



REGULAR MEETING OF THE CITY COUNCIL
CITY OF JACKSON, MISSISSIPPI
October 10, 2017
AGENDA
10:00 A.M.

CALL TO ORDER BY THE PRESIDENT

INVOCATION

1. ELDER CRYSTAL FRAZIER OF NEW LIFE IN CHRIST

PUBLIC HEARING

2. ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR WALGREENS TO REFACE THEIR 90 SQ. FT. GROUND SIGN AT 25 FT. IN HEIGHT AND THEIR 38 SQ. FT. BUILDING SIGN IN A CMU-1 ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR MONUMENT SIGNS AND BUILDING SIGNAGE. (WARD 7) (KUMAR, LUMUMBA)
3. ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO DENY THE SIGN VARIANCE REQUEST FOR WALGREENS TO REFACE THEIR 90 SQ. FT. GROUND SIGN AT 25 FT. IN HEIGHT AND THEIR 38 SQ. FT. BUILDING SIGN IN A CMU-1 ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR MONUMENT SIGNS AND BUILDING SIGNAGE. (WARD 7) (KUMAR, LUMUMBA)
4. ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR FINE AND DANDY TO ERECT TWO BUILDING SIGNS TOTALING 244 SQ. FT. WITHIN A COMMUNITY MIXED USE ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR BUILDING SIGNAGE. (WARD 7) (KUMAR, LUMUMBA)
5. ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO DENY THE SIGN VARIANCE REQUEST FOR FINE AND DANDY TO ERECT TWO BUILDING SIGNS TOTALING 244 SQ. FT. WITHIN A COMMUNITY MIXED USE ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR BUILDING SIGNAGE. (WARD 7) (KUMAR, LUMUMBA)
6. ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR FRESHII TO ERECT A 62 SQ. FT. BUILDING SIGN WITHIN A COMMUNITY MIXED USE ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR BUILDING SIGNAGE. (WARD 7) (KUMAR, LUMUMBA)
7. ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO DENY THE SIGN VARIANCE REQUEST FOR FRESHII TO ERECT A 62 SQ. FT. BUILDING SIGN WITHIN A COMMUNITY MIXED USE ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR BUILDING SIGNAGE. (WARD 7) (KUMAR, LUMUMBA)

INTRODUCTIONS

PUBLIC COMMENTS

CONSENT AGENDA

8. NOTE: "ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY."
9. ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND REGINA THOMAS/DBA/LEGENDARY LAWN SERVICE, 510 GEORGE STREET STE 230, JACKSON, MS 39202 FOR THE CUTTING OF GRASS AND WEEDS AND REMOVING OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE ACCORDING TO THE MISSISSIPPI CODE ANNOTATED SECTION 21-19-11. CASE #2014-2341- 0 HURON STREET/LOT E OF 409 HURON STREET- \$980.00. (WARD 3) (VANCE, LUMUMBA)
10. ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND REGINA THOMAS/DBA/LEGENDARY LAWN SERVICE, 510 GEORGE STREET STE 230, JACKSON, MS 39202 FOR THE CUTTING OF GRASS AND WEEDS AND REMOVING OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE ACCORDING TO THE MISSISSIPPI CODE ANNOTATED SECTION 21-19-11. CASE #2014-2789- 1205 RAYMOND ROAD/LOT @ SW CORNER OF CASTLE HILL DRIVE- \$880.00. (WARD 5) (VANCE, LUMUMBA)
11. ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND REGINA THOMAS/DBA/LEGENDARY LAWN SERVICE, 510 GEORGE STREET STE 230, JACKSON, MS 39202 FOR THE CUTTING OF GRASS AND WEEDS AND REMOVING OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE ACCORDING TO THE MISSISSIPPI CODE ANNOTATED SECTION 21-19-11. CASE #2015-1335- 0 PILLARS COURT/LOT E OF 2239 PILLARS COURT- \$1,700.00. (WARD 3) (VANCE, LUMUMBA)
12. ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND REGINA THOMAS/DBA/LEGENDARY LAWN SERVICE, 510 GEORGE STREET STE 230, JACKSON, MS 39202 FOR THE CUTTING OF GRASS AND WEEDS AND REMOVING OF TRASH AND DEBRIS AND REMEDYING OF CONDITIONS ON PRIVATE PROPERTY WHICH CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE ACCORDING TO THE MISSISSIPPI CODE ANNOTATED SECTION 21-19-11. CASE #2016-1893- 115 REBEL CIRCLE- \$556.00. (WARD 6) (VANCE, LUMUMBA)
13. ORDER ACCEPTING PAYMENT OF \$3,423.58 FROM STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY ON BEHALF OF ITS INSURED (JACQUELINE NOEL) AS A PROPERTY DAMAGE SETTLEMENT. (ALLEN, LUMUMBA)

INTRODUCTIONS OF ORDINANCES

14. ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI AMENDING SECTION 2-166, OF THE CITY OF JACKSON, MISSISSIPPI CODE OF ORDINANCES, RESIDENCY REQUIREMENTS. (BANKS)

ADOPTION OF ORDINANCES

15. ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI REQUIRING CANADIAN NATIONAL RAILWAY COMPANY TO ERECT A VIADUCT ACROSS THE CANADIAN NATIONAL RAILROAD LINE ON LIVINGSTON ROAD AT RIDGEWAY STREET. (STOKES)

REGULAR AGENDA

16. CLAIMS (HATCHER, LUMUMBA)
17. PAYROLL (HATCHER, LUMUMBA)
18. ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH eCIVIC, INC., FOR THE RENEWAL OF THE SUBSCRIPTION FOR eCIVIC SOFTWARE. (HATCHER, LUMUMBA)
19. ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR THE BRAZOS SOFTWARE SUPPORT AND INTERFACE TO MUNICIPAL COURT SOFTWARE. (HATCHER, LUMUMBA)
20. ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR THE SUPPORT AND MAINTENANCE ON INCODE COURT CASE MANAGEMENT SOFTWARE. (HATCHER, LUMUMBA)
21. ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GLOBAL SOFTWARE FOR COMPUTER SOFTWARE SUPPORT SERVICES. (HATCHER, LUMUMBA)
22. ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BFAC.COM FOR THE PURCHASE AND MAINTENANCE OF A MOBILE APP SERVICE AND DESIGN. (HATCHER, LUMUMBA)
23. ORDER REQUESTING THE CITY COUNCIL REVIEW AND VOTE TO APPROVE THE SIGN VARIANCE REQUEST FOR WALGREENS TO REFACE THEIR 90 SQ. FT. GROUND SIGN AT 25 FT. IN HEIGHT AND THEIR 38 SQ. FT. BUILDING SIGN IN A CMU-1 ZONE WHICH ALLOWS A TOTAL OF 15 SQ. FT. FOR MONUMENT SIGNS AND BUILDING SIGNAGE. (WARD 7) (KUMAR, LUMUMBA)
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29. RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI, SUPPORTING WHITNEY PLACE AS A QUALIFIED PROJECT IN ACCORDANCE WITH 57-26-1 ET. SEQ. OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, AND ACKNOWLEDGING THAT SALES TAX COLLECTED FROM THE PROJECT WILL BE DIVERTED TO THE TOURISM PROJECT SALES TAX INCENTIVE FUND AS PER THE MISSISSIPPI TOURISM REBATE PROGRAM, AND FOR RELATED PURPOSES. (KUMAR, LUMUMBA)
30. ORDER AUTHORIZING THE MAYOR TO EXECUTE A USE LICENSE AGREEMENT WITH THE JACKSON CONVENTION COMPLEX/SMG TO PROVIDE USE OF FACILITY FOR THE CITY OF JACKSON'S "DOING BUSINESS WITH THE CITY" NETWORKING RECEPTION ON DECEMBER 14, 2017. (KUMAR, LUMUMBA)
31. ORDER APPROVING A VARIANCE REQUEST FROM THE FLOODPLAIN ORDINANCE FOR 225 EAST CAPITOL HOTEL, LLC, APPLICANT AND OWNER OF THE EDISON WALTHALL PARKING GARAGE STRUCTURE AT 225 EAST CAPITOL STREET, TO DRY FLOODPROOF A SUBSTANTIALLY IMPROVED RESIDENTIAL STRUCTURE 18 INCHES ABOVE THE BASE FLOOD ELEVATION IN LIEU OF ELEVATING THE SUBSTANTIALLY IMPROVED STRUCTURE 18 INCHES ABOVE BASE FLOOD ELEVATION. (KUMAR, LUMUMBA)
32. ORDER DENYING A VARIANCE REQUEST FROM THE FLOODPLAIN ORDINANCE FOR 225 EAST CAPITOL HOTEL, LLC, APPLICANT AND OWNER OF THE EDISON WALTHALL PARKING GARAGE STRUCTURE AT 225 EAST CAPITOL STREET, TO DRY FLOODPROOF A SUBSTANTIALLY IMPROVED RESIDENTIAL STRUCTURE 18 INCHES ABOVE THE BASE FLOOD ELEVATION IN LIEU OF ELEVATING THE SUBSTANTIALLY IMPROVED STRUCTURE 18 INCHES ABOVE BASE FLOOD ELEVATION. (KUMAR, LUMUMBA)
33. ORDER CONFIRMING THE MAYOR'S APPOINTMENT OF KIMBERLY D. HILLIARD TO THE HISTORIC PRESERVATION BOARD. (LUMUMBA)

34. ORDER AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN JACKSON STATE UNIVERSITY AND THE CITY OF JACKSON, MISSISSIPPI FOR THE JACKSON POLICE DEPARTMENT TO PROVIDE SECURITY AT JACKSON STATE UNIVERSITY ATHLETIC FOOTBALL EVENTS. (VANCE, LUMUMBA)
35. ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT FOR THE LEASE OF OFFICE SPACE FOR JPD INTERNAL AFFAIRS DIVISION FOR FIVE (5) YEARS. (VANCE, LUMUMBA)
36. ORDER AUTHORIZING THE MAYOR TO EXECUTE A FORTY-EIGHT (48) MONTH RENTAL AGREEMENT WITH DIGITEC CORPORATION FOR A CANON IMAGE RUNNER ADVANCE C550I COLOR COPIER/PRINTER TO BE USED BY THE JACKSON FIRE DEPARTMENT ADMINISTRATION. (SIMPSON, LUMUMBA)
37. ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH OCTAGON GROUP, LLC TO PERFORM LOBBYIST SERVICES FOR THE CITY OF JACKSON, MISSISSIPPI. (LUMUMBA)
38. ORDER AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE HINDS COUNTY BOARD OF SUPERVISORS FOR THE JACKSON ZOO. (BLAINE, LUMUMBA)
39. ORDER AUTHORIZING CHANGE ORDER NO.1/FINAL TO THE CONTRACT OF HEMPHILL CONSTRUCTION COMPANY, INC. FOR THE WEST BANK INTERCEPTOR SEWER REHABILITATION, PHASE 5, CITY PROJECT NUMBER 20505705, SRF PROJECT NO. C2808896-04. (BLAINE, LUMUMBA)
40. ORDER RESCINDING THE APRIL 8, 2014, ORDER OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION ENGINEERING AND INSPECTION SERVICES CONTRACT WITH INTEGRATED MANAGEMENT SERVICES, P.A. FOR THE BARR ELEMENTARY SAFE ROUTES TO SCHOOL PROJECT, AND AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION ENGINEERING AND INSPECTION SERVICES CONTRACT WITH INTEGRATED MANAGEMENT SERVICES, P.A. FOR THE BARR ELEMENTARY SAFE ROUTES TO SCHOOL PROJECT, FEDERAL AID PROJECT NUMBER SRSP-0250-00(035)LPA/105812-401000, CITY PROJECT #9AA4000-901. (BLAINE, LUMUMBA)
41. ORDER RATIFYING A CONTRACT WITH DELTA CONSTRUCTORS, INC., AND AUTHORIZING CHANGE ORDER NO.1/FINAL TO THE CONTRACT OF DELTA CONSTRUCTORS, INC., FOR THE MEDGAR EVERS EMERGENCY SEWER REPLACEMENT, CITY PROJECT NO. 17B0507.301. (BLAINE, LUMUMBA)
42. ORDER AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT WITH LAMAR LIFE COMPANY, LLC TO USE AIRSPACE OVER AN UNNAMED ALLEY WEST OF CONGRESS STREET FOR THE PURPOSE OF CONSTRUCTING A PEDESTRAIN BRIDGE. (BLAINE, LUMUMBA)
43. ORDER AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS WITH KEEP JACKSON BEAUTIFUL, INC., TO DEVELOP AND PROMOTE LITTER PREVENTION PROGRAMS AND ACTIVITIES IN THE CITY OF JACKSON FOR CALENDAR YEAR 2017. (BLAINE, LUMUMBA)

44. ORDER AUTHORIZING FULL AND FINAL PAYMENT OF ALL CLAIMS IN THE MATTER OF "WAVIE GRAHAM VS. CITY OF JACKSON, MISSISSIPPI", CIRCUIT COURT; CAUSE NO. 251-11-445 CIV. (ALLEN, LUMUMBA)
45. RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI RECOGNIZING THE NEED TO SUPPORT STRONG HEALTH CARE FOR THE MENTALLY ILL. (STOKES)
46. RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI COMMEMORATING THE TWENTY-SECOND ANNIVERSARY OF THE MILLION MAN MARCH OF 1995. (STOKES)

DISCUSSION

47. DISCUSSION: UPDATE ON THE ONE LAKE PROJECT (FOOTE)
48. DISCUSSION: MEDICAL ANALYSIS (BANKS)
49. DISCUSSION: DUMPING (BANKS)
50. DISCUSSION: NOVUS (BANKS, STAMPS)
51. DISCUSSION: SMITH-WILLS STADIUM UPDATE (LINDSAY)
52. DISCUSSION: REVEREND DR. BLOUNT (STOKES)
53. DISCUSSION: JAXONENERGY 455 INDUSTRIAL DRIVE (STOKES)

PRESENTATION

PROCLAMATION

54. PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER AS NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH (LUMUMBA)
55. PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER AS COMMUNITY PLANNING MONTH (LUMUMBA)

RESOLUTIONS

56. RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI RECOGNIZING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH AND HONORING THE WORK OF BUTTERFLIES BY GRACE DEFINED BY FAITH WITHIN OUR COMMUNITY. (STAMPS)
57. RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI RECOGNIZING AND HONORING 'THE HEALING PLACE' FOR THEIR EXEMPLARY WORK WITH THE HOMELESS POPULATION WITHIN THE CITY OF JACKSON, MISSISSIPPI. (STAMPS)
58. RESOLUTION OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI HONORING AND COMMENDING MR. EDDIE JAMES CARTHAN, CIVIL RIGHTS ACTIVIST AND DEDICATED PUBLIC SERVANT. (STOKES)

OFFICE OF THE CITY ATTORNEY
10/5/17

ORDER APPROVING A VARIANCE REQUEST FROM THE FLOODPLAIN ORDINANCE FOR 225 EAST CAPITOL HOTEL, LLC, APPLICANT AND OWNER OF THE EDISON WALTHALL PARKING GARAGE STRUCTURE AT 225 EAST CAPITOL STREET, TO DRY FLOODPROOF A SUBSTANTIALLY IMPROVED RESIDENTIAL STRUCTURE 18 INCHES ABOVE THE BASE FLOOD ELEVATION IN LIEU OF ELEVATING THE SUBSTANTIALLY IMPROVED STRUCTURE 18 INCHES ABOVE BASE FLOOD ELEVATION

WHEREAS, on May 12, 2014, the City of Jackson adopted the Floodplain Ordinance, Sections 62-1, et seq., of the City of Jackson Code of Ordinances, as a requirement to continue to be a participating community in the National Flood Insurance Program and amended said ordinance on April 18, 2017; and

WHEREAS, 225 East Capitol Hotel, LLC, the applicant and owner of a former parking garage and upper-story hotel structure located at 225 East Capitol Street and fronting Pearl Street in Zone AE and X on the current flood insurance rate map, submitted site plans and construction plans for review and permitting to substantially improve the structure and convert the upper-story hotel into residential units, but the structure has a truck loading dock that is below the base flood elevation; and

WHEREAS, Section 62-42(1) requires that the lowest floor of any substantially-improved residential structure in Zone AE be elevated at least 18 inches above the base flood elevation, which is also a MEMA minimum standard; and

WHEREAS, the applicant submitted a letter requesting a variance from Section 62-42(1) to allow the structure to be dry floodproofed in lieu of elevating the structure; and

WHEREAS, Section 62-63 requires that in reviewing a variance application, all technical evaluations, relevant factors, and standards specified in other sections of this article shall be considered and the following items shall be considered:

- (1) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners;
- (2) Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The danger of life and property due to flooding or erosion damage;
- (5) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community;
- (6) The importance of the services provided by the proposed facility to the community;
- (7) The necessity of the facility to be at a waterfront location, where applicable;

Item # 31

Agenda Date _____

By: Mukesh, Jefferson, Lumumba

OFFICE OF THE CITY CLERK
CITY OF MEMPHIS
JAN 10 2017

- (8) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (9) The compatibility of the proposed use with existing and anticipated development;
- (10) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (11) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (12) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (13) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges and culverts.

; and

WHEREAS, Section 62-66 states that “Variances may be issued for the repair or rehabilitation of historic structures only upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.”; and

WHEREAS, the floodplain administrator has reviewed the variance request and finds that (1) there is a showing of good and sufficient cause, (2) that the failure to grant the variance would result in exceptional hardship, and (3) that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances in accordance with Section 62-64; and

WHEREAS, the floodplain administrator recommends approval based on two criteria:

- (1) The parking garage structure is structurally independent from but connected to the main hotel structure that fronts Capitol Street and is located in Zone X. The pedestrian connections allow for the evacuation of the residential units on the fifth, sixth, and seventh floors of the garage structure. This meets Criteria #11 in Section 62-63 above.
- (2) Elevation of the structure would preclude the structure’s continued historic designation. The requested variance to allow for dry floodproofing in lieu of elevation is the minimum to preserve the historic character and design of the structure. This meets the historic structure criteria in Section 62-66.

IT IS THEREFORE, ORDERED that 225 East Capitol Hotel, LLC is hereby approved for a variance from the Floodplain Ordinance to dry floodproof eighteen (18) inches above the base flood elevation the substantially-improved parking garage/residential structure at 225 East Capitol Street where a substantially improved residential structure is required to be elevated eighteen (18) inches above the base flood elevation.

IT IS FURTHER ORDERED that in accordance with Section 62-65, the floodplain administrator shall provide notification of the variance as required by ordinance and by MEMA minimum requirements:

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
- (2) Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the floodplain administrator in the Office of the Hinds County Chancery Clerk, First Judicial District, and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

CITY COUNCIL AGENDA ITEM 10 POINT DATA SHEET

October 3, 2017

DATE

P O I N T S		C O M M E N T S					
1.	Brief Description/Purpose	Order <u>approving</u> a floodplain ordinance variance for the parking garage/residential structure at 225 East Capitol Street (the former Edison Walthall parking garage and upper-story hotel)					
2.	Public Policy Initiative 1. Youth & Education 2. Crime Prevention 3. Changes in City Government 4. Neighborhood Enhancement 5. Economic Development 6. Infrastructure and Transportation 7. Quality of Life	7					
3.	Who will be affected	The current and future property owner and/or resident of 225 East Capitol Street					
4.	Benefits	Approve a variance from the floodplain ordinance					
5.	Schedule (beginning date)	Upon approval					
6.	Location: ▪ WARD ▪ CITYWIDE (yes or no) (area) ▪ Project limits if applicable	Ward 7 (225 East Capitol Street)					
7.	Action implemented by: ▪ City Department <input checked="" type="checkbox"/> ▪ Consultant <input type="checkbox"/>	Department of Planning and Development upon request from the applicant and owner, 225 East Capitol Hotel LLC					
8.	COST	None to the City. The owner may be subject to changes in her flood insurance premiums due to the construction of the addition.					
9.	Source of Funding ▪ General Fund <input type="checkbox"/> ▪ Grant <input type="checkbox"/> ▪ Bond <input type="checkbox"/> ▪ Other <input type="checkbox"/>						
10.	EBO participation	ABE	_____ %	WAIVER	yes ___ no ___	N/A	_____
		AABE	_____ %	WAIVER	yes ___ no ___	N/A	_____
		WBE	_____ %	WAIVER	yes ___ no ___	N/A	_____
		HBE	_____ %	WAIVER	yes ___ no ___	N/A	_____
		NABE	_____ %	WAIVER	yes ___ no ___	N/A	_____

Department of Planning and Development



200 South President Street
Post Office Box 17
Jackson, Mississippi 39205-0017

Chokwe Antar Lumumba
Mayor of the City of Jackson

MEMORANDUM

To: Mayor Chokwe Antar Lumumba

From: Dr. Mukesh Kumar
Director

Date: October 3, 2017

Subject: Agenda Item for City Council Meeting

Attached you will find an agenda item **approving** a floodplain ordinance variance for 225 East Capitol Street. A complimentary item denying the variance is also attached in a separate folder.

As a participating member of the National Flood Insurance Program, the City of Jackson is required to adopt and update a floodplain ordinance regulating construction and development within FEMA designated zones subject to a 1% chance flood (Zone AE). These areas are commonly referred to as "the flood zone" or "the 100 year flood zone". The Mississippi Emergency Management Agency produces a statewide model ordinance that communities must adopt. Communities can adopt more stringent standards as it so chooses, but the minimum ordinance is a requirement.

225 East Capitol Hotel LLC has submitted site plan and construction plans to convert the Edison Walthall Hotel and parking garage annex into a mixed use residential and first floor non-residential structure. The parking garage structure, which has hotel units on the fifth, sixth, and seventh floors above the garage, would be converted to all residential units. This structure, which is partially in Zone X, features a below-grade truck loading dock on Pearl Street that would technically qualify as a basement by definition. The proposed cost of improvements would far exceed the 50% substantial improvement threshold.

The owner has requested a variance to allow for the dry floodproofing of the substantially-improved structure to eighteen inches above the base flood elevation where the floodplain ordinance requires a substantially-improved structure be elevated 18 inches above the base flood elevation.

The floodplain administrator recommends **approval** on two grounds:

- (1) The parking garage structure is structurally independent from but connected to the main hotel structure that fronts Capitol Street and is located in Zone X. The pedestrian connections between the main hotel and the garage structure allow for the evacuation of the residential units on the fifth, sixth, and seventh floors of the garage structure. This meets Criteria #11 in Section 62-63.

- (2) Elevation of the structure would preclude the structure's continued historic designation. The requested variance to allow for dry floodproofing in lieu of elevation is the minimum to preserve the historic character and design of the structure. The Mississippi Department of Archives and History has submitted a letter to the City. This meets the historic structure criteria in Section 62-66.

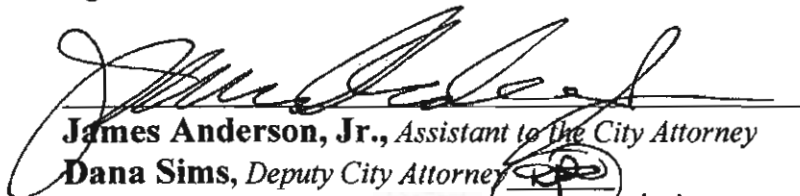
The floodplain management board, which is designated in Section 62-61 as the body that hears and decide appeals and requests for variances, is currently without a quorum to operate. As a result, the City Attorney's Office has advised that this matter be placed before the City Council for consideration. It is the recommendation of this office that this item and the complimentary item both be placed on Council agenda for consideration by the Council. If you have any questions or comments, please do not hesitate to call me at (601) 960-1993.

Office of the City Attorney

455 East Capitol Street
Post Office Box 2779
Jackson, Mississippi 39207-2779
Telephone: (601) 960-1799
Facsimile: (601) 960-1756


OFFICE OF THE CITY ATTORNEY


This ORDER APPROVING A VARIANCE REQUEST FROM THE FLOODPLAIN ORDINANCE FOR 225 EAST CAPITOL HOTEL, LLC, APPLICANT AND OWNER OF THE EDISON WALTHALL PARKING GARAGE STRUCTURE AT 225 EAST CAPITOL STREET, TO DRY FLOODPROOF A SUBSTANTIALLY IMPROVED RESIDENTIAL STRUCTURE 18 INCHES ABOVE THE BASE FLOOD ELEVATION IN LIEU OF ELEVATING THE SUBSTANTIALLY IMPROVED STRUCTURE 18 INCHES ABOVE BASE FLOOD ELEVATION is legally sufficient for placement in NOVUS Agenda.


James Anderson, Jr., Assistant to the City Attorney
Dana Sims, Deputy City Attorney

10/5/17
DATE




10/5/17

OFFICE OF THE CITY ATTORNEY




September 15, 2017

Mr. Robert Lee
200 S. President Street
Suite 229
Jackson, MS 39201

RE: Flood Damage Prevention Ordinance Variance for historic Walthall (Downtowner) Hotel,
225 Capitol Street, Jackson

Dear Mr. Lee:

We have received a request for certification that the Walthall (Downtowner) Hotel in downtown Jackson is considered historic in order to qualify for a variance to the City of Jackson's Flood Damage Prevention Ordinance. The Walthall Hotel [049-JAC-0965-NRD], also known as the Downtowner Hotel, is a Contributing Resource in the Smith Park Architectural National Register District (Boundary Increase III), which was listed in the National Register of Historic Places by the National Park Service in 2014. If the structure were to be elevated to 18 inches above base flood elevation, the structure may no longer be considered eligible for listing in the National Register of Historic Places.

The property has also already been approved by MDAH and the National Park Service for state and federal historic preservation tax credits (Part II). To qualify, the proposed rehabilitation of the property must meet the Secretary of the Interior's Standards for Rehabilitation and must also be listed in the NRHP.

We trust this information is sufficient to allow the variance to be approved for the above-referenced City of Jackson ordinance. If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Bell", is written over a circular stamp.

FOR: Hal Bell
Review and Compliance Officer

c: Katie Blount
State Historic Preservation Officer

ENGINEERING
CONSTRUCTION
DESIGN



THE
HARRIS
SOLUTION

September 21, 2017

Mr. Robert Lee, P.E., CFM
City of Jackson Public Works Department
Engineering Division
200 South President Street
Jackson, MS 39205

**RE: Compliance with Floodplain Ordinance/Building Evaluation
225 E. Capital Street (former Edison Walthall Hotel building)
Jackson, MS**

Dear Mr. Lee:

As a follow up to our letter dated February 28, 2017, and recent discussions that we have had recently, it is my understanding that the City of Jackson will not accept our income approach analysis and methodology for building valuation method to determine compliance of the subject building with the City of Jackson Flood Ordinance, wherein we determined the ratio of proposed improvement value to existing building value.

Accordingly, we decided that the only other acceptable option available was to utilize the Hinds County appraisal value to determine existing building value. Based on our research, this value is going to be too low and will not satisfy the City's Ratio of proposed improvement value/existing building value requirement.

Based upon an evaluation of the Hinds County assessed value and the estimated cost (cited in our our February 28, 2017 letter), the existing garage structure will be substantially improved. The existing building, which is listed as a historic structure, cannot be elevated 18 inches above the base flood elevation without violating historic renovation requirements (please refer to recent letter from MDAH).

The owner requests that a Variance from the City's Floodplain Ordinance of having to elevate the substantially improved structure 18 inches above the base flood elevation and instead requests that he be allowed to dry flood-proof the structure to 18 inches above the base flood elevation in lieu of elevation. Additionally, the owner requests that the portion of the structure that is to be dry flood-proofed be allowed to be used solely for parking or limited storage and not for any residential use.

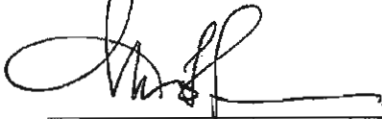
495 Grand Boulevard, Suite 206
Miramar Beach, FL 32550

The Owner hereby ask that a Variance from the City's Floodplain Ordinance be presented to City Council and approved accordingly as soon as possible, and that said approval be forwarded to the Planning Department, so this project can move forward with the building permit process.

If you have any questions or need any additional information, please do not hesitate to call or contact me at (228) 236-7722.

Sincerely,

THE HARRIS SOLUTION, LLC

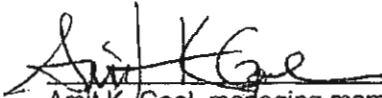


Aaron L. Harris, PE, Principal



Certification:

I hereby attest to the foregoing information.



Amit K. Goel, managing member for
225 East Capital Hotel, LLC