

BE IT REMEMBERED that a Regular Meeting of the City Council of Jackson, Mississippi, was convened at City Hall at 10:00 a.m. on July 18, 2023, being the third Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Aaron Banks, Council President, Ward 6 (via teleconference); Angelique Lee, Vice-President, Ward 2; Ashby Foote, Ward 1; Brian Grizzell, Ward 4; Vernon Hartley, Ward 5 and Virgi Lindsay, Ward 7. Directors: Safiya Omari, Chief of Staff; Shanekia Mosley-Jordan, Clerk of Council; Sabrina Shelby, Chief Deputy Clerk of Council; Catoria Martin, City Attorney (via teleconference) and Terry Williamson, Legal Counsel.

Absent: Kenneth Stokes, Ward 3.

The meeting was called to order by **Vice President Lee**.

The invocation was offered by **Bishop Henry Joseph of Zion Ministries**.

The Council recited the **Pledge of Allegiance**.

There came on for Introduction, Agenda Item No. 2:

ORDER FINALLY APPROVING THE DEPARTMENT OF REVENUE'S UNIFORM ASSESSMENT SCHEDULE FOR AD VALOREM TAXES ON MOTOR VEHICLES AFTER NO COMPLAINTS WERE FILED, IN WRITING, OBJECTING TO AND PETITIONING TO ANY PORTION OF THE ASSESSMENT SCHEDULE.

There was no opposition from the public.

Vice President Lee requested that Agenda Item No. 12 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER FINALLY APPROVING THE DEPARTMENT OF REVENUE'S UNIFORM ASSESSMENT SCHEDULE FOR AD VALOREM TAXES ON MOTOR VEHICLES AFTER NO COMPLAINTS WERE FILED, IN WRITING, OBJECTING TO AND PETITIONING TO ANY PORTION OF THE ASSESSMENT SCHEDULE.

WHEREAS, the Council of the City of Jackson, Mississippi, approved by order entered at its regular meeting on July 3, 2023, the Department of Revenue's Uniform Assessment Schedule for the assessment, calculation, and collection of ad valorem taxes on motor vehicles for the City of Jackson and the Jackson Municipal Separate School District; and

WHEREAS, the Council ordered the Clerk to publish notice to the public, to the effect that the said assessment schedule for motor vehicles had been approved and subject to the right of taxpayers and the public to examine and object to the same, and fixed a date therein, to wit, the 18th day of July 2023, which said the date was no more than fifteen (15) days after the date of the publication thereof, as the date for the hearing of protests and objections to the said assessment schedule and claims for adjustment thereunder; and

WHEREAS, the Council further ordered that the notice be published in the Mississippi Link, a newspaper of general circulation in the City of Jackson on July 13, 2023; and

WHEREAS, on July 18, 2023, the Council in the Council Chambers at City Hall in said city conducted a hearing to take on any complaint filed in writing, objecting to and petitioning for a specified reduction on any portion or portions of the assessment schedule affecting the complainant directly; and

WHEREAS, the Council finds that no protests against said schedule were filed with the Clerk of the City of Jackson on or before 10:00 a.m., July 18, 2023, as provided for in said notice; therefore, no claim for adjustment was filed; and

WHEREAS, the Council now finds that in all things it is right and proper for said assessment schedule to be now made final.

IT IS, THEREFORE, ORDERED that the Council of the City of Jackson did not receive any complaints to the Department of Revenue’s motor vehicle ad valorem tax assessment schedule for the year 2023-2024. The valuations therein set forth are finally approved after no complaints to the assessment were filed in writing to be heard on July 18, 2023.

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

The following individual provided public comments during the meeting:

- **Thomas Cheatham** expressed concerns regarding Agenda Item No. 29.

Vice President Lee requested that Agenda Item No. 30 be moved forward on the Agenda. Hearing no objections, the following was discussed:

DISCUSSION: PARKS: Vice President Lee expressed concerns regarding the City’s parks. **Vice President Lee** recognized **Ison Harris, Director of Parks and Recreation**, who stated that all parks are cut on a weekly basis (weather permitting) and that his department has worked extremely hard to keep all parks up to parr with only 48 men cutting all of the grass the city is responsible for cutting. He also cited the City’s budget problems with getting all the city’s swimming pools back up and running. **Vice President Lee** expressed concerns about the long list of duties the Parks and Recreation Department has and suggested that maybe their duties needed to be re-evaluated to create some relief for that department.

APPROVAL OF THE MAY 23, 2023 REGULAR COUNCIL MEETING MINUTES.

Council Member Grizzell moved adoption; **Council Member Hartley** seconded.

Yeas – Banks, Foote, Hartley, Lee and Lindsay.

Nays – Grizzell.

Absent – Stokes.

APPROVAL OF THE JUNE 1, 2023 SPECIAL COUNCIL MEETING MINUTES.

Council Member Grizzell moved adoption; **Council Member Hartley** seconded.

Yeas – Banks, Foote, Hartley, Lee and Lindsay.
Nays – Grizzell.
Absent – Stokes.

APPROVAL OF THE JUNE 22, 2023 SPECIAL COUNCIL MEETING MINUTES.

Council Member Grizzell moved adoption; **Council Member Hartley** seconded.

Yeas – Banks, Foote, Hartley, Lee and Lindsay.
Nays – Grizzell.
Absent – Stokes.

APPROVAL OF THE JUNE 29, 2023 SPECIAL COUNCIL MEETING MINUTES.

Council Member Grizzell moved adoption; **Council Member Hartley** seconded.

Yeas – Banks, Foote, Hartley, Lee and Lindsay.
Nays – Grizzell.
Absent – Stokes.

Vice President Lee requested that Agenda Item No. 15 be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

ORDER AUTHORIZING THE MAYOR TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN RUSSELL C. DAVIS PLANETARIUM AND TANGENT SOLUTIONS, LLC FOR THE PURPOSE OF ADMINISTERING A SUMMER STEAM CAMP DURING THE 2023, 2024, AND 2025 SUMMER.

WHEREAS, the Department of Human and Cultural Services operates and manages the Russell C. Davis Planetarium; and

WHEREAS, as part of the programs and services of the Russell C. Davis Planetarium, the Department of Human and Cultural Services recommends that the City of Jackson collaborate with Tangent Solutions, LLC to provide a STEAM camp for youths at no cost; and

WHEREAS, the STEAM camp will consist of three (3) weeks and be located at Jackson State University’s School of Science Technology and Engineering; and

WHEREAS, the STEAM camp will take place during the summer of 2023, 2024, and 2025 and offer 3 weeks of a NASA Astro Camp® certified curriculum-based STEAM instruction to participating students at no charge; and

WHEREAS, Tangent Solutions, LLC has provided outstanding curriculum-based STEAM enrichment for participating students that has resulted in a 150% increase in student enrollment from last year, 2022; and

WHEREAS, Tangent Solutions LLC will provide perpetual extension and use of Metro Area Robotics and STEAM online platform and programming used in summer camps at no cost provided Tangent Solutions LLC is the contractual administrator of in-person and/or virtual online camps or programs services; and

WHEREAS, the City of Jackson will render and provide perpetual extension and use of programming licenses and physical equipment used in summer camps at no cost, including Oculus goggles and libraries, NASA AstroCamp supplies, Spheros robots, PowerUp toys, and STEAM kits i.e., Kiwico; and

WHEREAS, Tangent Solutions, LLC is an independent contractor and no joint venture, agency, partnership, or employer relationship is created; and

WHEREAS, Tangent Solutions, LLC agrees to indemnify and hold the City harmless from and against any and all claims, demands, suits, liabilities, judgments, injuries, costs, damages, losses, expenses, surcharges, fines, penalties, taxes, interests, assets, and fees of every kind and nature whatsoever, including, without limitation, any of the foregoing on account of death and injury to persons, and losses of, or damage to, property, natural resources or the environment, reasonable attorney fees and other professional fees and costs arising out of or in connection with or caused by, in any way, by the negligence, willful misconduct or breach of this agreement by Tangent Solutions, LLC further agrees to indemnify and hold harmless the City for all penalties, fines, and other obligations which may be imposed by regulatory agencies as a result of the Vendor's negligence or wrongful failure to perform; and

WHEREAS, the City of Jackson will pay Tangent Solutions, LLC. as services are rendered a sum not to exceed \$25,000.00 for each year that the STEAM camp is offered; and

WHEREAS, the Memorandum of Understanding shall be governed by the laws of the State of Mississippi; and

WHEREAS, either party may decide not to proceed with the project contemplated for any reason or no reason.

IT IS HEREBY ORDERED that the Mayor shall be authorized to execute the Memorandum of Understanding with Tangent Solutions, LLC.

IT IS HEREBY ORDERED that a sum not to exceed \$25,000.00 for each year that the summer STEAM is offered may be paid to Tangent Solutions, LLC.

IT IS HEREBY ORDERED that the STEAM camp may be offered during the summer of 2023, 2024, and 2025.

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

Vice President Lee recognized **Mike Williams, Deputy Director of Human and Cultural Services**, who provided a brief overview of said item.

Thereafter, **Vice President Lee**, called for a vote of said item:

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.
Nays – None.
Absent – Stokes.

There came on for Introduction Agenda Item No. 8:

ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 3 OF THE JACKSON CODE OF ORDINANCES. **Council Member Lindsay** requested that the Council suspend the rules to adopt said item.

Vice President Lee recognized **Council Member Lindsay** who moved; seconded by **Council Member Grizzell**, to suspend the rules to make said item effective immediately. The motion prevailed by the following vote:

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.
Nays – None.
Absent – Stokes.

Thereafter, **Vice President Lee** requested that the Clerk read the Order:

ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 3 OF THE JACKSON CODE OF ORDINANCES.

WHEREAS, Article I, Section 2-102 of the City of Jackson Code of Ordinances, provides for the establishment of City Council standing committees; and

WHEREAS, the City Council has determined that Section 2-102 of the City of Jackson Code of Ordinances should be amended to combine the Planning Committee with the Economic Development Committee, and, thus, a new section titled "Planning/Economic Development Committee" should be established; and

WHEREAS, Section 2-102 currently states:

"Sec. 2-102. Establishment of standing committees.

The council shall maintain six standing committees which may make recommendations to the council as appropriate. The six standing committees shall be:

- (1) Finance committee.
- (2) Rules committee.
- (3) Planning committee.
- (4) Legislative committee.
- (5) Economic development committee.
- (6) Government Operations committee.

WHEREAS, Section 2-104 currently states:

"Sec. 2-104. – Rules committee.

The function of this committee is to conduct an ongoing analysis of council procedures to ensure legality and maximum exercise of council responsibilities. Additionally, all matters relating to nominations, rules, laws, executive communications, resolutions and ordinances shall be referred to this committee at the discretion of the president. Additional duties may be assigned as needed.

WHEREAS, in order to establish a Rules and Government Committee, the above-mentioned sections of Article I, Section 2-102 of the City of Jackson Code of Ordinances must be amended as follows:

"Sec. 2-102. Establishment of standing committees.

The council shall maintain six eight standing committees which may make recommendations to the council as appropriate. The six standing committees shall be:

- 1) Finance committee.
- 2) Rules **and Government Operations** committee.
- 3) Planning/Economic development committee.
- 4) Legislative committee.
- 5) Economic development committee.
- ~~(6) Government Operations committee."~~
- 6) **Public Works Committee**
- 7) **Public Property Renaming Committee**
- 8) **Public Safety & Parks Committee**

"Sec. 2-104. – Rules and Government Operations committee.

The function of this committee is to conduct an ongoing analysis of council procedures to ensure legality and maximum exercise of council responsibilities. Additionally, all matters relating to nominations, rules, laws, executive communications, resolutions and ordinances shall be referred to this committee at the discretion of the president. Additional duties may be assigned as needed.

“Sec.2-106 – Public Works Committee.

The function of this committee is to oversees the City’s Public Works responsibility for planning, designing, constructing, operating, and maintaining the city’s infrastructure which includes public roads, transportation systems, bridges, water, wastewater, drainage, and solid waste disposal systems to ensure the sustainability of structures and services essential to the welfare and acceptable quality of life for its citizens.

Sec. 2-107. – Government Operation committee shall be deleted in its entirety.

“Sec.2-107 – Public Property Renaming Committee.

The function of this committee is to implement of the guidelines established for renaming the City’s properties or facilities, the facilitation of the citizens’ input through the process of notification, reviewing of all applications and advisement to the applicant, in writing, as to whether the application has met the requirements set forth in these procedures, the assurance of the monitoring of all phases of the procedures established for this process.

“Sec.2-108 – Public Safety and Parks Committee.

The function of this committee is the protection of citizens, organizations, and communities by preventing them from being in danger and guarding their well-being. Also, this committee is dedicated to the assurance of the creation of positive experiences by providing quality parks, facilities, services, and programs for all of citizens.

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

Section 1. Sec. 2-102 is amended, and shall now read as follows:

"Sec. 2-102. Establishment of standing committees.

The council shall maintain seven standing committees which may make recommendations to council as appropriate. The eight standing committees shall be:

- (1) Finance committee.
- (2) Rules and Government Operations committee.
- (3) Planning/ Economic Development committee.
- (4) Legislative committee.
- (5) Public Works committee.
- (6) Public Property Renaming committee.
- (7) Public Safety and Parks committee.

Section 2. Sec. 2-104 is amended, and shall now read as follows:

"Sec. 2-104. – Rules and Government Operations committee.

The function of this committee is to conduct an ongoing analysis of council procedures to ensure legality and maximum exercise of council responsibilities. Additionally, all matters relating to nominations, rules, laws, executive communications, resolutions and ordinances shall be referred to this committee at the discretion of the president. Additional duties may be assigned as needed.

Section 3. Sec. 2-106 is amended, and shall now read as follows:

“Sec.2-106 – Public Works Committee.

The function of this committee is to oversees the City’s Public Works responsibility for planning, designing, constructing, operating, and maintaining the city’s infrastructure which includes public roads, transportation systems, bridges, water, wastewater, drainage, and solid waste disposal

systems to ensure the sustainability of structures and services essential to the welfare and acceptable quality of life for its citizens.

Section 4. Sec. 2-107 is deleted in its entirety.

Section 5. Sec. 2-107 is amended, and shall now read as follows:

“Sec.2-107 – Public Property Renaming Committee.

The function of this committee is to implement of the guidelines established for renaming the City’s properties or facilities, the facilitation of the citizens’ input through the process of notification, reviewing of all applications and advisement to the applicant, in writing, as to whether the application has met the requirements set forth in these procedures, the assurance of the monitoring of all phases of the procedures established for this process.

Section 6. Sec. 2-108 is amended, and shall now read as follows:

“Sec.2-108 – Public Safety and Parks Committee.

The function of this committee is the protection of citizens, organizations, and communities by preventing them from being in danger and guarding their well-being. Also, this committee is dedicated to the assurance of the creation of positive experiences by providing quality parks, facilities, services, and programs for all of citizens.

Section 7. Any delay in the effectiveness of this ordinance will have a debilitating effect on City government; thus, this order shall take effect immediately upon passage.

Vice President Lee recognized **Terry Williamson, Legal Counsel**, who stated that an amendment was needed in said ordinance, in Section 7, to read: “Effective 30 days after passage and publication.”

Council Member Grizzell moved; seconded by **Council Member Lindsay**, to amend said order to reflect the changes as stated by **Legal Counsel Terry Williamson**. The motion prevailed by the following vote:

Yeas –Banks, Foote, Grizzell, Hartley, Lee and Lindsay.
Nays – None.
Absent – Stokes.

Thereafter, **Vice President Lee** called for a vote on said Ordinance as amended:

ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 3 OF THE JACKSON CODE OF ORDINANCES.

WHEREAS, Article I, Section 2-102 of the City of Jackson Code of Ordinances, provides for the establishment of City Council standing committees; and

WHEREAS, the City Council has determined that Section 2-102 of the City of Jackson Code of Ordinances should be amended to combine the Planning Committee with the Economic Development Committee, and, thus, a new section titled "Planning/Economic Development Committee" should be established; and

WHEREAS, Section 2-102 currently states:

"Sec. 2-102. Establishment of standing committees.

The council shall maintain six standing committees which may make recommendations to the council as appropriate. The six standing committees shall be:

-
- (7) Finance committee.
 - (8) Rules committee.
 - (9) Planning committee.
 - (10) Legislative committee.
 - (11) Economic development committee.
 - (12) Government Operations committee.

WHEREAS, Section 2-104 currently states:

"Sec. 2-104. – Rules committee.

The function of this committee is to conduct an ongoing analysis of council procedures to ensure legality and maximum exercise of council responsibilities. Additionally, all matters relating to nominations, rules, laws, executive communications, resolutions and ordinances shall be referred to this committee at the discretion of the president. Additional duties may be assigned as needed.

WHEREAS, in order to establish a Rules and Government Committee, the above-mentioned sections of Article I, Section 2-102 of the City of Jackson Code of Ordinances must be amended as follows:

"Sec. 2-102. Establishment of standing committees.

The council shall maintain ~~six~~ eight standing committees which may make recommendations to the council as appropriate. The six standing committees shall be:

- 6) Finance committee.
 - 7) Rules **and Government Operations** committee.
 - 8) Planning/Economic development committee.
 - 9) Legislative committee.
 - 10) Economic development committee.
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- 6) Public Works Committee**
 - 7) Public Property Renaming Committee**
 - 8) Public Safety & Parks Committee**

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The function of this committee is to oversees the City's Public Works responsibility for planning, designing, constructing, operating, and maintaining the city's infrastructure which includes public roads, transportation systems, bridges, water, wastewater, drainage, and solid waste disposal systems to ensure the sustainability of structures and services essential to the welfare and acceptable quality of life for its citizens.

Sec. 2-107. – Government Operation committee shall be deleted in its entirety.

"Sec.2-107 – Public Property Renaming Committee.

The function of this committee is to implement of the guidelines established for renaming the City's properties or facilities, the facilitation of the citizens' input through the process of notification, reviewing of all applications and advisement to the applicant, in writing, as to whether the application has met the requirements set forth in these procedures, the assurance of the monitoring of all phases of the procedures established for this process.

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

Section 1. Sec. 2-102 is amended, and shall now read as follows:

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- (8) Finance committee.
- (9) Rules and Government Operations committee.
- (10) Planning/ Economic Development committee.
- (11) Legislative committee.
- (12) Public Works committee.
- (13) Public Property Renaming committee.
- (14) Public Safety and Parks committee.

Section 2. Sec. 2-104 is amended, and shall now read as follows:

"Sec. 2-104. – Rules and Government Operations committee.

The function of this committee is to conduct an ongoing analysis of council procedures to ensure legality and maximum exercise of council responsibilities. Additionally, all matters relating to nominations, rules, laws, executive communications, resolutions and ordinances shall be referred to this committee at the discretion of the president. Additional duties may be assigned as needed.

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Section 4. Sec. 2-107 is deleted in its entirety.

Section 5. Sec. 2-107 is amended, and shall now read as follows:

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The function of this committee is to implement of the guidelines established for renaming the City’s properties or facilities, the facilitation of the citizens’ input through the process of notification, reviewing of all applications and advisement to the applicant, in writing, as to whether the application has met the requirements set forth in these procedures, the assurance of the monitoring of all phases of the procedures established for this process.

Section 6. Sec. 2-108 is amended, and shall now read as follows:

“Sec.2-108 – Public Safety and Parks Committee.

The function of this committee is the protection of citizens, organizations, and communities by preventing them from being in danger and guarding their well-being. Also, this committee is dedicated to the assurance of the creation of positive experiences by providing quality parks, facilities, services, and programs for all of citizens.

Section 7. Any delay in the effectiveness of this ordinance will have a debilitating effect on City government; thus, this Ordinance will be effective 30 days after passage and publication.

Yeas –Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

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There came on for Introduction Agenda Item No. 9:

AN ORDINANCE CREATING SECTION 86-21 CONCERNING THE USE OF CONSUMER FIREWORKS AND PROVIDING PENALTIES FOR VIOLATIONS.

Council Member Lindsay requested that the Council suspend the rules to adopt said item.

Vice President Lee recognized **Council Member Lindsay** who moved; seconded by **Vice President Lee**, to suspend the rules to make said item effective immediately. The motion prevailed by the following vote:

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.

Nays – Hartley.

Absent – Stokes.

Thereafter, **Vice President Lee** requested that the Clerk read the Order:

AN ORDINANCE CREATING SECTION 86-21 CONCERNING THE USE OF CONSUMER FIREWORKS AND PROVIDING PENALTIES FOR VIOLATIONS.

THE CITY OF JACKSON ORDAINS:

That Chapter 86, Article 1, Section 86-21, of the City of Jackson Code is hereby amended to provide as follows:

Sec. 86-21. Definitions

A) Definitions: For Purposes of this Section

(1) Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

(2) Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

(3) Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

(5) Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1 to 3.1.1.8, and 3.5.

(6) Novelties means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

(i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph.

(iii) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(iv) Flitter sparklers in paper tubes not exceeding one-eighth-inch in diameter.

(v) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(7) Special effects means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

B - Use of consumer fireworks.

(a) Except as provided in paragraphs (b), (c), and (d) below, it shall be unlawful for any person to ignite, discharge or use consumer fireworks, as such term is defined in section 86-21-A.

(b) It is unlawful to throw, toss or aim any fireworks at any person, animal, or vehicle, explode any fireworks within three hundred 300 yards of any railroad depot or warehouse, hospital, asylum, or within 300 feet of where fireworks are offered for sale. A person may ignite, discharge, or use consumer fireworks only between the hours of 9:00 am and 10:00 pm on the day preceding, the day of, or the day after the following national holidays:

(1) Martin Luther King, Jr. Day, the third Monday in January

(3) Memorial Day, the last Monday in May

(3) Juneteenth, June 19

(4) Independence Day, July 4

(5) Labor Day, the first Monday in September

(6) Columbus Day, the second Monday in October

(7) Veterans Day, November 11

(9) Christmas Day, December 25

(c) On New Year's Day, January 1, a person may ignite, discharge, or use consumer fireworks between the hours of 9:00 a.m. and 1:00 a.m. On the day before, or the day after, New Year's Day, a person may ignite, discharge, or use consumer fireworks between the hours of 9:00 a.m and 10:00 p.m.

(d) A person shall not shoot, discharge, fire, explode, or otherwise use any consumer fireworks on or low-impact fireworks in any of the streets, sidewalks, alleys, or elsewhere within the city limits, except during the permitted dates and times listed under the permitted holidays.

(e) Each violation of paragraphs (b), (c), and (d) shall be punishable by a civil infraction with a fine not to exceed one thousand dollars (\$1,000.00).

(f) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's

express permission to use those fireworks on those premises. Except as otherwise provided in this subsection, a person that violates this subsection is responsible for a civil infraction and may be ordered to pay a fine not to exceed five hundred dollars (\$500.00).

(g) A person shall not ignite, discharge or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor or a controlled substance or a combination of both. A person who violates this subsection is responsible for a civil infraction punishable by a fine not to exceed one thousand dollars (\$1,000.00).

(h) Minors under 16 years of age shall not ignite, discharge, or use consumer fireworks or low-impact fireworks without the supervision of a parent, guardian, or custodian. Parents, guardians, or custodians will be held financially liable for any damages on public property, school property, church property, or the property of another person should minors be knowingly left unaccompanied during the use of consumer fireworks or low-impact fireworks.

(i) Unmanned free-floating devices. Any unmanned free-floating device (sky lantern) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited within city limits.

(j) Unless otherwise provided in this section, if a person knowingly, intentionally, or recklessly violates this section, the person is guilty of a crime as follows:

(1) Except as otherwise provided in this section, a misdemeanor punishable by imprisonment for not more than 30 days or a fine not to exceed one thousand dollars (\$1,000.00), or both.

(2) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 60 days or a fine not to exceed five hundred dollars (\$500.00), or both.

C- Sale and Storage of Fireworks.

(a) Firework sales are seasonal sales only, within the times permitted by state law. No fireworks should be sold or offered for sale within the City of Jackson before June 15 and after July 5, before Dec. 5, and after Jan. 2 of each year.

(b) Permitted holidays recognized for the purpose of sale should be limited to July 4, Dec. 25, Dec. 31, and Jan. 1.

(c) The name of the association, organization, or corporation, together with the names of the persons to be in charge of the sales, the dates and time of the day at which the sales are to be held, and a diagram/sketch of the location to serve as a sales location must be submitted to City of Jackson's Planning Director, Zoning Administrator, Fire Chief, and Fire Marshal.

(d) A license fee for the sale of fireworks at each location shall be in the sum of \$250.00, and a structure erected for the sale of fireworks shall comply with those requirements set forth through the ordinance, and all other city ordinances or regulations. The structure must be approved for occupancy, including no smoking signs, exit signs, and fire extinguishers.

(e) City representatives, including the Building Inspector, as well as a fire official, are authorized to inspect the site and make periodic follow-up checks, as deemed necessary, to ensure continued compliance.

(f) Fireworks must not be sold or kept for sale in a place of business where paints, oils, varnishes, turpentine or gasoline, or other flammable substances are kept. Fireworks should be stored in a room set aside for storage of fireworks only and shall have a sign over the entrance that reads, "Fireworks – No Smoking - Keep Open Flames Away."

(g) All retailers are forbidden to expose fireworks where the sun shines through the glass on the merchandise displayed, except where fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty, or the firework is equipped with a threaded safety fuse.

(h) All retail stands must display a minimum of four "No Smoking" signs in a prominent place, viewable to the public. The permittee shall be responsible for strict enforcement of the no-smoking regulation.

(i) It is unlawful for fireworks to be stored, kept, sold, or discharged within 300 feet of the property line of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold. Additionally, all fireworks sales sites are required to be 2,500 feet away from other existing fireworks outlets, and 500 feet from any residential properties. • It is also unlawful to sell any type of fireworks that have not been evaluated and approved for sale and use within the State of Mississippi by the state Fire Marshal.

(j) All fireworks sales must be located in an appropriate Limited Commercial District as defined by the City's Zoning Ordinance, 702.04 C-2.

(k) Fireworks also must not be sold to unaccompanied minors under the age of 18, or anyone under the influence of alcohol and/or drugs.

D - Regulations governing displays.

(a) The fire marshal shall have the right to be present at the firing of any permitted public display of fireworks and shall have the right to cause such display to be stopped unless it is conducted in strict accordance with the statements made in the application for the required permit and so as not to be hazardous to property or endanger any persons.

(b) No person shall ignite, explode, project or otherwise make use of any fireworks in or on any street, alley, highway or other public place or property within the city, nor shall any person permit such fireworks to be projected over or onto the property of another person, without the consent of the person having control of such property.

(c) No person shall ignite, explode, project or otherwise make use of any fireworks within 200 feet of any dwelling or other structure wherein persons reside.

(d) Every fireworks display shall be handled by a competent operator approved by the chief of police and the fire marshal for the city, and shall be of such character and so located, discharged or fired as, in the opinion of the fire marshal after proper inspection, shall not be hazardous to property or endanger any person.

E - Required.

No person shall explode any fireworks, pyrotechnics or other explosives of like character in a public display without a permit from the fire marshal.

F – Permit and Application.

1)The city council upon application in writing, on forms provided by the director of the department of state police, which are available at the city clerk's office, may grant a permit for the use of fireworks within their political jurisdiction, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the city, if the applicable provisions of this ordinance are complied with. The permits shall be on forms provided by the director of the fire department, fire marshal division. After a permit has been granted, sales, possession, or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection shall not be transferable, nor shall a permit be issued to a person under the age of 18 years.

(2) The city council, upon application in writing, may grant a permit, on forms provided by the director of the fire department, which are available at the city clerk's office, to a resident wholesale dealer or jobber to have in his possession within the political jurisdiction, fireworks otherwise not prohibited, for sale only to holders of permits as provided in this section. A permit granted under this subsection is not transferable, nor shall a permit be issued to a person under the age of 18 years.

(3) Before a permit for a pyrotechnic display is issued, the person, firm, or corporation making application therefor shall furnish proof of financial responsibility by a bond or insurance in an

amount deemed necessary by the local governing authority to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation, or an agent or employee thereof, in the amount, character and form the local authority determines necessary for the protection of the public.

(4) A permit shall not be issued under this ordinance to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this city until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be his legal representative upon whom all process in an action or proceeding against him may be served.

(5) The local governing authority shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his application form, and on the time, place and safety aspects of the displays before granting permits. (b) The application for a permit for the public display of fireworks shall set forth: (1) The name of the individual or organization sponsoring the display, together with the name, age, experience and physical characteristics of the persons actually in charge of firing the display. (2) The date and the time of day at which the display will be held. (3) The exact location plan for the display. (4) The number and kinds of fireworks to be discharged. (5) The manner and place of storage of such fireworks prior to the display.

(6) A diagram of the grounds on which the display is to be held, showing the point at which, the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of all trees, telegraph, telephone or electrical wires in the nearby vicinity or other overhead obstructions.

The application shall be verified by affidavit.

G - Investigation and issuance.

(a) The fire marshal shall make or cause to be made an inspection of the place stated in the permit application as the location of the proposed public display of fireworks, to ascertain whether it is a safe and proper location for the display thereof. He shall also investigate the qualifications of the proposed operator of the display. He shall also ascertain whether the applicant is a bonafide fair, association, amusement park or other organization or group of individuals. He shall also examine into the kind and character of the fireworks proposed to be used in the display. If he ascertains that the proposed display is to be given a proper place by a competent operator so that it shall not be hazardous to property or endanger any persons, he shall endorse and approve the application, and issue the necessary permit in the name of the fire department.

(b) No permit for the public display of fireworks shall be issued to a person who is not 18 years of age and of good moral character.

H - Fee.

The fee for a permit for a public display of fireworks shall be as required.

I - Non-transferability.

No permit issued pursuant to the provisions of this division shall be transferable.

J - Bond.

Before the issuance of any permit to hold a public display of fireworks, the applicant shall file a bond or property damage and public liability insurance certificate, acceptable to the city council, naming the city as coinsurer. Such bond or insurance certificate shall be in the amount of at least \$100,000.00 and, in case of the insurance certificate, the coverage for public liability shall be in the amount of \$100,000.00 for injury to one person and \$200,000.00 for injury to two or more persons resulting from the same accident. The certificate shall provide for a minimum of \$100,000.00 in property damage. Such protection shall become available for the payment of any damages by reason of the permitted use or display of fireworks, or arising from the acts of the permittee, his agents, employees and subcontractors.

K - Additional regulations.

damages by reason of the permitted use or display of fireworks, or arising from the acts of the permittee, his agents, employees and subcontractors.

K - Additional regulations.

The fire marshal shall have the power to adopt reasonable rules and regulations for the granting of permits for using fireworks for supervised public displays.

Sections 86-22— 86-50. - Reserved.

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

Vice President Lee recognized **Terry Williamson, Legal Counsel**, who stated that an amendment was needed in said ordinance, to add Section L to read, as follows: "Effective 30 days after passage and publication."

Council Member Grizzell moved; seconded by **Council Member Lindsay**, to amend said order to reflect the changes as stated by **Legal Counsel Terry Williamson**. The motion prevailed by the following vote:

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.
Nays – Hartley.
Absent – Stokes.

Thereafter, **Vice President Lee** called for a vote on said Ordinance as amended:

**AN ORDINANCE CREATING SECTION 86-21 CONCERNING THE USE OF
CONSUMER FIREWORKS AND PROVIDING PENALTIES FOR VIOLATIONS.**

THE CITY OF JACKSON ORDAINS:

That Chapter 86, Article I, Section 86-21, of the City of Jackson Code is hereby amended to provide as follows:

Sec. 86-21. Definitions

A) Definitions: For Purposes of this Section

(1) Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

(2) Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

(3) Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

(4) Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

(5) Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1 to 3.1.1.8, and 3.5.

(6) Novelties means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

(i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph.

(vi) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(vii) Flitter sparklers in paper tubes not exceeding one-eighth-inch in diameter.

(viii) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(7) Special effects means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

B - Use of consumer fireworks.

(a) Except as provided in paragraphs (b), (c), and (d) below, it shall be unlawful for any person to ignite, discharge or use consumer fireworks, as such term is defined in section 86-21-A.

(b) It is unlawful to throw, toss or aim any fireworks at any person, animal, or vehicle, explode any fireworks within three hundred 300 yards of any railroad depot or warehouse, hospital, asylum, or within 300 feet of where fireworks are offered for sale. A person may ignite, discharge, or use consumer fireworks only between the hours of 9:00 am and 10:00 pm on the day preceding, the day of, or the day after the following national holidays:

(1) Martin Luther King, Jr. Day, the third Monday in January

(3) Memorial Day, the last Monday in May

(3) Juneteenth, June 19

(4) Independence Day, July 4

(5) Labor Day, the first Monday in September

(6) Columbus Day, the second Monday in October

(7) Veterans Day, November 11

(9) Christmas Day, December 25

(c) On New Year's Day, January 1, a person may ignite, discharge, or use consumer fireworks between the hours of 9:00 a.m. and 1:00 a.m. On the day before, or the day after, New Year's Day, a person may ignite, discharge, or use consumer fireworks between the hours of 9:00 a.m and 10:00 p.m.

(d) A person shall not shoot, discharge, fire, explode, or otherwise use any consumer fireworks on or low-impact fireworks in any of the streets, sidewalks, alleys, or elsewhere within the city limits, except during the permitted dates and times listed under the permitted holidays.

(e) Each violation of paragraphs (b), (c), and (d) shall be punishable by a civil infraction with a fine not to exceed one thousand dollars (\$1,000.00).

(f) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. Except as otherwise provided in this

(g) A person shall not ignite, discharge or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor or a controlled substance or a combination of both. A person who violates this subsection is responsible for a civil infraction punishable by a fine not to exceed one thousand dollars (\$1,000.00).

(h) Minors under 16 years of age shall not ignite, discharge, or use consumer fireworks or low-impact fireworks without the supervision of a parent, guardian, or custodian. Parents, guardians, or custodians will be held financially liable for any damages on public property, school property, church property, or the property of another person should minors be knowingly left unaccompanied during the use of consumer fireworks or low-impact fireworks.

(i) Unmanned free-floating devices. Any unmanned free-floating device (sky lantern) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited within city limits.

(j) Unless otherwise provided in this section, if a person knowingly, intentionally, or recklessly violates this section, the person is guilty of a crime as follows:

(1) Except as otherwise provided in this section, a misdemeanor punishable by imprisonment for not more than 30 days or a fine not to exceed one thousand dollars (\$1,000.00), or both.

(2) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 60 days or a fine not to exceed five hundred dollars (\$500.00), or both.

C- Sale and Storage of Fireworks.

(a) Firework sales are seasonal sales only, within the times permitted by state law. No fireworks should be sold or offered for sale within the City of Jackson before June 15 and after July 5, before Dec. 5, and after Jan. 2 of each year.

(b) Permitted holidays recognized for the purpose of sale should be limited to July 4, Dec. 25, Dec. 31, and Jan. 1.

(c) The name of the association, organization, or corporation, together with the names of the persons to be in charge of the sales, the dates and time of the day at which the sales are to be held, and a diagram/sketch of the location to serve as a sales location must be submitted to City of Jackson's Planning Director, Zoning Administrator, Fire Chief, and Fire Marshal.

(d) A license fee for the sale of fireworks at each location shall be in the sum of \$250.00, and a structure erected for the sale of fireworks shall comply with those requirements set forth through the ordinance, and all other city ordinances or regulations. The structure must be approved for occupancy, including no smoking signs, exit signs, and fire extinguishers.

(e) City representatives, including the Building Inspector, as well as a fire official, are authorized to inspect the site and make periodic follow-up checks, as deemed necessary, to ensure continued compliance.

(f) Fireworks must not be sold or kept for sale in a place of business where paints, oils, varnishes, turpentine or gasoline, or other flammable substances are kept. Fireworks should be stored in a room set aside for storage of fireworks only and shall have a sign over the entrance that reads, "Fireworks – No Smoking - Keep Open Flames Away."

(g) All retailers are forbidden to expose fireworks where the sun shines through the glass on the merchandise displayed, except where fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty, or the firework is equipped with a threaded safety fuse.

(h) All retail stands must display a minimum of four "No Smoking" signs in a prominent place, viewable to the public. The permittee shall be responsible for strict enforcement of the no-smoking regulation.

(i) It is unlawful for fireworks to be stored, kept, sold, or discharged within 300 feet of the property line of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold. Additionally, all fireworks sales sites are required to be 2,500 feet away from other existing fireworks outlets, and 500 feet from any residential properties. • It is also unlawful to sell any type of fireworks that have not been evaluated and approved for sale and use within the State of Mississippi by the state Fire Marshal.

(j) All fireworks sales must be located in an appropriate Limited Commercial District as defined by the City's Zoning Ordinance, 702.04 C-2.

(k) Fireworks also must not be sold to unaccompanied minors under the age of 18, or anyone under the influence of alcohol and/or drugs.

D - Regulations governing displays.

(a) The fire marshal shall have the right to be present at the firing of any permitted public display of fireworks and shall have the right to cause such display to be stopped unless it is conducted in strict accordance with the statements made in the application for the required permit and so as not to be hazardous to property or endanger any persons.

(b) No person shall ignite, explode, project or otherwise make use of any fireworks in or on any street, alley, highway or other public place or property within the city, nor shall any person permit such fireworks to be projected over or onto the property of another person, without the consent of the person having control of such property.

(c) No person shall ignite, explode, project or otherwise make use of any fireworks within 200 feet of any dwelling or other structure wherein persons reside.

(d) Every fireworks display shall be handled by a competent operator approved by the chief of police and the fire marshal for the city, and shall be of such character and so located, discharged or fired as, in the opinion of the fire marshal after proper inspection, shall not be hazardous to property or endanger any person.

E - Required.

No person shall explode any fireworks, pyrotechnics or other explosives of like character in a public display without a permit from the fire marshal.

F – Permit and Application.

1)The city council upon application in writing, on forms provided by the director of the department of state police, which are available at the city clerk's office, may grant a permit for the use of fireworks within their political jurisdiction, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the city, if the applicable provisions of this ordinance are complied with. The permits shall be on forms provided by the director of the fire department, fire marshal division. After a permit has been granted, sales, possession, or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection shall not be transferable, nor shall a permit be issued to a person under the age of 18 years.

(2) The city council, upon application in writing, may grant a permit, on forms provided by the director of the fire department, which are available at the city clerk's office, to a resident wholesale dealer or jobber to have in his possession within the political jurisdiction, fireworks otherwise not prohibited, for sale only to holders of permits as provided in this section. A permit granted under this subsection is not transferable, nor shall a permit be issued to a person under the age of 18 years.

(3) Before a permit for a pyrotechnic display is issued, the person, firm, or corporation making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the local governing authority to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation, or an agent or employee thereof, in the amount, character and form the local authority determines necessary for the protection of the public.

(4) A permit shall not be issued under this ordinance to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this city until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be his legal representative upon whom all process in an action or proceeding against him may be served.

(5) The local governing authority shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his application form, and on the time, place and safety aspects of the displays before granting permits. (b) The application for a permit for the public display of fireworks shall set forth: (1) The name of the individual or organization sponsoring the display, together with the name, age, experience and physical characteristics of the persons actually in charge of firing the display. (2) The date and the time of day at which the display will be held. (3) The exact location plan for the display. (4) The number and kinds of fireworks to be discharged. (5) The manner and place of storage of such fireworks prior to the display.

(6) A diagram of the grounds on which the display is to be held, showing the point at which, the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of all trees, telegraph, telephone or electrical wires in the nearby vicinity or other overhead obstructions.

The application shall be verified by affidavit.

G - Investigation and issuance.

(a) The fire marshal shall make or cause to be made an inspection of the place stated in the permit application as the location of the proposed public display of fireworks, to ascertain whether it is a safe and proper location for the display thereof. He shall also investigate the qualifications of the proposed operator of the display. He shall also ascertain whether the applicant is a bonafide fair, association, amusement park or other organization or group of individuals. He shall also examine into the kind and character of the fireworks proposed to be used in the display. If he ascertains that the proposed display is to be given a proper place by a competent operator so that it shall not be hazardous to property or endanger any persons, he shall endorse and approve the application, and issue the necessary permit in the name of the fire department.

(b) No permit for the public display of fireworks shall be issued to a person who is not 18 years of age and of good moral character.

H - Fee.

The fee for a permit for a public display of fireworks shall be as required.

I - Non-transferability.

No permit issued pursuant to the provisions of this division shall be transferable.

J - Bond.

Before the issuance of any permit to hold a public display of fireworks, the applicant shall file a bond or property damage and public liability insurance certificate, acceptable to the city council, naming the city as coinsurer. Such bond or insurance certificate shall be in the amount of at least \$100,000.00 and, in case of the insurance certificate, the coverage for public liability shall be in the amount of \$100,000.00 for injury to one person and \$200,000.00 for injury to two or more persons resulting from the same accident. The certificate shall provide for a minimum of \$100,000.00 in property damage. Such protection shall become available for the payment of any damages by reason of the permitted use or display of fireworks, or arising from the acts of the permittee, his agents, employees and subcontractors.

K - Additional regulations.

The fire marshal shall have the power to adopt reasonable rules and regulations for the granting of permits for using fireworks for supervised public displays.

L. - This Ordinance will be effective 30 days after passage and publication.

Sections 86-22— 86-50. - Reserved.

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.
Nays – Hartley.
Absent – Stokes.

* * * * *

Vice President Lee recognized **Louis Wright, CAO** who introduced **Khalid Woods** as the City of Jackson’s new Public Works Director.

Vice President Lee recognized **Khalid Woods** who provided a brief personal statement.

* * * * *

ORDER APPROVING CLAIMS NUMBER 29084 to 29137 APPEARING AT PAGES 563 TO 594 INCLUSIVE THEREON, ON MUNICIPAL “DOCKET OF CLAIMS”, IN THE AMOUNT OF \$5,542,335.82 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 29084 to 29137 appearing at pages 563 to 594, inclusive thereon in the Municipal “Docket of Claims”, in the aggregate amount of \$5,542,335.82 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
GENERAL FUND	2,064,582.02
TECHNOLOGY FUND	95,185.34
PARKS & RECR. FUND	77,314.47
LANDFILL/SANITATION FUND	171,205.16
STATE TORT CLAIMS FUND	20,729.65
WATER/SEWER OP & MAINT FUND	121,639.64
WATER/SEWER CAPITAL IMPR FUND	1,062,597.40
EMPLOYEES GROUP INSURANCE FUND	137,646.13
PAYROLL FUND	976.53
HOUSING COM DEV ACT (CDBG) FD	11,041.46
UNEMPLOYMENT COMPENSATION REVO	9,613.31
H O P W A GRANT – DEPT. OF HUD	51,673.07
TITLE III AGING PROGRAM	1,627.87
INFRASTRUCTURE BOND 2020 \$32M	723,426.04
1% INFRASTRUCTURE TAX	82,310.66
MADISON SEWAGE DISP OP & MAINT	39.54
TRANSPORTATION FUND	27,155.68
P E G ACCESS – PROGRAMMING FUND	15.34
MHC BLIGHT ELIMINATION PROGRAM	10,023.26
MODERNIZATION TAX	1,824.00
ZOOLOGICAL PARK	30,098.95
LIBRARY FUND	9,453.50
DFA – SB2971 – PETE BROWN GOLF	6,925.00
DFA – THALIA MARA HALL \$2M	356,625.80
2022 GO PLANETARIUM BOND \$7.5M	468,606.00
TOTAL	<u>\$5,542,335.82</u>

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

Vice President Lee recognized **Fidelis Malembeka, Chief Financial Officer**, who recommended an amendment on claims to remove all SRF related expenses in the amount of \$1,169,423.26.

Council Member Grizzell moved; seconded by **Council Member Lindsay**, to amend said order to reflect the changes as stated by **Fidelis Malembeka, Chief Financial Officer**. The motion prevailed by the following vote:

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.

Nays – None.

Abstention – Hartley.

Absent – Stokes.

Thereafter, **Vice President Lee** called for a vote of said item:

ORDER APPROVING CLAIMS NUMBER 29084 to 29137 APPEARING AT PAGES 563 TO 594 INCLUSIVE THEREON, ON MUNICIPAL “DOCKET OF CLAIMS”, IN THE AMOUNT OF \$4,372,912.56 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 29084 to 29137 appearing at pages 563 to 594, inclusive thereon in the Municipal “Docket of Claims”, in the aggregate amount of \$4,372,912.56 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
GENERAL FUND	2,064,582.02
TECHNOLOGY FUND	95,185.34
PARKS & RECR. FUND	77,314.47
LANDFILL/SANITATION FUND	171,205.16
STATE TORT CLAIMS FUND	20,729.65
WATER/SEWER OP & MAINT FUND	121,639.64
WATER/SEWER CAPITAL IMPR FUND	1,062,597.40
EMPLOYEES GROUP INSURANCE FUND	137,646.13
PAYROLL FUND	976.53
HOUSING COM DEV ACT (CDBG) FD	11,041.46
UNEMPLOYMENT COMPENSATION REVO	9,613.31
H O P W A GRANT – DEPT. OF HUD	51,673.07
TITLE III AGING PROGRAM	1,627.87
INFRASTRUCTURE BOND 2020 \$32M	723,426.04
1% INFRASTRUCTURE TAX	82,310.66
MADISON SEWAGE DISP OP & MAINT	39.54
TRANSPORTATION FUND	27,155.68
P E G ACCESS – PROGRAMMING FUND	15.34
MHC BLIGHT ELIMINATION PROGRAM	10,023.26
MODERNIZATION TAX	1,824.00
ZOOLOGICAL PARK	30,098.95

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, JULY 18, 2023 10:00 A.M.**

556

LIBRARY FUND	9,453.50
DFA – SB2971 – PETE BROWN GOLF	6,925.00
DFA – THALIA MARA HALL \$2M	356,625.80
2022 GO PLANETARIUM BOND \$7.5M	468,606.00
TOTAL	<u>\$4,372,912.56</u>

Yeas – Foote, Grizzell, Lee and Lindsay.
Nays – Banks and Hartley.
Absent – Stokes.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 29084 TO 29137 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 29084 to 29137 inclusive therein, in the Municipal “Docket of Claims”, in the aggregate amount of \$95,408.18 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

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

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		2,463,944.75
PARKS & RECR FUND		108,695.51
LANDFILL FUND		18,645.75
SENIOR AIDES		3,440.23
WATER/SEWER OPER & MAINT		108,340.34
PAYROLL	95,408.18	
HOUSING COMM DEV		8,519.41
TITLE III AGING PROGRAMS		5,859.49
TRANSPORTATION FUND		18,433.75
PEG ACCESS-PROGRAMMING FUND		5,463.95
2020 SAKI GRAND DOJ		7,405.71
ZOOLOGICAL PARK		33,156.61
AMERICAN RESCUE PLAN ACT 2021		8,608.91
NLC-MUNICIPAL REIMAGINING COMM		3,627.77
TOTAL		\$2,794,142.18

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.
Nays – None.
Absent – Stokes.

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

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH CIVILTECH, INC. FOR THE 2024 ARTERIAL STREETS RESURFACING PROGRAM.

WHEREAS, on June 14, 2023 the Municipal Sales Tax Commission obligated \$1,635,000.00 toward engineering work to develop plans and specifications towards resurfacing the following streets:

- 1) Old Canton Road from Canton Mart Road to County Line Road;
- 2) South Street from Gallatin Street to Jefferson Street;
- 3) McDowell Road from intersection railroad near I-20, east to Gallatin Street and from Gallatin to MDOT ROW near I-55;
- 4) Northwest Industrial Parkway and Northwest Progress Parkway in the Northwest Industrial Park; and
- 5) Beasley Road from Watkins Drive to the Northwest Industrial Park; and

WHEREAS, the City Engineer selected CivilTech, Inc. to perform the proposed engineering design work and CivilTech has provided a proposed contract for the design of the resurfacing project in an amount not to exceed \$1,635,000.00.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute an Agreement for Engineering Services with CivilTech, Inc. for the 2024 Arterial Streets Resurfacing Program for an amount not to exceed \$1,635,000.00.

IT IS FURTHER ORDERED that the Agreement for Engineering Services will be executed on the City's standard form Engineering Services Contract containing all the customary terms and conditions.

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

* * * * *

There came on for consideration Agenda Item No.13:

ORDER AUTHORIZING THE MAYOR TO ACCEPT AN AWARD MODIFICATION FROM THE STATE OF MISSISSIPPI, DEPARTMENT OF PUBLIC SAFETY, AND DIVISION OF PUBLIC SAFETY PLANNING FOR CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDS (CESF) IN THE AMOUNT OF \$15,000.00 FOR THE JACKSON POLICE DEPARTMENT. Said item was pulled by the Administration.

* * * * *

ORDER ACCEPTING THE BID OF STRING'S BBQ, LLC, TO PROVIDE FOOD AND CONCESSION SERVICES AT THE PETE BROWN GOLF FACILITY AND GROVE PARK MUNICIPAL GOLF COURSE FOR THE DEPARTMENT OF PARKS AND RECREATION.

WHEREAS, a solicitation for food services and concessions was advertised by the Department of Parks and Recreation; and

WHEREAS, the Department of Parks and Recreation provided the specifications for the food services and concessions with the Request for Quote (RFQ) to be submitted by Tuesday November 01, 2022, to the Office of the City Clerk; and

WHEREAS, String's BBQ, LLC, ("String's BBQ") submitted a Response to the Request for Quote (RFQ) on March 07, 2023; and

WHEREAS, String's BBQ was the only vendor who submitted a Request for Quote (RFQ); and

WHEREAS, String's BBQ is locally owned and operated by Perkasa Page; and is in good standing with the Mississippi Secretary of State; and

WHEREAS, String's BBQ, in its submitted quote, agreed to the terms and conditions requested from the City of Jackson Parks and Recreation Department; and

WHEREAS, String's BBQ agrees to be a Concessionaire at the Pete Brown Golf Facility and Grove Park Municipal Golf Course; and

WHEREAS, String's BBQ agrees to pay twenty-five percent (25%) or Four Hundred Dollars (\$400.00) of the facility concession sales and ten percent (10%) of beer sales, monthly, from Pete Brown Golf Facility based on the point of sale (POS); and

WHEREAS, String's BBQ agrees to pay twenty-five percent (25%) or Two Hundred Dollars (\$200.00) of the facility concession sales and ten percent (10%) of beers sales, monthly, from Grove Park Municipal Golf Course based on the point of sale (POS); and

WHEREAS, String's BBQ agrees to make monthly payments to the City of Jackson Park Fund; and

WHEREAS, String's BBQ agrees to NOT sale alcohol; and

WHEREAS, String's BBQ agrees to maintain adequate insurance including Certificate of Liability and Workers' Compensation Insurance in the amount of One Million Dollars (\$1,000,000.00) listing the City of Jackson as an additional insured; and

WHEREAS, the City of Jackson agrees to furnish one (1) permanent concession room, equipped with water, electricity, gas, and sewage, and internet services; and

WHEREAS, City of Jackson agrees to furnish all utilities; and

WHEREAS, String's BBQ agrees that all persons employed in the operation of concessions will be properly dressed, clean, neat, and presentable in appearance; and

WHEREAS, String's BBQ agrees to open and close in accordance with the Pete Brown Golf Facility's hours of operation - **Summer Months (April-November)**: Tuesday – Friday 7:30 AM – 6:00 PM and Saturday & Sunday 7:00 AM - 6:00 PM; and

WHEREAS, String's BBQ agrees to open and close in accordance with the Pete Brown Golf Facility's hours of operation - **Winter Months (November-April)**: Sunday -Tuesday 7:30 AM – 4:00 PM; and

WHEREAS, String's BBQ agrees to open and close in accordance with the Grove Park Municipal Golf Course's hours of operation - **Summer Months (April-November)**: Thursday, Friday, and Monday 7:30 AM – 6:00 PM and Saturday & Sunday 7:00 AM - 6:00 PM; and

WHEREAS, String's BBQ agrees to open and close in accordance with the Grove Park Municipal Golf Course's hours of operation - **Winter Months (November-April)** Sunday - Tuesday 7:30 AM – 4:00 PM; and

WHEREAS, String's BBQ agrees to meet city, county, and state sanitation and food inspection requirements and to pay all applicable taxes; and

WHEREAS, the term of this Agreement between the City of Jackson and String's BBQ shall be for a period of one (1) year with the option to extend for two (2) years after approval of the City Council; and

WHEREAS, the best interests of the City of Jackson would be served by accepting String's BBQ concessions bid.

IT IS, THEREFORE ORDERED that the bid of String's BBQ be accepted to provide food and concession services for the Pete Brown Golf Facility and the Grove Park Municipal Golf Course for a period of one (1) year with the option to extend for two (2) years after approval of the City Council.

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

Vice President Lee recognized Ison Harris, Director of Parks and Recreation, who provided a brief overview of said item.

After a thorough discussion, Vice President Lee called for a vote on said item:

Yeas – Banks, Foote, Hartley, Lee and Lindsay.

Nays – Grizzell.

Absent – Stokes.

**ORDER RATIFYING AND AUTHORIZING THE MAYOR TO PROCURE
HARDWARE AND SOFTWARE MAINTENANCE AND TRAINING TO SUPPORT
THE KRONOS TIMEKEEPING SYSTEM.**

WHEREAS, the City of Jackson uses the Kronos software for its timekeeping system; and

WHEREAS, the new Multiple Award Schedule (MAS) contract, GS-35F-0265X, was awarded on March 3, 2011 to Immix Technology, Inc. as a small business for a five-year term with three five-year renewal options. It contains the most current pricing, product catalogs, and part numbers available from more than 70 commercial IT hardware and software vendors represented by Immix Technology, Inc. It will replace an existing MAS contract (#GS-35F-0330J) held by Immix Technology, Inc.; and

WHEREAS, Immix Technology, Inc., a subsidiary of ImmixGroup, proposes to the City of Jackson, Mississippi, a one-year maintenance agreement for the Kronos software in an amount not to exceed \$113,911.33; and

WHEREAS, ImmixGroup helps technology companies do business with the public sector and provides government agencies with reliable access to the commercial technology products and services they need through the contract vehicles they prefer; and

WHEREAS, the Mississippi Code of 1972 Annotated, Section 31-7-59 states that any municipality of over one hundred thousand (100,000) population, according to the latest decennial census and qualified to do so, is hereby empowered to purchase from the General Services Administration of the United States of America, without advertising for bids, any and all articles of supplies and equipment necessary for the operation of said municipality so long as the purchase price of such article is below the purchase price of similar articles on a state contract accepted by the Office of General Services; and

WHEREAS, Section 31-7-59 further provides that the supplies and equipment may likewise be purchased from the General Services Administration without advertising for bids even though the Office of the General Services does not have the same listed on statewide contracts so long as the purchase price thereof is ten percent (10%) below the latest purchase price of comparable supplies and equipment; and

WHEREAS, the Department of Information Technology recommends that the Mayor be authorized to execute an agreement with Immix Technology, Inc. in an amount not to exceed \$113,911.33 without advertising for bid, based on present information and belief, that Kronos currently maintains only one GSA Schedule Holder, Immix Technology, as the sole authorized GSA Schedule Holder for all generally available Kronos products and services; and

WHEREAS, the Department of Information Technology has assessed the maintenance needs for this system and recommends the purchase of maintenance support for the Kronos software.

IT IS, THEREFORE, ORDERED that the acceptance of services from Immix Technology, Inc., a subsidiary of ImmixGroup, to the City of Jackson, is hereby ratified, and payment in the amount of \$113,911.33 for Kronos' hardware and software maintenance and training is authorized.

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.
Nays – None.
Absent – Stokes.

Note: Council Member Hartley left the meeting.

ORDER ACCEPTING BIDS FOR THE TWENTY-FOUR MONTH SUPPLY OF #610 LIMESTONE (BID NO. 75077-050223).

WHEREAS, the Department of Administration issued an invitation for bids for the twenty-four (24) month supply of #610 Limestone; and

WHEREAS, on May 2, 2023, the department received two (2) sealed term bids to supply limestone for twenty-four months to the Department of Public Works, Maintenance Supply Division; and

WHEREAS, the Maintenance Supply Division of the Department of Public Works will distribute said #610 Limestone for various projects within the City of Jackson; and

WHEREAS, Amerimac Chemical Co., with its principal office located at 750 Boling Street, Jackson, MS 39209, submitted the lowest bid in the amount of \$49.00 per ton by truck; and

WHEREAS, Green Dream International LLC, with its principal office located at 32 W. 81th Street, Suite No. 607, Erie, PA 16501, submitted a bid in the amount of \$50.34 per ton by truck; and

WHEREAS, the Maintenance Supply Division of the Department of Public Works reviewed said bids and recommends that the governing authorities for the City of Jackson accept the term bid submitted by Amerimac Chemical Co. as the lowest and best bid for the twenty-four (24) month supply of #610 Limestone and accept term bid submitted by Green Dream International, LLC as an alternative bid in the event the commodity is unavailable from the lowest and best bidder.

IT IS, THEREFORE, ORDERED that the term bid received May 2, 2023 from Amerimac Chemical Co. to supply limestone for twenty-four months to the Department of Public Works, Maintenance Supply Division beginning upon the date of this Order through May 31, 2025 in the amount of \$49.00 per ton by truck is accepted as the lowest and best bid received.

IT IS FURTHER ORDERED that the term bid received May 2, 2023 from Green Dream International, LLC to supply limestone for twenty-four months to the Department of Public Works, Maintenance Supply Division beginning upon the date of this Order through May 31, 2025 in the amount of \$50.34 per ton by truck is accepted as an alternative bid in the event the commodity is unavailable from the lowest and best bidder.

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

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.
Nays – None.
Absent – Hartley and Stokes.

ORDER ACCEPTING BIDS FOR THE TWENTY-FOUR MONTH SUPPLY OF CLAY AND WASHED GRAVEL (BID NO. 75078- 050223).

WHEREAS, the Department of Public Works issued an advertisement for bids for the twenty-four (24) month supply of clay gravel and washed gravel with primary and alternative suppliers, and

WHEREAS, on May 2, 2023, the Department of Administration received three (3) bids for the twenty-four (24) month supply of clay gravel and washed gravel with primary and alternative suppliers; and

WHEREAS, the Maintenance Supply Division of the Department of Public Works will distribute these materials to other divisions for various repair projects within the City of Jackson; and

WHEREAS, Amerimac Chemical Co., with its principal office located at 750 Boling Street, Jackson, MS 39209, submitted the lowest bid in the amount of \$19.00 per ton for clay gravel by truck and \$30.00 per ton for washed gravel by truck to Maintenance Supply; and

WHEREAS, Green Dream International LLC, with its principal office located at 32 W. 8th St. Suite no 607, Eire, PA 16501, submitted a bid in the amount of \$26.07 per ton for clay gravel by truck and \$35.75 per ton for washed gravel by truck to Maintenance Supply; and

WHEREAS, Four Seasons Enterprises, LLC, with its principal office located at 5822 Canton Park Dr., Jackson, MS 39211, submitted a bid in the amount of \$35.00 per ton for clay gravel by truck and \$42.50 per ton for washed gravel by truck to Maintenance Supply; and

WHEREAS, the Maintenance Supply Division of the Department of Public Works reviewed said bids and recommends to the governing authorities for the City of Jackson to accept the term bid of Amerimac Chemical Co., with its principal office at 750 Boling St., Jackson, Mississippi 39209 as the lowest and best bid received for the following items:

Clay Gravel

Item 1. Clay Gravel by truck- \$19.00 per ton per ton

Washed Gravel

Item 2. Washed Gravel by truck- \$30.00

(Delivered by truck to Maintenance Supply)

WHEREAS, the Maintenance Supply Division of the Department of Public Works recommends to the governing authorities that the bids submitted by the two other vendors be accepted as alternative bids, in the event the commodity is unavailable from the lowest and best bidder.

IT IS, THEREFORE, ORDERED that the term bid received on May 2, 2023 from Amerimac Chemical Co. to supply clay and washed gravel for twenty-four-months to the Department of Public Works, Maintenance Supply Division beginning on date of this Order through May 31, 2025 in the amount of \$30.00 per ton for washed gravel by truck and \$19.00 per ton for clay gravel to Maintenance Supply is accepted as the lowest and best bid.

IT IS FURTHER ORDERED that the bid received from Green Dream International LLC, with its principal office located at 32 W. 8th St. Suite no 607, Eire, PA 16501, in the amount of \$26.07 per ton for clay gravel by truck and \$35.75 per ton for washed gravel by truck to Maintenance Supply be accepted as an alternative bid, in the event that the commodity is unavailable from the lowest and best bidder.

IT IS FURTHER ORDERED that the bid received from Four Seasons Enterprises, LLC, with its principal office located at 5822 Canton Park Dr., Jackson, MS 39211, in the amount of \$35.00 per ton for clay gravel by truck and \$42.50 per ton for washed gravel by truck to Maintenance Supply be accepted as an alternative bid, in the event that the commodity is unavailable from the lowest and best bidder.

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

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.

Nays – None.

Absent – Hartley and Stokes.

ORDER AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ADMINISTER A GRANT WITH THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY TO FUND THE ENVIRONMENTAL SERVICE CENTER (ESC), A PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION SITE.

WHEREAS, the Environmental Service Center located at 1570 University Boulevard is funded through the Mississippi Department of Environmental Quality's Solid Waste Assistance Grant; and

WHEREAS, the Solid Waste Assistance Grant is applied for October 1st and April 1st of each fiscal year; and

WHEREAS, the City is requesting the full amount of \$75,000.00 for October 1st and April 1st of each year to keep the Environmental Service Center operational; and

WHEREAS, the City provides the Environmental Service Center to residents in the tri-county area for the proper disposal of all household hazardous waste materials that cannot be disposed with regular garbage.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute any and all documents necessary to administer a grant for \$75,000.00 with the Mississippi Department of Environmental Quality, whose grant application date is October 1, 2023, to fund the Environmental Service Center, a permanent household hazardous waste collection site.

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

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.

Nays – None.

Absent – Hartley and Stokes.

* * * * *

ORDER AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH CANIZARO CAWTHON DAVIS. A PROFESSIONAL ASSOCIATION FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE NEW FIRE STATION 20 BUILDING, CITY PROJECT NO. 15B7003.401.

WHEREAS, the governing authorities for the City of Jackson authorized a professional services agreement with Canizaro Cawthon Davis, A Professional Association (hereinafter "CCD") on July 12, 2016, for architectural services related to the construction of a new Fire Station 20 Building, City Project No. 15B7003.401, which was executed on December 19, 2016 in the amount of \$183,182.00; and

WHEREAS, the professional services agreement was amended, as Amendment No. 1, on January 14, 2020 with an expiration date of 1 January of 2022 at a contract addition of \$39,946.00; and

WHEREAS, the City has contracted with the building contractor for construction cost of \$3,080,000.00 with construction time extending to October 24, 2022; and

WHEREAS, pursuant to Amendment No. 3 approved on February 28, 2023, CCD agreed to provide additional architectural and engineering services necessary for the construction project for a contract addition of \$9,800.00 with the agreement expiring June 30, 2023; and

WHEREAS, the building contractor has continued to exceed his contracted Substantial Completion date of October 24, 2022 and the contractor's surety, Granite Re, Inc., has become involved, which has resulted in the need for continued additional construction administration services from CCD; and

WHEREAS, in order to provide the additional construction administration services necessary to complete the project, CCD has proposed Amendment No. 4, which will provide

additional architectural and engineering services and allowances totaling \$5,000.00 to complete the project; and

WHEREAS, Amendment No.4 to the Agreement with CCD for Architectural Engineering Services is necessary to complete the construction of the new Fire Station 20 and will increase the contract total to an amount not to exceed \$252,865.00; and

WHEREAS, the Fire Department and Department of Public Works recommends that the City modify the completion date of the Agreement with CCD to September 30, 2023 to coincide with the projected completion of construction.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute Amendment No.4 to the professional services agreement with Canizaro Cawthon Davis, a Professional Association for additional architectural and engineering services for new Fire Station 20, City Project No. 15B7003.401, increasing the total contract amount by \$5,000.00, resulting in a not to exceed amount of \$252,865.00, to be completed on or before September 30, 2023.

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

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.

Nays – None.

Absent – Hartley and Stokes.

ORDER AUTHORIZING THE MAYOR TO TERMINATE THE LEASE AGREEMENT BETWEEN RETRO METRO, LLC AND THE CITY OF JACKSON, MISSISSIPPI AND TO VACATE THE SPACE AT THE METROCENTER MALLON U.S. HIGHWAY 80.

WHEREAS, at some time in 2011, the City of Jackson entered into a lease agreement with Retro Metro, LLC, to lease office space for various City departments located at 3645 Highway 80 West, Jackson, Hinds County, Mississippi; and

WHEREAS, the Office of the City Attorney recommends that the governing authorities for the City of Jackson authorize the Mayor to terminate the lease agreement with Retro Metro, LLC; and

WHEREAS, the Metrocenter is in dire need of repairs, essential air conditioning, and many other revolving doors of issues that have gone unattended for some time; and

WHEREAS, on May 9, 2023, the governing authorities authorized the Mayor to execute two lease agreements to move City employees from the Metrocenter Mall; and

WHEREAS, the Office of the City Attorney recommends that the governing authorities for the City of Jackson terminate the lease agreement with Retro Metro, LLC, pursuant to the law against binding successors; and

WHEREAS, the Supreme Court of Mississippi and the Attorney General Office consistently have advised political entities that they may not bind successors in office in the exercise of their discretionary authorities unless there is express statutory authority to do so; and

WHEREAS, without express statutory authorities, the lease agreement with Retro Metro is voidable by this council under the laws of this state; and

WHEREAS, the Office of the City Attorney recommends that the Mayor be authorized to terminate said agreement and to vacate said premises later than August 31, 2023.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to terminate the lease agreement with Retro Metro, LLC, and to vacate the premises no later than August 31, 2023.

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

Vice President Lee recognized Percy Evans, Fire Marshal and Catoria Martin, City Attorney, who provided a brief overview of said item.

Vice President Lee recognized Toya Martin, Director of Human Resources, who expressed concerns regarding the conditions of the Metrocenter Mall.

Vice President Foote recognized Council Member Grizzell and Council Member Lindsay who withdrew their motion and second. Vice President Lee stated said item would be taken up in Executive Session.

Note: Council Member Hartley returned to the meeting.

ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH INTEGRATED PEST CONTROL MAINTENANCE FOR COMMERCIAL PEST CONTROL SERVICES TO THE OFFICE OF THE CITY ATTORNEY AND THE OFFICE OF THE CITY PROSECUTOR.

WHEREAS, Integrated Pest Control Maintenance Commercial will provide standard pest control services to the Office of the City Attorney and the Office of the City Prosecutor; and

WHEREAS, with the migration of gnats, spiders and mosquitoes during the hot summer months, the Office of the City Attorney and Office of the City Prosecutor have a need for pest control services; and

WHEREAS, the Office of the City Attorney and the Office of the City Prosecutor desire to enter into an agreement with Integrated Pest Control to provide pest control services for a period of twenty-four months at a cost not to exceed \$8,000.00; and

WHEREAS, Integrated Pest Control Maintenance will provide pest control services to two (2) facilities, July 1, 2023 through July 1, 2025; and

FACILITY	LOCATION	ACCOUNT	AMOUNT
Office of the City Attorney	455 East Capitol Street	001-407.00-6419	\$135.00 Bi-monthly
Office of the City Prosecutor	327 East Pascagoula Street	001-407.20-6419	\$75.00 Bi-monthly

IT IS, THEREFORE, ORDERED that the Mayor be authorized to execute an agreement between the City of Jackson, Mississippi and Integrated Pest Control to provide standard pest control services to the Office of the City Attorney and the Office of the City Prosecutor every other month for a period of twenty-four months at a cost not to exceed \$8,000.00 from Acct# 001-407.00-641 and 001-407.20-6419.

Council Member Grizzell moved adoption; Council Member Lindsay seconded.

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

ORDER AUTHORIZING THE MAYOR TO AMEND THE THIRTY-SIX (36) MONTH AGREEMENT WITH THOMSON REUTERS (WESTLAW) TO PROVIDE LEGAL RESEARCH SERVICES TO BE USED BY THE OFFICE OF THE CITY ATTORNEY.

WHEREAS, the Office of the City Attorney is presently receiving Westlaw legal research services pursuant to an agreement with Thomson Reuters, which will expire on January 1, 2025; and

WHEREAS, a completion date was inadvertently keyed in with the wrong expiration date of January 27, 2022; and

WHEREAS, said agreement was executed on December 9, 2021 to continue the services at a rate of \$2,054.40 per month for the first year, \$2,116.03 per month for the second year, and \$2,179.51 per month for the third year; and

WHEREAS, it is necessary for the Office of the City Attorney to research federal case law in Mississippi, Fifth Circuit case law, United States Supreme Court case law, as well as federal and state case law from other jurisdictions.

IT IS, THEREFORE, ORDERED that the Mayor amend the 36-month agreement with Thomson Reuters (Westlaw) with an expiration date to expire on January 1, 2025 to provide legal research services to be used by the Office of the City Attorney, at the rate of \$2,054.40 per month for the first year, a rate of \$2,116.03 per month for the second year and a rate of \$2,179.51 per month for the third year.

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.
Nays – None.
Absent – Stokes.

ORDER AUTHORIZING THE MAYOR TO TERMINATE/CANCEL THE LEGAL SERVICES WITH CARROLL WARREN & PARKER, PLLC IN REPRESENTING THE CITY OF JACKSON IN ANNEXATION MATTERS (ALL WARDS).

WHEREAS, on October 1, 2019 the governing authorities of the City of Jackson, Mississippi (City) extended and executed an Agreement with Carroll Warren Parker to include legal fees for services in certain annexation matters; and

WHEREAS, on August 4, 2020, the governing authorities of the City of Jackson, Mississippi (“City”) executed an agreement with Carroll Warren & Parker, to expand their representation of the City to include legal fees for services in certain annexation matters; and

WHEREAS, the City of Jackson sought representation involving annexation, specifically in the lawsuit styled City of Byram, Mississippi v. City of Jackson, Mississippi, et al., Cause No. 2020-cv00745 G/2, City of Flowood vs. City of Jackson, Mississippi, Chancery Court of Rankin County, Mississippi, Cause No. 18-cv-01395; the City of Pearl, Mississippi vs. City of Jackson, Mississippi, Chancery Court of Rankin County, Mississippi, Cause No. 18-cv-01714; and City of Pearl, Mississippi, City of Flowood, Mississippi, and Rankin County, Mississippi vs. City of Jackson, Mississippi, First Judicial District of Hinds County Circuit Court, Cause No. 19cv-00570; and

WHEREAS, Carroll Warren & Parker, PLLC, currently represents the City of Jackson in all annexation matters; and

WHEREAS, the Hinds County Circuit trial court found that “Section 5 clearly states that a prerequisite to a municipality extending its corporate limits into another county, is obtaining consent and approval from the county’s board of supervisors.” For this reason, the trial court found that “the action by the council members of The City of Jackson on August 6, 2019, attempting to incorporate property which is located in Rankin County, Mississippi was beyond their authority; and

WHEREAS, after rendering the lower Court’s decision, the City of Jackson appealed to the Supreme Court; and

WHEREAS, the Supreme Court issued a Mandate regarding the annexation litigation matters incorporating properties constituting an airport or air navigational facility in Rankin County. Because the ordinance is void, the judgment of the Hinds County Circuit Court is affirmed; and

WHEREAS, it is recommended that the current agreement with Carroll Warren & Parker, PLLC be terminated/canceled for any future representation of the City of Jackson effective as of this Order dated July 18, 2023.

IT IS, THEREFORE, ORDERED that the current agreement with Carroll Warren & Parker, PLLC be terminated/canceled for any future representation of the City of Jackson effective as of this Order dated July 18, 2023.

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

* * * * *

ORDER REVIEWING AND CONTINUING AUGUST 29, 2022 STATE OF EMERGENCY.

WHEREAS, on August 29, 2022, the Mayor issued a proclamation of emergency as a result of (1) excessive rainfall and extreme flooding, (2) the March 7, 2020 Safe Drinking Water Act (SDWA) Emergency Administrative Order (EAO); (3) the February 2021 system-wide failure due to extreme water conditions that caused pipes to freeze and lose pressure; (4) the July 1, 2021 SDWA Administrative Order of Consent (AOC); (5) the July 29, 2022 Boil Water Notice which existed for more than thirty (30) days; and (6) the August 25, 2022 flooding of the Pearl River, which lead to problems with treating water at the O.B. Curtis Water Plant; and

WHEREAS, Section 33-15-17(d) of the Mississippi Code allows the mayor of a municipality to proclaim a local emergency and authorizes the governing body of a municipality to review and approve or disapprove the need for continuing the local emergency at its first regular meeting following such proclamation or at a special meeting; and

WHEREAS, Section 33-15-5 (h) of the Mississippi Code defines an emergency as “any occurrence, or threat thereof, whether natural, technological, or man-made, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to loss of property;” and

WHEREAS, Section 33-15-5 (g) of the Mississippi Code defines a local emergency as “the duly proclaimed existence of conditions of disaster or extreme peril to the safety of person and property within the territorial limits of a...municipality caused by such conditions as...water pollution...or other natural or man-made conditions, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the political subdivision and require the combined forces of other subdivisions or of the state to combat;” and

WHEREAS, pursuant to Section 33-15-17 (b) of the Mississippi Code, the City “is authorized to exercise the powers vested under [Section 33-15-1, et seq.,] in light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations...and the expenditure of public funds....

NOW, THEREFORE, IT IS ORDERED THAT we the governing body of the City of Jackson, Mississippi, pursuant to the authority vested in the body by Section 33-15-17(d) of the Mississippi Code of 1972, as amended, and in the public interest and for the general welfare of the City of Jackson, do hereby approve of the continued need for a civil emergency for the entire City of Jackson for the reasons set forth in this Order.

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

* * * * *

ORDER REVIEWING AND CONTINUING STATE OF EMERGENCY.

WHEREAS, on February 18, 2020, the Jackson City Council, pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, as amended, passed an Order Declaring the Need to Continue the State of Emergency that was issued on February 13, 2020 by Chokwe A. Lumumba, Mayor of the City of Jackson, Mississippi; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that flood waters and wide spread drainage system issues had affected several Jackson creeks, including, but not limited to: Belhaven Creek; Bogue Chitto Creek; Canney Creek; Eubanks Creek; Hanging Moss Creek; Lynch Creek; Purple Creek; Three Mile Creek; Town Creek; Travon Creek; and White Oak Creek; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that the flood waters and wide spread drainage system issues caused extensive damages to homes, business, public property, and threatened the safety of the citizens and property of the City of Jackson, Mississippi, requiring the exercise of extraordinary measures; and

WHEREAS, the Jackson City Council, in the February 18, 2020 Order, found that all efforts should be taken to protect people and property in consideration of the health, safety, and welfare of the City's residents and the protection of their property within the affected areas; and

WHEREAS, the Jackson City Council, on March 17, 2020; April 14, 2020; May 12, 2020, June 9, 2020, July 7, 2020, August 4, 2020, September 1, 2020, September 29, 2020, October 27, 2020, November 24, 2020, December 22, 2020, January 19, 2021, February 17, 2021, March 30, 2021, April 27, 2021, May 25, 2021, June 22, 2021, July 20, 2021, August 31, 2021, September 28, 2021, October 26, 2021, November 23, 2021, December 21, 2021, January 25, 2022, February 15, 2022, March 29, 2022, April 26, 2022, May 24, 2022, June 21, 2022, July 19, 2022, August 30, 2022, September 27, 2022, October 25, 2022, November 22, 2022, December 20, 2022, January 31, 2023, February 28, 2023, March 21, 2023, April 25, 2023, May 23, 2023, June 22, 2023 pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, reviewed the need for and continued the local emergency; and

WHEREAS, pursuant to Section 33-15-17(8)(d) of the Mississippi Code of 1972, as amended, the Jackson City Council has again reviewed the need for continuing the local emergency and determined that the emergency should be continued.

IT IS, THEREFORE, HEREBY ORDERED that said Order Declaring the Need to Continue the Declared State of Emergency as delineated by the Jackson City Council, remains in full force and effect and shall be reviewed again in thirty (30) days in accordance with Section 33-15-17(8)(d) of the Mississippi Code of 1972, as amended.

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

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

There came on for consideration Agenda Item No. 28:

ORDER AUTHORIZING THE MAYOR TO EXECUTE A FORTY-EIGHT MONTH RENTAL AGREEMENT WITH ADVANTAGE BUSINESS SYSTEMS TO BE USED BY THE OFFICE OF THE CLERK OF COUNCIL. Said item was pulled by the Clerk of Council.

Vice President Lee recognized **Council Member Foote** who moved; seconded by **Council Member Grizzell** to go into Closed Session to discuss Agenda Item No. 22 regarding potential litigation. The motion prevailed by the following vote:

Yeas – Banks, Foote, Grizzell, Lee and Lindsay.

Nays – Hartley.

Absent – Stokes.

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Vice President Lee announced to the public that the Council voted to go into Closed Session to discuss going into Executive Session regarding “Potential Litigation”.

* * * * *

During Closed Session, **Council Member Grizzell** moved, seconded by **Council Member Hartley** to go into Executive Session regarding “Potential Litigation”.

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

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Note: Council Member Hartley left the discussion and **Council Member Foote** left the discussion.

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Vice President Lee recognized **Council Member Lindsay** who moved; seconded by **Council Member Grizzell**, to come out of Executive Session. The motion prevailed by the following vote:

Yeas – Banks, Grizzell, Lee and Lindsay.

Nays – None.

Absent – Foote, Hartley and Stokes.

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

* * * * *

ORDER AUTHORIZING THE MAYOR TO TERMINATE THE LEASE AGREEMENT BETWEEN RETRO METRO, LLC AND THE CITY OF JACKSON, MISSISSIPPI AND TO VACATE THE SPACE AT THE METROCENTER MALL ON U.S. HIGHWAY 80.

WHEREAS, at some time in 2011, the City of Jackson entered into a lease agreement with Retro Metro, LLC, to lease office space for various City departments located at 3645 Highway 80 West, Jackson, Hinds County, Mississippi; and

WHEREAS, the Office of the City Attorney recommends that the governing authorities for the City of Jackson authorize the Mayor to terminate the lease agreement with Retro Metro, LLC; and

WHEREAS, the Metrocenter is in dire need of repairs, essential air conditioning, and many other revolving doors of issues that have gone unattended for some time; and

WHEREAS, on May 9, 2023, the governing authorities authorized the Mayor to execute two lease agreements to move City employees from the Metrocenter Mall; and

WHEREAS, the Office of the City Attorney recommends that the governing authorities for the City of Jackson terminate the lease agreement with Retro Metro, LLC, pursuant to the law against binding successors; and

WHEREAS, the Supreme Court of Mississippi and the Attorney General Office consistently have advised political entities that they may not bind successors in office in the exercise of their discretionary authorities unless there is express statutory authority to do so; and

WHEREAS, without express statutory authorities, the lease agreement with Retro Metro is voidable by this council under the laws of this state; and

WHEREAS, the Office of the City Attorney recommends that the Mayor be authorized to terminate said agreement and to vacate said premises later than August 31, 2023.

IT IS, THEREFORE, ORDERED that the Mayor be authorized to terminate the lease agreement with Retro Metro, LLC, and to vacate the premises no later than August 31, 2023.

Council Member Grizzell moved adoption; **Council Member Lindsay**.

Vice President Lee recognized **Leroy Walker** and **Socrates Garrett** of **Retro Metro, LLC**, who provided a brief overview of said item.

Vice President Lee recognized **Terry Williamson, Legal Counsel**, who provided a brief overview of said item.

Vice President Lee recognized **Malcolm Harrison, Attorney for Retro Metro, LLC**, who provided a brief overview of said item.

After a thorough discussion, **Vice President Lee**, called for a vote on said item:

- Yeas – Grizzell, Hartley and Lindsay.
- Nays – Foote.
- Abstention – Banks and Lee.
- Absent – Stokes.

There came on for Discussion Agenda Item No. 29:

DISCUSSION: GROVE PARK: Said item was discussed during public comments.

There came on for Discussion Agenda Item No. 31:

DISCUSSION: 911: Vice President Lee stated said item would be tabled until later in the meeting.

There came on for Discussion Agenda Item No. 32:

DISCUSSION: TELEVISION (CABLE): Vice President Lee stated said item would be held until a later date due to the absence of **Council Member Stokes**.

There came on for Discussion Agenda Item No. 33:

DISCUSSION: PAY RAISES (CITY EMPLOYEES): Vice President Lee stated said item would be held until a later date due to the absence of **Council Member Stokes**.

DISCUSSION: GARBAGE RFP: Vice President Lee recognized **Council Member Foote** who expressed concern regarding lack of an active RFP for the garbage contract and his hope that the City would issue and RFP soon in hopes of avoiding another garbage contract dispute.

DISCUSSION: COVID SPENDING/REIMBURSEMENT: Vice President Lee recognized Council Member Foote who raised questions regarding monies that may be available to the City from Covid reimbursements. Vice President Lee recognized Fidelis Malembeka, Chief Financial Officer, who stated he was preparing a report for Council Members the contained the information Council Member Foote was requesting.

DISCUSSION: REIMBURSEMENT PAYROLL BY ITPM BORROWED PERSONNEL 12/31/2022 - 6/30/2023: Vice President Lee recognized Council Member Foote who raised questions regarding monies payroll reimbursement payments owed to the City by ITPM. Vice President Lee recognized Fidelis Malembeka, Chief Financial Officer, who stated he had a meeting planned with the Third-Party Administrator Ted Henifin to discuss detailed accounting of what would be reimbursed and what would not.

DISCUSSION: REVIEW AND CONTINUATION OF COVID-19 LOCAL EMERGENCY: Vice President Lee and the City Council members discussed to continue the emergency.

DISCUSSION: 911: Vice President Lee raised concerns regarding the City's 911 call center response and expressed the importance of people being able to get an answer when there is an emergency. Vice President Lee recognized Safiya Omari, Chief of Staff, who stated there was a problem with calls being lost in the back-up system when missed calls were rolled over to Hinds County or Byram 911. Vice President Lee recognized Melissa Payne, Communications Director, who stated Chief Wade was working to correct staffing and technology issues to aid in eliminating 911 problems.

MONTHLY FINANCIAL REPORTS AS REQUIRED ACCORDING TO SECTION 21-35-13 OF THE MISSISSIPPI CODE ANNOTATED OF 1972. Vice President Lee stated that all City Council members had received the monthly financial report for review.

There were no reports/announcements were provided during the meeting.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the Regular Council Meeting at 10:00 a.m. on August 1, 2023. At 1:33 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Mosley-Jordan
CLERK OF COUNCIL

APPROVED:

Abel, 8/15/2023
COUNCIL PRESIDENT DATE

Charles
MAYOR

ATTEST:

Angela Harris
CITY CLERK
