEREAS, the best interest of the City of Jackson would be served by authorizing the Mayor to execute the Use License Agreement with the Metrocenter Mall, LLC.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute the Use License Agreement with the Metrocenter Mall, LLC for the City of Jackson's "**Prelude to the Holidays**".

IT IS FURTHER HEREBY ORDERED that the sum of \$1.00 shall be paid to Metrocenter Mall LLC for use of the space being provided for the Prelude to the Holidays Event.

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE A USE LICENSE AGREEMENT WITH METROCENTER MALL, LLC AND AUTHORIZING THE PAYMENT OF \$1.00 TO METROCENTER MALL, LLC FOR THE PROVISION OF SPACE TO SPONSOR THE CITY OF JACKSON'S FOURTH ANNUAL SENIOR CHRISTMAS GALA ON DECEMBER 20, 2013.

WHEREAS, Section 17-3-1 of the Mississippi Code authorizes municipalities to appropriate and expend monies not to exceed one mill of their respective valuation and assessment for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the municipality; and

WHEREAS, Section 17-3-3 of the Mississippi Code provides that advertising includes public entertainment and other forms of advertising and publicity which in the judgment of the board or boards will be helpful toward advancing the moral, financial, and other interests of the municipality; and

WHEREAS, beginning in 2009, the City of Jackson commenced sponsoring a Christmas Gala for the purpose of advancing the interests and needs of senior members of the community and advertising the services and programs available to seniors; and

WHEREAS, the event is now known as the Senior Christmas Gala and has been advancing the interests of senior members of the community as anticipated; and

WHEREAS, Metrocenter Mall, LLC has agreed to provide space for the City's sponsoring of the event at the Metrocenter Mall facility on December 20, 2013; and

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

WHEREAS, the best interest of the City of Jackson would be served by authorizing the Mayor to execute the Use License Agreement with the Metrocenter Mall, LLC.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute the Use License Agreement with the Metrocenter Mall, LLC for the Fourth Annual Senior Christmas Gala.

IT IS FURTHER HEREBY ORDERED that the sum of \$1.00 be paid to Metrocenter Mall, LLC for use of the space.

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A USE LICENSE AGREEMENT WITH METROCENTER MALL, LLC AND FURTHER AUTHORIZING THE PAYMENT OF \$1.00 TO METROCENTER MALL, LLC FOR THE USE OF SPACE TO SPONSOR THE ANNUAL SENIOR FASHION EXTRAVAGANZA ON MARCH 21, 2014.

WHEREAS, Section 17-3-1 of the Mississippi Code authorizes the governing authorities of municipalities to appropriate and expend monies not to exceed one mill of their respective valuation and assessment for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the municipality; and

WHEREAS, Section 17-3-3 of the Mississippi Code states that advertising includes publicity, expositions, public entertainment, or other forms of advertising which in the judgment of the board or boards will be helpful toward advancing the moral, financial, or other interests of the municipality; and

WHEREAS, the City of Jackson has sponsored a fashion show consisting of senior citizen participants for the purpose of publicizing and bringing into favorable light the opportunities, programs, and services it provides to senior citizens; and

WHEREAS, the fashion show is known as the Senior Fashion Extravaganza and accomplishes the desired aim; and

WHEREAS, Metrocenter Mall, LLC has agreed to allow the City of Jackson to use space in its Metrocenter Mall facility to host the Senior Extravaganza on March 21, 2014; and

WHEREAS, Metrocenter Mall, LLC has agreed to allow use of its space for the sum of \$1.00 and requires execution of a License Agreement prior to the event; and

WHEREAS, the best interest of the City of Jackson would be served by authorizing the Mayor to execute the Use License Agreement with the Metrocenter Mall, LLC.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute the Use License Agreement with the Metrocenter Mall, LLC for use of space to sponsor the Annual Senior Fashion Extravaganza.

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

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

There came upon consideration Agenda Item No. 20:

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE IMPLEMENTATION OF AUTOMATED ELECTRONIC CHILDCARE TIMEKEEPING AND RECORDING SYSTEMS INCLUDING FINGER SCANNING.

Said item was pulled at the request of the **Mayor Chowke Lumumba**

ORDERING AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MISSISSIPPI FOOD NETWORK REGARDING THE THRIVING COMMUNITIES, THRIVING CHILDREN (TC²) PROJECT.

WHEREAS, the Mississippi Food Network in Jackson, Mississippi received a Grant from the Kellogg Foundation to expand its Thriving Communities, Thriving Children (TC²) project in schools and child care centers and other socializing institutions interested in improving the health and well-being of children, families, and communities and preventing obesity among children; and

WHEREAS, the City of Jackson is mutually interested in improving the health of children and preventing obesity; and

WHEREAS, the early childhood component of the TC² project uses cartoon characters of the organs (Hardy Heart, the Kidney Brothers, and others) to help children and adults learn how to make good nutrition and healthy living choices; and

WHEREAS, a recent concluded study including 25,000 children in seven states found statistically significantly greater improvements in waist circumference, weight, and blood pressure measurements, and higher standardized test scores, of children participating in programming akin to the TC² Project when compared to those who had not participated; and

WHEREAS, the Mississippi Food Network (MFN) has agreed to provide the City of Jackson with nutrition and healthy living materials for three (3) years during the period 2013-2016 academic years and will also provide training and instruction for the City of Jackson's Early Childhood Development personnel; and

WHEREAS, each of the City of Jackson's Early Childhood Development Centers will be awarded a monetary sum not exceeding \$500.00 based on the percentage of data collected on the children attending and participating; and

WHEREAS, the best interest of the City of Jackson would be served by authorizing the Mayor to execute an MOU with The Mississippi Food Network related to the City's participation in the TC² Project; and

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute an MOU with the Mississippi Food Network related to the City's participation in the TC² Project.

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

ORDER ACCEPTING THE BIDS OF MERCHANTS FOOD SERVICE AND SYSCO JACKSON, LLC, FOR SIX MONTHS SUPPLY OF FOODS-DAIRY PRODUCTS GROUP IV, (BID NO. 37301-090313).

WHEREAS, on August 08 & 15, 2013, sealed bids were received and two (2) bids for Dairy Products IV were received; and

WHEREAS, certain dairy products are needed for children enrolled in the Early Childhood Development Program; and

WHEREAS, the Department of Human and Cultural Services has reviewed said bid and recommends the bids submitted by Merchants Foodservice and Sysco Jackson, LLC, received on August 08 & 15, 2013, be accepted as the best bid received for those certain items, and

WHEREAS, the cost of said Dairy Products, Group IV, is based on an estimated number of children to be served.

IT IS HEREBY ORDERED that the following bids received August 08, 2013, from Merchants Foodservice, 870 Boling Street, Jackson, MS 39209 and Sysco Jackson, LLC, PO Box 2900, Jackson, MS 39209 for a six-month supply of Dairy products starting November 01, 2013-April 30, 2014) be accepted as the best bid received for each of the specified items as listed below, it being determined that said bids met the City specifications.

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TUESDAY, NOVEMBER 5, 2013, 10:00 A.M.

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Company Name	Items
Merchants Foodservice 870 Boling Street Jackson, MS 39209	1, 3-4, 9-10, 12-16
Sysco, Jackson LLC PO Box 2900 Jackson, MS 39209	2, 8, 11-12

IT IS FURTHER ORDERED that payment for said dairy products, Group IV, be made from various funds.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE FINAL CLOSING DOCUMENTS FOR GRANT RELATED TO THE SENIOR SERVICE AMERICA PROGRAM FOR THE TWELVE MONTH PERIOD COMMENCING JULY 1, 2012 AND ENDING JUNE 30, 2013.

WHEREAS, the City of Jackson was awarded the sum of \$539,081 by Senior Service America, Inc., (SSAI) to sponsor and administer the Senior AIDES Program for Hinds, Rankin, Scott, and Warren Counties for the program year commencing July 1, 2012 and ending June 30, 2013; and

WHEREAS, a match of \$70,636.00 was required from the local sponsor and administering entity; and

WHEREAS, the costs expended by the City of Jackson for the program totaled \$606,910.00, and the City provided matching funds in the amount of \$70,636.00; and

WHEREAS, the City has received from SSAI Funds totaling \$530,212.00 and is due a reimbursement in the amount of 6,062.00; and

WHEREAS, there is an unexpended sum in the amount of \$2,807.00 from the funds awarded by Senior Service America which resulted from unsubsidized placements or the voluntary exiting of participants prior to the end of the Fiscal Year.

IT IS HEREBY ORDERED that the Mayor be authorized to execute any and all documents related to the closeout of the City of Jackson's Senior AIDES Program for the year 2012-2013.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE SUBGRANT AGREEMENT WITH SENIOR SERVICE AMERICA, INC. (SSAI) IN THE AMOUNT OF \$509,435 FOR THE CITY TO SPONSOR A SENIOR AIDES PROGRAM FOR TWELVE MONTHS FOR PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014 FOR THE 2013-2014 FISCAL YEAR.

WHEREAS, the City of Jackson has implemented a Senior AIDES Program since 1972; and

WHEREAS, the Senior AIDES Program offers part-time employment training opportunities to low income individuals fifty-five (55) years of age or older; and

WHEREAS, the City has been awarded \$450,748.00 in grant funding to further the Senior AIDES Program for a twelve month period beginning July 1, 2013 through June. 30, 2014 for fiscal year 2012-2013; and

WHEREAS, a match of \$58,687 is required from the City of Jackson; and

WHEREAS, the program will enroll senior citizens in a four county service area: Hinds, Rankin, Scott, and Warren.

THEREFORE, BE IT ORDERED that the Mayor be authorized to execute a Subgrant Agreement with SSAI in the amount of \$509,435 for a twelve month period beginning July 1, 2013 through June 30, 2014 to sponsor a Senior AIDES Program for the 2013-2014 Fiscal Year.

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

There came on for consideration Agenda Item 25:

ORDER AUTHORIZING THE MAYOR TO EXECUTE CONTRACT #76-0016-13-727 WITH THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION WHICH WILL PROVIDE FINANCIAL ASSISTANCE PURSUANT TO 49 USC SECTION 5310 FOR THE PROVISION OF TRANSPORTATION SERVICES TO THE ELDERLY AND DISABLED.

Said item was removed from the agenda by **Mayor Lumumba**.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A 36-MONTH RENTAL AGREEMENT WITH DIGITEC FOR A LANIER MP C3003 DIGITAL COLOR IMAGING SYSTEM TO BE USED BY PARK MAINTENANCE, A DIVISION OF THE DEPARTMENT OF PARKS & RECREATION.

WHEREAS, the City of Jackson, Mississippi, desires to enter into a 36-month Rental Agreement for a copier to be used by the Department of Parks & Recreation, Park Maintenance Division; and

WHEREAS, Digitec has agreed to provide through State Contract #5-600-21461-13, a Lanier MP C3003 Digital Color Imaging System.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute the necessary documents for a contract with Digitec, 811 Foley Street, Suite H, Jackson, MS 39202, to provide a 36-month rental of a Lanier MP C3003 Digital Color Imaging System, at a cost of \$199.00 per month which includes all labor, parts, toner, developer, drums and travel billed at \$0.0095 per black/white page and \$0.065 per color page.

IT IS FURTHER ORDERED that payment for said copy rental be made from the General Funds.

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

ORDER ACCEPTING THE BID OF TRUCKWORX KENWORTH FOR A 33,000 G.V.W. TRUCK-84" CA WITH SEVEN (7) CUBIC YARD DUMP AND 52,000 G.V.W. TURCK-108" CA WITH THIRTEEN (13) CUBIC YARD DUMP, (BID NO. 07208-080613).

WHEREAS, sealed bids for a 33,000 G.V.W. Truck-84" CA with Seven (7) Cubic Yard Dump and 52,000 G.V.W. Truck-108" CA with Thirteen (13) Cubic Yard Dump were opened on August 06, 2013, wherein two (2) bids were received; and

WHEREAS, the Park Maintenance Division of the Parks and Recreation Department, will use the Dump Trucks to maintain parks and right-of-ways throughout the City of Jackson to provide a safe environment for the citizens of Jackson; and

WHEREAS, the staff at Park Maintenance Division has reviewed the bids and recommends that this governing authority deem the bid submitted by Truckworx Kenworth, 421 U.S. 49, Richland, MS 39218, received August 06, 2013, to be the lowest and best bid received.

IT IS, THEREFORE, ORDERED that the bid of Truckworx Kenworth, received August 06, 2013, for a 33,000 G.V.W. Truck-84" CA with Seven (7) Cubic Yard Dump, at a total cost of \$79,866.86 and a 52,000 G.V.W. Truck-108" CA with Thirteen (13) Cubic Yard Dump, at a total cost of \$90,708.11, be accepted as the lowest and best bid received, it being determined that said bid met the City specifications.

IT IS FURTHER ORDERED that payment for said equipment be made from the General Fund.

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

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

Nays- None.

Absent - Barrett-Simon and Yarber.

Nays- None.

Absent- Barrett-Simon and Yarber.

**RESOLUTION ADJUDICATING COSTS AND PENALTIES FOR PARCELS
CLEANED PURSUANT TO THE RESOLUTION ADJUDICATING SAME TO
BE A MENACE TO THE PUBLIC HEALTH, SAFETY AND WELFARE ON
MAY 29 AND JUNE 12, 2012, JANUARY 28, FEBRUARY 5, FEBRUARY 19,
MARCH 19, APRIL 16, JUNE 25, 2013 IN THE FOLLOWING CASES:**

This is the Community Improvement regular agenda for the City Council authority to adjudicate costs.

Case No.	Assessed Owner	Address/Zip Code	Parcel #	Cost	Penalty	Adm. Cost	Total	Work Completed
2009 - 1040	Jackson Metro Housing Partnership P.O. Box 22987 Jackson, MS 39225	122 W. Northside Dr. 39206	429-350	\$3,400.00	\$500.00	\$340.00	\$4,240.00	Demolish structure and remove remains of house
2010 - 3468	West Jackson Community Development 1600 J.R. Lynch St. Jackson, MS 39203	541 Hooker St. Bldg B. 39204	170-30	\$13,912.00	\$750.00	\$1,391.20	\$16,053.20	Demolish structure and remove remains of house
2010 - 3471	West Jackson Community Development 1600 J.R. Lynch St. Jackson, MS 39203	541 Hooker St. Bldg E 39204	170-30	\$11,616.00	\$750.00	\$1,161.60	\$13,527.60	Demolish structure and remove remains of house
2011 - 1102	Viking MP, LLC P.O. Box 321 Jackson, MS 39201	3204 Bienville Dr. 39212	839-497	\$140.00	\$500.00	\$100.00	\$740.00	Cutting of grass, remove trash and debris.
2011 - 3071	David & Catherine Wardell 5148 Cabaniss Circle Jackson, MS 39209	4205 Pyle Ave. 39209	306-289	\$1,699.00	\$700.00	\$169.90	\$2,568.90	Demolish structure and remove remains of house
2011 - 3778	Carrie Jackson EST 1071 Marine St. Jackson, MS 39213	1071 Marine St. 39213	108-2-46	\$75.00	\$500.00	\$100.00	\$675.00	Cutting of grass, remove trash and debris.
2011 - 3910	Carrie Williams 3026 Lakewood Dr.	0 Lakewood Dr. 39212	628-360	\$245.00	\$500.00	\$100.00	\$845.00	Cutting of grass, remove trash and debris.

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	Jackson, MS 39212							
2011 - 4414	Dorothy Jones 187 James St. Jackson, MS 39213	1350 Perkins St. 39213	407- 209	\$ 175.00	\$750.00	\$ 100.00	\$1,025.00	Cutting of grass, remove trash and debris.
2011 - 4520	Cornelius Turner 207 W. Amite St. #10 Jackson, MS 39201	0 Larkspur St./Lot E of 1039 39213	405- 163	\$ 177.00	\$750.00	\$ 100.00	\$1,027.00	Cutting of grass, remove trash and debris.
2011 - 4738	Caleb Granger 11358 Creekstone Lane San Diego, CA 92128	741 Broadmoor Dr. 39206	431- 108	\$ 90.00	\$500.00	\$ 100.00	\$ 690.00	Cutting of grass, remove trash and debris.
2011 - 4893	Richard Atkinson 1336 Rice Road Madison, MA 39110	0 Erie St./Lot E of 725 39203	105- 3-1	\$ 140.00	\$ 750.00	\$ 100.00	\$ 990.00	Cutting of grass, remove trash and debris.
2011 - 4899	Southern Investors Co. P.O. Box 10934 Jackson, MS 39289	0 Woodlawn St./3rd Lot N of 2426 39213	104- 128-4	\$ 202.00	\$ 500.00	\$ 100.00	\$ 802.00	Cutting of grass, remove trash and debris.
2011 - 5012	Linda Clincy EST 4918 Cedarhurst Dr. Jackson, MS 39206	4918 Cedarhurst St. 39206	517- 592	\$ 650.00	\$ 500.00	\$ 100.00	\$ 1,250.00	Cutting of grass, remove trash and debris.
2011 - 5013	Lori & Jason Shorter 749 Broadmoor Dr. Brandon MS 39043	749 Broadmoor Dr. 39206	431- 166	\$ 350.00	\$ 500.00	\$ 100.00	\$ 950.00	Cutting of grass, remove trash and debris.
2011 - 5173	Janice McDonald 1675 Kentwood Dr. Jackson, MS 39212	1675 Kentwood Dr. 39212	628- 234	\$ 125.00	\$ 500.00	\$ 100.00	\$ 725.00	Cutting of grass, remove trash and debris.
2011 - 5185	Jermaine Rushing 35 Rushing Lane Prentiss, MS 39474	3053 Greenwood Ave. 39212	606- 362	\$ 220.00	\$ 500.00	\$ 100.00	\$ 820.00	Cutting of grass, remove trash and debris.

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2011 - 5200	Jarret Beck & Shontae Hill 2956 LaSalle St. Jackson, MS 39212	2956 LaSalle St. 39212	606- 416	\$ 195.00	\$ 500.00	\$ 100.00	\$ 795.00	Cutting of grass, remove trash and debris.
2011 - 5432	Daphne Blackmon 5444 Brookhollo w Dr. Jackson, MS 39212	5449 Brookhollo w Dr. 39212	4858- 576- 549	\$ 475.00	\$ 750.00	\$ 100.00	\$ 1,325.00	Cutting of grass, remove trash and debris.
2012 - 1103	David & Mesha Jones 2140 Thousand Oaks Dr. Jackson, MS 39212	2140 Thousand Oaks Dr. 39212	4858- 576- 237	\$ 150.00	\$ 750.00	\$ 100.00	\$ 1,000.00	Cutting of grass, remove trash and debris.
2012 - 1106	Annette Johnson 2726 Pinebrook Dr. Jackson, MS 39212	2726 Pinebrook Dr. 39212	615- 116	\$ 850.00	\$ 500.00	\$ 100.00	\$ 1,450.00	Cutting of grass, remove trash and debris.
2012 - 1208	2520 Martin Luther King Jr. Dr. P.O. Box 6986 Raymond, MS 39154	2520 Martin Luther King Jr. Dr. 39213	405- 240	\$2,150.00	\$ 500.00	\$ 215.00	\$ 2,865.00	Demolish structure and remove remains of house
2012 - 2363	West Coast Properties 411 19th St. Huntington Beach, CA 92648	923 Raymond Rd. 39204	631- 23	\$ 145.00	\$ 500.00	\$ 100.00	\$ 745.00	Cutting of grass, remove trash and debris.
2012 - 2402	Maria Clatya & Myia Fields 5094 London Lane Jackson, MS 39209	2910 Overstreet St. 39213	407- 240	\$ 550.00	\$ 500.00	\$ 100.00	\$ 1,150.00	Cutting of grass, remove trash and debris.
2012 - 2705	Dewayne West 1796 Wood Glenn Dr. Jackson, MS 39204	1796 Wood Glenn Dr. 39204	630- 509	\$ 598.00	\$ 500.00	\$ 100.00	\$ 1,198.00	Cutting of grass, remove trash and debris.
2012 - 3070	Rebuild America, Inc. 940 Centre Cir. Ste 2005 Altamonte Sprs. FL	516 Northpark Ln 39206	522- 106	\$ 195.00	\$ 500.00	\$ 100.00	\$ 795.00	Cutting of grass, remove trash and debris.

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	32714							
2012 - 3151	Laura McClain 1664 Kentwood Dr. Jackson, MS 39212	1664 Kentwood Dr. 39212	628-227	\$ 650.00	\$ 500.00	\$ 100.00	\$ 1,250.00	Cutting of grass, remove trash and debris.
2012 - 3156	Anthony Moser 3875 Kimbell Rd. Terry, MS 39170	3013 Lakewood Dr. 39212	628-371	\$ 550.00	\$ 500.00	\$ 100.00	\$ 1,150.00	Cutting of grass, remove trash and debris.
2012 - 3564	Katrice Smith 2679 Key St. Jackson, MS 39212	2679 Key St. 39212	614-92	\$ 575.00	\$ 500.00	\$ 100.00	\$ 1,175.00	Cutting of grass, remove trash and debris.
2012 - 4066	James Welch 3010 Brisbane Lane Jackson, MS 39204	0 Crestleigh Manor/Lot N of 2578 39204	837-210	\$ 375.00	\$ 500.00	\$ 100.00	\$ 975.00	Cutting of grass, remove trash and debris.

IT IS FURTHER RESOLVED that the costs and penalties assessed shall become liens against the parcels stated and shall be enrolled in the office of the circuit clerk of Hinds County as other judgments are enrolled consistent with the provisions of Section 21-19-11 of the Mississippi Code.

IT IS FURTHER RESOLVED AND ORDERED that the tax collector for the City of Jackson shall sell the parcels to satisfy the liens in a manner consistent with the sale of lands for delinquent taxes and in accordance with the provisions of Section 21-19-11 of the Mississippi Code.

IT IS FURTHER HEREBY RESOLVED pursuant to Section 21-19-11 that the costs and penalties assessed in this Resolution be included with municipal ad valorem taxes and the payment shall be enforced in the same manner as municipal ad valorem taxes and all statutes related to the collection of other taxes in the City of Jackson shall apply to the enforcement and collection of the costs and penalties levied by this Resolution.

IT IS FINALLY RESOLVED that the Mayor and municipal clerk be authorized to perform any and all acts necessary to insure that provisions of this Resolution are implemented.

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

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

Nays- None.

Absent- Barrett-Simon and Whitwell.

RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE AND PURSUANT TO ADMINISTRATIVE HEARINGS HELD SEPTEMBER 17, 2013 FOR THE FOLLOWING CASES:

WHEREAS, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health safety and welfare of the community; and

WHEREAS, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

WHEREAS, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on September 17, 2013; and

WHEREAS, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

WHEREAS, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2011-4518: Parcel #121-21** located *123 Houston Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 5*
- 2) **Case #2011-5509: Parcel #162-384** located *1704 Jones Avenue*: Taz Shabazz appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, the interested party shall be afforded until close of business on September 17, 2013 to visit the Community Improvement Division and enter into a rehabilitation contract. If there is a default and the City proceeds with cleaning, hearing officer recommends assessment of actual costs. *Demolition – Ward 5*
- 3) **Case #2012-1150: Parcel #127-121-13** located *Marcus Butler Drive/Lot N of 430*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. *Grass and Weeds – Ward 5*
- 4) **Case #2012-1747: Parcel #99-9** located *1624-26 Pleasant Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. *Demolition – Ward 7*
- 5) **Case #2012-1807: Parcel #143-31** located *J.R. Lynch Street/7th Lot W of Lot @ NW Corner of Clifton*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1500.00. *Grass and Weeds – Ward 5*
- 6) **Case #2012-1809: Parcel #143-30-2** located *J.R. Lynch Street 9th Lot W of Lot @ NW Corner of Clifton*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 5*

- 7) **Case #2012-1866: Parcel #163-84-54** located *Hair Street/Lot E of 1530*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 4*
- 8) **Case #2012-2687: Parcel #130-12** located *1587 W. Capitol Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 5*
- 9) **Case #2012-2816: Parcel #851-100** located at *0 Shannon Dale Drive/Formerly 3438 North of 3442*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 6*
- 10) **Case #2012-2818: Parcel #839-275** located at *3338 Suncrest Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Board-up – Ward 6*
- 11) **Case #2012-3265: Parcel #843-310** located at *4961 Oak Leaf Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 6*
- 12) **Case #2012-3495: Parcel #99-65** located *2106 Pleasant Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 7*
- 13) **Case #2013-1004: Parcel #127-120** located *510-14 Marcus L. Butler Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 5*
- 14) **Case #2013-1005: Parcel #127-120-2** located *510/2 Marcus L. Butler Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 5*
- 15) **Case #2013-1426: Parcel #147-32** located *Pearl Street/2nd Lot W of 1105*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 3*
- 16) **Case #2013-1582: Parcel #623-170** located *927 Woody Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Grass and Weeds – Ward 6*
- 17) **Case #2013-1590: Parcel #620-45** located *210 Woody Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 6*
- 18) **Case #2013-1591: Parcel #621-120** located *434 Woody Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 6*

- 19) **Case #2013-1971: Parcel #56-74-3** located *125 Taylor Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 6*
- 20) **Case #2013-1972: Parcel #53-61** located *3716 Northview Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 21) **Case #2013-1973: Parcel #56-74-2** located *121 Taylor Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 6*
- 22) **Case #2013-2042: Parcel #56-32-2** located *Mitchell Avenue/Lot @ NE Corner of Mill*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 3*
- 23) **Case #2013-2049: Parcel #433-201** located *North State Street/Lot @ NE Corner of Naples Road*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 24) **Case #2013-2100: Parcel #303-47** located *1052 Terrace Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 5*
- 25) **Case #2013-2101: Parcel #303-48** located *1053 Wynnwood Drive*: John Senseman appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, the interested party shall be afforded time to cure expiring September 24, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 26) **Case #2013-2102: Parcel #303-54** located *1003 Wynnwood Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Board-up - Ward 4*
- 27) **Case #2013-2191: Parcel #119-503** located *309 Sewanee Drive*: Byron Perkins appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, the interested party shall be afforded time to cure expiring October 1, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 28) **Case #2013-2192: Parcel #825-406** located *1647 Truman Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 29) **Case #2013-2193: Parcel #825-42** located *1724 Truman Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*

- 30) **Case #2013-2196: Parcel #303-94** located *1045 Glenwood Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 5*
- 31) **Case #2013-2198: Parcel #117-5** located *129 Lynn Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 4*
- 32) **Case #2013-2199: Parcel #425-608** located *Mosley Avenue/Lot N of 3511*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 33) **Case #2013-2203: Parcel #52-90** located *315 Downing Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 34) **Case #2013-2221: Parcel #640-425** located *220 Clintview Street*: Gloria Smith appeared. After hearing testimony, hearing officer recommends that the property be adjudicated as a menace to public health and safety; however, the interested party shall be afforded time to cure expiring October 8, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 4*
- 35) **Case #2013-2222: Parcel #409-251** located *1917 York Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Board-up – Ward 3*
- 36) **Case #2013-2223: Parcel #409-253** located *0 York Street/Lot W of 1903*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs. *Grass and Weeds – Ward 3*

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

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

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

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

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

**RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY
IN THE CITY OF JACKSON TO BE A MENACE TO PUBLIC HEALTH
SAFETY AND WELFARE PURSUANT TO SECTION 21-19-11 OF THE
MISSISSIPPI CODE AND PURSUANT TO ADMINISTRATIVE HEARINGS
HELD SEPTEMBER 24, 2013 FOR THE FOLLOWING CASES:**

2012-1959	2012-2208	2012-2475	2012-2897	2012-3096
2012-3709	2013-1213	2013-1253	2013-1278	2013-1619
2013-1857	2013-1896	2013-1970	2013-2010	2013-2011
2013-2012	2013-2023	2013-2130	2013-2132	2013-2150

WHEREAS, Section 21-19-11 of the Mississippi Code as amended provides that a governing authority shall conduct a hearing to determine whether property or parcels of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health safety and welfare of the community; and

WHEREAS, Section 21-19-11 of the Mississippi Code as amended sets forth the procedure for mailing and posting notice of the hearing; and

WHEREAS, hearings in the above captioned cases were held before a hearing officer appointed by the Mayor on September 24, 2013; and

WHEREAS, the hearing officer determined that notice was provided in accordance with Section 21-19-11 prior to the hearings; and

WHEREAS, after hearing testimony and reviewing evidence, the hearing officer made findings and recommendations for adjudication concerning certain parcels as follows:

- 1) **Case #2012-1959: Parcel #169-4** located *Hooker Street/619 Hooker Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 2) **Case #2012-2208: Parcel #127-99** located *264 Lexington Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 5*
- 3) **Case #2012-2475: Parcel #114-73** located *Bradley Street/Lot N of 228*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 5*
- 4) **Case #2012-2897: Parcel #163-72** located *1433 Hair Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 5*
- 5) **Case #2012-3096: Parcel #113-94-1** located *168 Longino Street/Building D*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$1500.00. *Board-up – Ward 5*
- 6) **Case #2012-3709: Parcel #450-137** located *Roxbury Place/Lot S of 1438*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 1*

- 7) **Case #2013-1213: Parcel #819-270** located at *6010 Montgomery Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 4*
- 8) **Case #2013-1253: Parcel #642-580** located at *525 Flag Chapel Road*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 4*
- 9) **Case #2013-1278: Parcel #105-192** located at *1021 Rondo Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 3*
- 10) **Case #2013-1619: Parcel #126-45** located *333 Wacaster Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 5*
- 11) **Case #2013-1857: Parcel #728-4** located *4538 Watkins Drive*: No appearance by owner or an interested party, however, the Code Enforcement Officer testified that there was a discussion prior to the hearing with Lela Hicks and recommends that she be given thirty (30) days to cure because she is of advanced age. Hearing officer recommends that the property be adjudicated as a menace to public health and safety, however, time to cure expiring October 24, 2013 be afforded. *Grass and Weeds – Ward 2*
- 12) **Case #2013-1896: Parcel #126-118** located *1842 First Avenue*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$750.00. *Demolition – Ward 5*
- 13) **Case #2013-1970: Parcel #56-66** located *221 Lorenz Boulevard*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 7*
- 14) **Case #2013-2010: Parcel #215-125** located *1834 Waltham Street*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Demolition – Ward 5 (burned)*
- 15) **Case #2013-2011: Parcel #110-16-1** located *520 W. Amite Street*: Ben Wiggins appeared. Hearing officer recommends that the property be adjudicated as a menace to public health and safety, however, interested party shall be afforded time to enter into an agreement with Community Improvement expiring October 24, 2013. *Demolition – Ward 3*
- 16) **Case #2013-2012: Parcel #110-15-1** located *540 W. Amite Street*: Nara Otis with Independent Enterprise, LLC appeared. Hearing officer recommends that the property be adjudicated a menace to public health and safety. However, interested party shall be afforded thirty-days (30) expiring October 24, 2013 to enter into a rehabilitation agreement with Community Improvement. *Demolition – Ward 3*
- 17) **Case #2013-2023: Parcel #721-604** located *5215 Medhurst Place*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 2*

- 18) **Case #2013-2130: Parcel #430-8-14** located *3711 Northhaven Drive*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 3*
- 19) **Case #2013-2132: Parcel #507-405** located *Cedar Park Drive/Lot N of 5201*: No appearance by owner or an interested party. Hearing officer recommends that the property be adjudicated as a menace to public health and safety with assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 2*
- 20) **Case #2013-2150: Parcel #552-140** located *312 Colonial Circle*: William Jones, III appeared and advised that his father, William Jones, Jr. is deceased. Hearing officer recommends that the property be adjudicated as a menace to public health and safety, however, interested party shall be afforded time to cure expiring October 24, 2013. If there is a default and the City proceeds with cleaning, hearing officer recommends an assessment of actual costs and a penalty of \$500.00. *Grass and Weeds – Ward 1*

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

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

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

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

Council Member Whitwell moved adoption; Council Member Priester seconded.

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

Nays- None.

Absent- Barrett-Simon and Yarber.

There came on for consideration Agenda Item No. 33:

ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 5 TO THE AGREEMENT WITH WEI/AJA, LLC TO PROVIDE CONTINUING PROGRAM MANAGEMENT FOR CONSENT DECREE IMPLEMENTATION AND ASSOCIATED GENERAL ENGINEERING, MANAGEMENT, AND TECHNICAL SUPPORT THROUGH THE FISCAL YEAR ENDING 2014 AS PART OF THE WASTEWATER INFRASTRUCTURE REDEVELOPMENT PROGRAM, CITY PROJECT NO. 4050090. Said item was pulled at the request of Mayor Chokwe Lumumba.

ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 AND FINAL TO THE CONTRACT WITH MORGAN CONTRACTING FOR THE CONSTRUCTION OF THE 54" WATER TRANSMISSION MAIN, CITY PROJECT NO. 90113901.

WHEREAS, on May 15, 2012, the City accepted the bid of Morgan Contracting, Inc. for the construction of the 54" Water Transmission Main, City Project No. 90113901 in the amount of \$8,637,079.60; and

WHEREAS, disinfection of the entire transmission main from O.B. Curtis water treatment plant to Fewell water treatment plant was requested, the O.B. Curtis tie-in was at an increased depth, and additional culvert repair, among other changes were deemed to be in the best interests of the City, resulting in decreased quantities of certain pay items and increases of others; and

WHEREAS, field adjustments to the job resulted in a net contract increase of \$109,126.66, resulting in an amended total contract amount of \$8,746,206.27; and

WHEREAS, these modifications are necessary under the circumstances, are being made in a commercially reasonable manner, and are not being made to circumvent the public purchasing statutes.

WHEREAS, the City of Jackson's Public Works Department has determined the water infrastructure is complete and properly installed, and that the construction is completed; and

WHEREAS, the surety, Liberty Mutual Insurance Co., Debra Johnson, Attorney-in-Fact, has authorized release and payment of all remaining money due under this contract.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Change Order No. 1, Final, to the contract of Morgan Contracting for the 54" Water Transmission Main, City Project No. 90113901, increasing the contract amount by \$109,126.66, to a final contract amount of \$8,746,206.27.

IT IS FURTHER ORDERED that final payment in the amount of \$325,249.63 be made and all securities or retainage held be released to Morgan Contracting for all work done and material furnished under said contract, and that the City Clerk is directed to publish Notice of Completion for the 54" Water Transmission Main, City Project No. 90113901.

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

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE A RELEASE AND ABANDONMENT OF A 10' UTILITY EASEMENT ACROSS LOT 21, EASTOVER SUBDIVISION, BLOCK "C", SECTION 28.

WHEREAS, the City of Jackson possesses an easement across Lot 21, Eastover Subdivision, Lot 21, Block "C", Section 28 that formerly contained a water line; and

WHEREAS, that water line was re-routed through the street and the existing water line abandoned; and

WHEREAS, the current property owners now desire to construction a porch for their house that would infringe on the City's easement; and

WHEREAS, the Department of Public Works has reviewed the easement and determined that it has no use for such easement.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute and the City Clerk to attest, a release and abandonment of the easement, quitclaiming any rights the City may have in the 10' utility easement across Lot 21, Eastover Subdivision, Lot 21, Block "C", Section 28 to the current owner of the lot.

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

ORDER AUTHORIZING THE MAYOR TO GIVE TWENTY-FIVE DAYS NOTICE OF CONTRACT CANCELLATION TO ARAMARK UNIFORM SERVICES OF THE CITY UNIFORM RENTAL CONTRACT (BID NO. 97690-071911).

WHEREAS, Bid No. 97690-071911 was presented to the City Council On November 1, 2011, the City Council awarded the contract for City Uniform Rental to the lowest and best bidder, Aramark Uniform Services , such award being recorded in Minute Book 6A, page 82; and

WHEREAS, the specifications provided that the contract could be cancelled by the City upon giving twenty-five days notice to the Company awarded the contract of the City's desire to cancel the contract; and

WHEREAS, the City Departments being served by this uniform rental contract recommend that the governing authorities give notice to cancel the contract because Aramark Uniform Services has not provided satisfactory performance under the contract; and

WHEREAS, while the specifications allow cancellation with no notice, at any time, for the contractor's failure to perform its obligations under the contract, providing twenty-five days notice will allow for the orderly winding down of the contract services and the procurement of another uniform rental contract.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to provide notice to Aramark Uniform Services of the City's intent to cancel the contract for Uniform Rental Services (Bid No. 97690-071911) at the expiration of twenty-five days from the date Aramark Uniform Services receives notice of the intent to cancel from the City.

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

ORDER AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1/FINAL TO THE CONTRACT OF UNICON, INC. AND FURTHER AUTHORIZING PUBLICATION OF NOTICE OF COMPLETION FOR THE EUBANKS CREEK DRAINAGE IMPROVEMENTS (PHASE IV), CITY PROJECT NO. 050397-904.

WHEREAS, the City received bids on Tuesday, October 23, 2012 for the construction of the Eubanks Creek Drainage Improvements (Phase IV), City Project No. 050397-904; and

REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, NOVEMBER 5, 2013, 10:00 A.M.

WHEREAS, on May 28, 2013, the City accepted the bid of Unicon, Inc., in the amount of \$502,650.00, to commence work on the Eubanks Creek Drainage Improvements (Phase IV), City Project No. 050397-904; and

WHEREAS, a final inspection was held on September 13, 2013, and the Department of Public Works Departments recommends acceptance of the project; and

WHEREAS, Change Order No. 1/Final is a 14% decrease to the contract amount due to the adjustment of quantities, and the removal or addition of items; and

WHEREAS, the decrease in the contract amount is \$70,120.99 and the new contract amount is \$432,529.01; and

WHEREAS, the Public Works Department recommends that the governing authorities approve Change Order No. 1/Final and authorize final payment to Unicon, Inc.; and

WHEREAS, the bonding company Travelers Casualty and Surety Company of America, Attorney-in-fact, surety on performance of the said contract, has authorized release and payment of all money due under said contract.

IT IS, THEREFORE, ORDERED that Change Order No. 1/Final to the contract of Unicon, Inc., decreasing the contract amount by \$70,120.99 to \$432,529.01, is approved and the Mayor is authorized to sign Change Order No. 1/Final.

IT IS FURTHER ORDERED that final payment in the amount of \$39,571.58 is authorized and that all securities held shall be released to Unicon, Inc.

IT IS FURTHER ORDERED that the City Clerk publish the Notice of Completion for Eubanks Creek Drainage Improvements (Phase IV), City Project No. 9AA5001.

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

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

Nays- None.

Absent- Barrett-Simon and Yarber.

Council Member Whitwell left the meeting at 12:38 p.m. after voting on item #37.

**RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
IN OBSERVANCE OF THE CELEBRATION TO HONOR AMERICA'S
VETERANS FOR THEIR PATRIOTISM, LOVE OF COUNTRY, AND
WILLINGNESS TO SERVE AND SACRIFICE FOR THE COMMON
GOOD KNOWN AS VETERANS DAY (COOPER-STOKES).**

WHEREAS, the idea for Armistice Day or Veterans Day, dates back to the Treaty of Versailles and the treaty between the Allies in World War I which went into effect on November 11, 1918; and

WHEREAS, in November, 1919, President Wilson proclaimed November 11th as the first Armistice Day; the United States Congress officially recognized the end of World War I when it passed a concurrent resolution on June 4, 1926, as a day to be commemorated with a day of thanksgiving, prayer, and exercises designated to perpetuate peace through goodwill and mutual understanding among nations; and

WHEREAS, on September 20, 1975, after many different variations of days had been ordered, President Gerald Ford signed Public Law 94-97 which returned the annual observance of Veterans Day to its original date of November 11th, beginning in 1978; and

WHEREAS, Veterans Day continues to be observed annually on November 11th, regardless of the day of the week on which it falls.

THEREFORE, BE IT RESOLVED, that the City Council of Jackson, Mississippi hereby observes the celebration to honor America's veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good, known as Veterans Day.

SO RESOLVED, this the _____ day of November, 2013.

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

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

Nays- None.

Absent- Barrett-Simon, Whitwell and Yarber.

There came on for consideration Agenda Item No. 39:

DISCUSSION: ERIE STREET: President Tillman recognized **Council Member Cooper-Stokes** who expressed concerns regarding abandoned houses on the said street.

There came on for consideration Agenda Item No. 40:

DISCUSSION: SUNSET APARTMENTS: President Tillman recognized **Council Member Cooper-Stokes** who expressed concerns about the mold issue within the apartment complexes.

The following announcements/reports were provided during the meeting:

- Charles Tisdale Day at 11:00 at Charles Tisdale Library on November 7, 2013.
- Ward 3 will hold a meeting at the Medgar Evers Library on November 7, 2013.
- Ward 2 will host Community Movie Night at New Hope Baptist Church, November 9, 2013 at 6:30 p.m.
- Mississippi Black Leadership Summit will be at the Jackson Convention Center on November 6, 2013.
- Senior Appreciation Luncheon at Salvation Army from 11:00-1:00 p.m. on November 15, 2013.
- Toys for Tots registration 9:00-3:00 p.m. at Metrocenter Monday, Wednesday and Thursday.

The meeting was closed in memory of the following individuals:

- Marie Holden

Council President Tillman recognized **Vice President Priester** who suggested the need for an Executive Session to discuss a Personnel Matter. **Council Member Priester** moved and **Council Member Stamps** seconded to consider to go into Executive Session. The motion prevailed by the following vote:

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

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

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

An announcement was made to the public that the Council voted to go into Executive Session to discuss a Personnel Matter.

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

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

President Tillman announced that the Council voted to come out of Executive Session and that no official action would be taken. The personnel matter would be taken under advisement.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Meeting to be held at 4:00 p.m. on Monday, November 11, 2013; at 1:30 p.m., the Council stood adjourned.

ATTEST:



CITY CLERK

APPROVED:

 12-6-13

MAYOR DATE
