Meeting called to order by Council Vice-President Houston.

Present: Thomas, T. Johnson, F. Johnson, Houston, Lindemann.

Absent: None.

The meeting was opened with prayer by Police Chief, Lewis Robbins, and followed by the Pledge to the Flag.

The meeting was opened by Vice-President Houston – This morning we are here to make a factual determination regarding the residency of the Meridian City Council and the Mayor of Meridian. As Vice-President of the Council I will be facilitating the hearing and I would like to begin by outlining the hearing guidelines and ask the Council to adopt the guidelines if necessary, so we can all be on the same page; because this is something none of us are expert in or we’ve done this before, we want to make sure we have some guidelines in place. One other thing we want to mention is the five minutes to allow people to talk, because at 10:00 we have a Special Called Meeting. Have you had a chance to review the guidelines?

Councilman Thomas – The word current needs to be in each one of the guidelines.

Councilman Lindemann – There may be some contention over the time of five minutes.

Councilwoman Houston – That will be at the discretion of the Council if anybody wants amend time.

Councilman Lindemann – When the time comes for the bond issue Special Called Meeting we can always recess and go into that meeting and recess from that and come back to resolve this business, if it comes to that, hopefully we’ll be done within an hour.

Councilwoman Houston – If we want to adopt these guidelines with those changes, just to have a way to flow. Do I have a motion to adopt these guidelines?

Councilman Lindemann moved to adopt the guidelines and Councilman T. Johnson duly seconded and the motion passed by a unanimous vote of the Council.

Councilwoman Houston – As we move forward, only the information pertaining to the residency will be addressed during this hearing, please let’s all remain professional and respectful as we all try to work this process. This is not a time to belittle or get off subject. Guideline one is address, we will begin with address of record that was listed on the 2017 Qualifying Statement of Intent that we each completed to run for our prospective position. The Mayor and each Councilmember will be asked if their address has changed since they completed the 2017 Qualifying Statement of Intent. We will go in the order of Ward 1, 3, 4, 5 and 2; since the complaint has come before us specifically regarding Ward 2 Councilman, we will call on that Councilman last. If the Councilmember and/or Mayor has moved or should a challenge arise regarding the validity of the residence listed on the 2017 Qualifying Statement of Intent, individual Councilmembers and Mayor will be given opportunity to present facts as it relates to residency. Councilmembers can ask questions to gain clarity as they deem necessary. A list was provided of acceptable proof of residency and according to the Mississippi Attorney General it is their opinion, if an alderman in question temporarily living outside the Ward he or she was
elected to serve and will be returning to said Ward when it is feasible to do so, he or she will continue to serve as Alderman for his or her Ward even though he or she is temporarily residing outside that jurisdiction. Mississippi AG Opinion, Boggs. This is consistent with the general rules of residency as pronounced by the Mississippi Supreme Court, that ones’ established residency continues until the individual moves to another location with the intent to remain there, therefore abandons the old domicile without meaning to return. Hubert vs McKey. With regard to abandonment based on the above ruling this Council will need to determine if the Councilmember and/or Mayor in question had intentions of returning to his or her old domicile when he or she moved to a different location and a vote will need to be taken to accept the findings or declare the seat vacant. Are there any additional changes that need to be made to these guidelines?

Councilman Lindemann – Just as a point of clarification here, that Attorney General’s Opinion list as the guidelines here, does that mean we are excluding any other opinions or Supreme Court opinions or should we include those as part of our guidelines.

Councilwoman Houston – Do you want to include those additional guidelines, the ones that you gave this morning?

Councilman Lindemann - Since we are making a factual determination we have to consider all of these various opinions, if nothing else we should open a similar AG’s Opinion from the guidelines and leave it up to the factual determination of the Council, that way we are not confining ourselves to one particular opinion.

Councilwoman Houston – Okay, everybody else okay?

Councilwoman Johnson – Are you saying our decision is not based on that you just read?

Councilwoman Houston – I guess it will be based on whatever we hear today, it will include this AG’s Opinion, but I think there is another one that will be presented today. Is that legal?

Attorney Kendrick – Yes.

Councilwoman Houston – Okay, we will include any additional AG’s Opinions or Supreme Court Rulings that should arise during the course of this hearing. Okay, that being said we will begin. Mayor Bland, I hope you don’t mind, we will begin with you. According to the Qualifying Statement of Intent that was completed on February 21, 2017, Mayor Bland you stated you lived at 1839 43rd Street, Meridian MS 39305, is that still your current address.

Mayor Bland – Correct.

Councilwoman Houston - Is there anyone here that would like to challenge this address?

This being his place of residency?

Mayor Bland - I also present in your papers my qualifying papers, my driver’s license, and my AT&T phone bill. Is there anything else you all will need?

Councilman Thomas - That’s enough.

Councilwoman Houston - Thank you. There being no challenge to the Mayor, we move on to Mr. George Thomas. Mr. Thomas according to the Qualifying Statement of Intent that you completed January 10, 2017, it stated that you lived at 3652 46th Street, Meridian MS 39305, is that still your current address?

Mayor Bland – Correct.

Councilwoman Houston - Is there anyone here that would like to challenge the address of Mr. George Thomas? If not, thank you. We will move on to Ms. Fannie Johnson. Your Qualifying Statement of Intent has you listed a 2203 49th Avenue, Meridian MS 39307, is that still your current address?
Councilwoman Johnson - Correct.
Councilwoman Houston - Is there anyone here that would like to challenge that this is Ms. Fannie M. Johnson's current address that she completed on January 04, 2017 Qualifying Statement of Intent. Okay, I'm Kim Houston, I still reside at 6223 7th Court, Meridian MS 3930, this was completed January 04, 2017, I have not moved, I'm still residing there. Is there anyone in the audience that would like to challenge that fact? Mr. Weston Lindemann, you completed this form on January 03, 2017, listing your street address as 121 4th Avenue, Meridian MS 39301, is that still your current address?
Councilman Lindemann - No Madam, I live at 115 4th Avenue, two doors down.
Councilwoman Houston - And do you have documentation to support that?
Councilman Lindemann - Yes, I believe all the Councilmembers should have a copy of three forms of proof.
Councilwoman Houston - And what were those proofs.
Councilman Lindemann - One was a court summons delivered to me in person at the address of 115 4th Avenue, one was my car registration and the third was my driver's license.
Councilwoman Houston - Is there anyone here that would like to challenge the validity of this change of 115 4th Avenue of Councilman Lindemann? Alright, Mr. Tyrone Johnson we have your street address as 4524, according to the Qualifying Statement of Intent that you completed on February 03, 2017, we have your address as 4524 Highway 39 North Apartment B-23, Meridian MS 39301, has there been any changes to your address?
Councilman Johnson - Yes.
Councilwoman Houston - What is your current address?
Councilman Johnson - My current address is 2130 1st Street.
Councilwoman Houston - Is there anyone here that would like to challenge Mr. Johnson's 2130 1st Street?
Audience member - I would like to challenge that.
Councilwoman Houston - Please come forward. If you would state your name and address, you will have five minutes to address the Council.

Eddie Holt, 3813 5th Street - The Criminal Code of Mississippi 97-13-25 I want to make sure you guys understand, registration falsely procuring registration. Any person who shall knowingly procure his or any person's registration in a qualifying when that person whose' registration is being procured is not entitled to be registered as such, or under a false name or as a qualifying electorate or in any other precinct other than which he or she resides. Shall on conviction be a prisoner in the state penitentiary for a term not to exceed five years or be fined not more than $5,000. So, I want all of you to understand, it says any person not just him. I just want to point out the law to you. Also, the registration, I have a voter's registration card, he hasn't even updated his voter registration card. Also, wherever your domicile is, that's where you live. It's against the law to stay some place and vote somewhere else. I want to point out when all of you do something to thwart the law none of us win. Exhibit A is a deed of trust where Tyrone Johnson is paying $1,788.99 and he paid his first payment on November 01, 2019. I gave you one deed where he signed it in Ward 1, this is in Ward 1. There is no way he can stand up here and give you something that anybody can make documents, I admit I've done it myself. I made up a lease just so a person could get a driver's license. I admit that, I admit that some may come down here to get their water turned on, so it's easy to make a documents, I know for a fact that Tyrone Johnson went to Angela Chaney, who's in trouble already, and asked her, when they were having a
kickback, said will you let me turn the water on at your house, so that I can say I stay there? I know that for a fact. I know for a fact that he’s being sued by the Smith family, because when he moved out, he sub-leased the house to his sister and he was going to claim that he continued to stay at 2333 19th Avenue. And Mrs. Smith put her out. When she went to collect rent from him, she was there. Mrs. Smith is suing now. I don’t understand, this shouldn’t be about your residence, the law clearly states what you can and cannot do. I gave you the deed and warranty deed, I gave you the email from the Secretary of State. Where she said what your duty is, your duty is to investigate the complaint, not to verify the address of the Mayor or anyone else in here, nobody complained about your residence, only about him. You have to investigate him, he has a deed of trust where on February 14, 2019 he closed on another property in Ward 1. He’s doing all these things and I have a jump drive where he admits to not living in his ward that I can play where everybody can look at it. So, I am presenting concrete evidence that he no longer lives in his ward, that this is designed to thwart the system and circumvent the law. And if you guys help him do that, you have violated the laws of the Criminal Code. And understand that I am speaking to you today and this is my complaint. It is your duty to address that issue. I want you to know that I am recording this, I am going to take a copy of this to the Attorney General and I’m going to the Circuit Court and try to press charges against anybody in violation of the law. If the Circuit Court don’t do it then I’m going to the Attorney General; if they don’t do it I’m going to the Justice Department.

Councilwoman Houston - Thank you Mr. Holt.
Eddie Holt - Can anyone deed their time to me?
Councilman Lindemann - I think if there is a need to come back to you we will. One thing that Councilwoman Johnson just pointed out to me is
Councilman Johnson - If you don’t mind, I’ll present that when I present later.
Councilman Lindemann - Okay.
Councilwoman Houston - And one of the other things I just wanted to make part of the record. From the Attorney General’s Office, it states - Any determination should be made after a fair and impartial hearing has been conducted. The Board should consider all relevant facts and provide the Alderman in question with ample opportunity to present whatever information he deems appropriate. That is from the Attorney General’s Office. So, when you filed the complaint and brought it to the attention of this Board, we set this particular hearing date according to the law that we had to do, in order to make sure that we hear all - Let me read it as it says - In response to your question, any determination whether the seat if vacant or whatever - should be made after a fair and impartial hearing has been conducted. The Board should consider all relevant facts and provide the Alderman in question with ample opportunity to present whatever information he or she deems appropriate. We are trying to follow the law, we’ve never been in this place. We are not trying to circumvent the law, we are trying to follow the guidelines that are set forth by the Mississippi Attorney General in how to handle such cases.
Eddie Holt - But it is their opinion and not the law, you can’t circumvent the law.
Councilwoman Houston - We are not trying to circumvent the law, we are trying to follow the guidelines as set forth by the Mississippi Attorney on how to handle such cases.
Eddie Holt- It says nothing about all you guys having to present proof of residence as if there was a complaint against them. Also, I have a letter from the Asst. Secretary of State and what she says is: The city, county, board of Aldermen are responsible for enforcing the requirements set forth via a complaint will need to be filed with the council. It said you are responsible for
investigating and taking appropriate action. And he said he did so for his wife's safety, there are so many places he could have moved in Ward 2, he chose to move out of his ward. We shouldn't be here; his seat should already be vacated and you should be ordering a special election.

Councilwoman Houston - You filed a complaint at our last meeting, and I’ll finish reading this - A complaint will need to be filed with the Council and the Council will be responsible for investigating, which is the purpose of this hearing today, and take an appropriate action. Which would include vacating the seat, should they find the Councilman abandoned his Ward, but as this is not a true election related matter, it is outside the scope of this office.

Eddie Holt - And what else did she say?

Councilwoman Houston - If the Council fails to act a complaint may be filed by the Attorney General’s Office, they may have jurisdiction to investigate should you want to go this route you may want to contact their office. And that is the purpose of why we are here today,

Eddie Holt - I’d like to read one more thing if it’s okay. This is an ordinance from the City of Meridian, Section 8-1, beginning the year 1985 all municipal elections thereafter the City Council shall be composed of five members and one of whom shall be a resident of each of the five Wards. Here it is mandatory, and when you talk about temporary capacity the law is talking about when a tree destroys the house, a tornado comes through and destroys it or and fire and everything burns down. Not I’m afraid for my wife and children, but if he was afraid, he moved his sister and her children into that house. I will sit down now, if you have any questions.

Councilwoman Houston - Thank you for bringing that to our attention Mr. Holt. Mr. Johnson would you like to respond to the information presented. And also, I forgot to ask for your documentation.

Councilman Johnson - I would love to hear from the other speakers, if they have anything to say.

Councilwoman Houston - You don’t want to respond to that right now?

Councilman Johnson - Not right now.

Councilwoman Houston - Are there any other complaints? Anyone else that would have a complaint? Miss Marie Franklin. I’m sorry, she just showed me the list.

Marie Franklin, 603 Sweetgum Bottom Road - We were told that after Mr. Holt complained that Councilman Johnson would bring his rebuttal information this morning, now you guys have a folder of information that we as the public don’t have, again. You all know that’s not right. I’m going to say this, It’s not right what you’re doing, I understand the fight, these are two brothers, I know when we are pushed we push back, but we are supposed to push back with the truth. Okay, you wanted better for yourself, everybody do, but you had ample time to come to the public and say, this is something I had to do or make other arrangements. Being as that was not done, you don’t put up a battle and put a fence around a bunch of lies. You want us to do what’s been going on for years, you want us to be okay with a lie? Or do you want us to try and report what’s right. As leaders a lot of decisions you are making you are making it hard for yourselves, hard for the police department, hard for the sheriff department. Because as a 60-year-old woman, I will not obey people that are not obeying the law. You all must obey, just as we should.

Councilwoman Houston - Miss Franklin do you have any evidence or something you would like to present.

Marie Franklin - I know that I’ve spoken to the of the house that he vacated in January.

Councilwoman Houston - And would you like to share the basis of that conversation was?

Marie Franklin - She said they hadn’t lived there since October and there were some
missed fees, and that she couldn't trust and she was getting ready to go to court against them. All I know is I know where they live now and when this situation got a little cloudier and a little heavier, then there we go moving and mangling and doing illegal stuff. That's not what you do. It is what it is. All of this should have been thought about when we were about to be without a Councilperson. You all have plenty of information, you’ve got a deed, you decide when it was signed. If he has a contract from someone on a house now are they willing to backdate? He shows us a light bill from December, January, February. The Mayor brought his, if it’s good enough from the Mayor it should be good enough for a Councilman. This city is tour up from the floor up. I’m sorry Tyrone, run again and maybe we’ll elect you. Let’s begin to do what’s right. Thank you.

Councilman Johnson - Thank you, Miss Marie.

Councilwoman Houston - And again, I will read the statement from the Attorney General’s Office. The reason why we are here is a complaint has been brought to our attention regarding the residency, and according to the Attorney General - In response to your question, any determination should be made after a fair and impartial hearing has been conducted. The Board should consider all relevant facts and provide the Alderman in question with ample opportunity to present whatever information he or she deems appropriate. So again, we are trying to follow the law and get the information out so we can make a factual determination regarding residency.

Angela Bell, 8221 Highway 39 North - I came into this unexpectedly, I was told that it was my job to come to the city and let them know what I know about the situation. I do know that when my son was in the Meridian Public School District and he didn’t want to go anymore, and he wanted to go to Northeast School, I had to move, that’s the law. He couldn’t attend Northeast High School and live in the Meridian High School District. On January 10th of this year I made a phone call for a relative who wanted to know about a certain house. When I made the call, I said hello this is Angela Bell and I was told, oh hey Angie Bell, it’s what everybody calls me, and I was told who the owner was, that was January 10th. I went to the house and looked at the house on January 14th, no one was in the house. There were a lot of renovations being made on the house, but no one was in the house.

Councilwoman Houston - What address was that?

Angela Bell - That was 2333 19th Avenue, a relative of mine wanted that house, they were trying to move into the district. This is all about the law. Here we are, we are blind. I don’t know what’s going on as far as you all have information, when will we have any information. I know Councilwoman Houston you said you all are going to investigate how soon will it be before we get any information?

Councilwoman Houston - I think we will be making a vote today. Do we share this, what do we do Mr. Attorney? We just got this information. Yes, he will get a chance to respond. He is going to present what he has all of this is public information. It will be part of the public record. We are trying to follow the Attorney General’s Opinion because it has never happened like this before, where it has gone this far where we will have to actually make a factual determination. If you all will bear with us, this is brand new to us as well. I know at the last meeting someone brought up about a previous Councilmember, but they vacated the position and the City Council did not have to get involved to this level. So, we are trying to figure this all out together and trying to do it according to what we have received from the Attorney General’s Office as to how to do it. They did not give us a guideline, did not give us a process, again we are trying to work through it as it says we are supposed to do with an impartial hearing. This information should be public knowledge and we’ll go from there.
Angela Bell - It will be according to the law.
Councilwoman Houston - Yes, it will be according to the law, we are not attorneys, but based on the law this is what we are supposed to do today. A complaint has been filed, we set a hearing at last Tuesday’s Council Meeting for today at 9:00 which is the reason why we are here and then we are to consider all relevant facts and provide the Alderman in question the ample opportunity to present whatever information he deems appropriate, which he just did, and we will make a factual determination once we hear from everybody. I think the Councilmembers has questions as well to try to make sure that we are getting to the heart of making a factual determination as to whether he in fact did abandon his ward.
Angela Bell - I’m thinking whatever is good for the goose is good for the gander. If our leaders can go out and do whatever the heck they want to do, it’s fine for me to do whatever I want to.
Councilwoman Johnson - Thank you.
Councilwoman Houston - That is all the names I have on the list, is there anyone else that may not have had an opportunity to sign the list here today with any additional to add to the complaint or verification on the issue we are discussing here today? Okay, Councilman Johnson?
Councilman Johnson - Good morning everybody, I hate we had to come here today to address this issue, though it is a relevant topic, so I will address some of those concerns. First of all, I want to begin with what we know as abandonment. Abandonment is really no return, so to answer the question, she said she went to check on my house that I had previously lived in on January 14th and there was no one there. You are correct. Mr. Eddie Holt’s concern with me living outside my Ward, that’s incorrect. You make a claim that I moved into my house in October and I made my first payment in November. I made my first payment in November, that’s correct, but did I reside in my Ward, yes, I did. So, I’m just going to get straight to the meat, I was going to say many things but let’s also talk about, as you like to throw out there, the law. The law says that for someone to move into a residence and stay there for six months you become a citizen at that address. Even if I did what you said, I still would not have been a citizen of Ward 1. Because I bought the house in October, that’s only four months, so there is nothing here or there. You presented each Councilmember with this folder, and I agree with you on Tyrone Sentrel Johnson, that I bought a house, that is correct, that’s in Ward 1. It was a great opportunity and I took that opportunity, but I remained and kept my integrity, which is why I stayed there in my district. Because I knew I had the lease that I had pledged for my sister in Ward 2. You make a claim that I purchased two homes in Ward 1, is that correct? I’ve got two homes in Ward 1, that’s what you stated. Here you presented someone else’s information that is totally not mine. If you read the papers you presented, my name is Tyrone Sentrel Johnson not Tyrone Alexander Johnson. So, you presented someone else’s information to the Council. Now we will get to my facts, if you are looking at Exhibit A, and I ask the Council to refer to these, Exhibit A is the lease agreement that Mr. & Mrs. Jimmy and Carol Smith gave to me when I first entered the home in October 2017. I never had any plans to nor did I ever abandon my Ward. In fact, I tried to purchase this home from Mr. Jimmy Smith, and that was the initial conversation we had. In the initial conversation Mrs. Smith told me, let’s put it off until next year, then it went again, off until next year. So, with that being done, and you can ask my realtor, she’s at Winstead Realty, that we have been trying to find a home in Ward 2 for over two years. My wife and family were out pretty much every day trying to find homes. As you know, because I know you are from the east side of town, the majority of the homes in the east end are dilapidated. So. you have to purchase an extremely high
home or you don’t have a home at all. Exhibit B proves the fact that I did not abandon my ward. When I went to pay my rent on December 5th, I was given 30-day notice to vacate Mr. & Mrs. Jimmy and Carol Smith’s home, this is an eviction notice. I know you guys are looking at this and in addition you can tell that it’s a form that she printed. But, when I got this, I paid my rent on December 5th, I had no idea, she blindsided me. So, from December 5th, I initially started to go places to try to find another residence in Ward 2. Once I presented it to the Council it would appear I came up with this myself, so I took the liberty, if you notice Exhibit C look at her signatures on here, I made a copy of five of the rent receipts that will verify that I did not do anything wrong. You claim that I have some legality issue, that is correct. When I moved out of the house, and I’m pretty handy with my hands, I didn’t get a chance to repair the house as I wanted to, because, as the Council knows, I have been suffering with a back injury for the last month and a half. So, if you have been watching the Council Meetings you may have noticed that I’ve missed a few of the Council Meetings. Exhibit D, I want to present text messages, they clearly show that every month I pay rent, starting from October, so, October, November, December and January. It verifies that I was still in my home, it also shows the day that I returned her keys to her. Your claim was that I moved out, and did not move in October. Exhibit E is my current address, rent to own property located in Ward 2. My initial option was to rent the house, but I had an opportunity to actually purchase it, and so I did. I got it notarized as well. Exhibit F, I have my voter registration card, and you mentioned in your argument that it was illegal for me to vote in November, because I moved out in October, but if we go back to my text messages and other information provided, I was still at my address on January 5th, so, that shows I didn’t do any wrong there. My current address now is 2130 1st Street, which is a house I will own as soon as I’m done paying for it. Exhibit G is a letter from one of the property managers, and the purpose of bringing it is that once I moved out in January, but in December I initially started looking for a place in Ward 2. So, this is saying I have been looking in Ward 2 since I was blindsided by an eviction notice from Mrs. Carol Smith. Exhibit H shows the house my wife and I bought and it clearly shows the new place that I bought is in Ward 2. So, from December 5th, to current time, I have been aggressively looking for a different property in Ward 2. I have here a few names: #1. Mrs. George Walker she stays in Ward 2, right by 24th Street, I contacted her over two months ago, she was in, I think Ohio and I’ve been having conversations with her back and forth. She finally gets to town, she was going to rent the property, now she’s going to sell it. I talked to Miss Sledge, she is also on 24th Street, she was going to rent the property, but I came up a couple of days short and someone else got the property. I’ve talked to a guy in Philadelphia who owns two homes right over here on the east end, but come to find out those homes are right outside my district. So, these are the facts that I present to the Council and that I had no intention of moving out of my district. No intention, I’m passionate about what I do, I’m teaching and I’m an educator. It’s sad that we have to waste the taxpayer dollar to come here and talk about issues, where if you would have called, no one reached out to Mr. Johnson about this, so if you would have called, I would have presented all the facts that you needed. Miss Carol gave me a 30-day eviction notice, and again the facts here prove that I did not abandon my ward, I never wanted to leave my ward. So, if the Council sees fit, these are my facts to date. My permanent address is 2130 1st Street, that’s where I will be residing. That’s all I have Miss Kim.

Councilwoman Houston - Are there any questions from the Council?

Councilman Lindemann – Yes, I think we should wait for Councilwoman Johnson to return, so she doesn’t miss anything.
Councilwoman Houston - Is there a rebuttal from the audience?

Eddie Holt - I just think Councilman Johnson showing a property he states, I will be moving into, that was his statement. His closing statement was I will be moving back into Ward 2. You did say it.

Councilman Johnson - I did, but I wanted to touch base on that statement.

Councilwoman Houston - Let him finish.

Eddie Holt - But looking for a place to stay, I know for a fact that on 20th Street and 26th Avenue is a brick house that just sold that's been on the market for more than a year for $16,000. I think my friend's mother used to live in that house. A four-bedroom brick house right on the corner in Ward 2. And I have to ask if Mr. Johnson really expect this Council to believe that he's going to have his family in a $300,000 home and he is going to live in a place he has talked about so bad, dilapidated and unsafe and he is going to leave his family out there. The Supreme Court has ruled on this in the past, on people who've tried to do that and the Supreme Court said no. Where his family is, is his residence. I want the Council to know it was his sister that was living in the house, all these things come to the light today, he has lied here today.

Councilwoman Houston - Do you have any documentation of that today to add to the file?

Eddie Holt – No I did not bring anything. If you want to make a decision today, you can request the Smiths to come here today to find out who was living in the house and if his sister had HUD documents and had them signed over. He does not stay there, he moved into a nice house out there in Ward 1. And there is no way anybody will make me believe he is going to stay away from his family. The law doesn't say six months residency, for the City Council all you have to live in the ward is 30 days. It's not a question of residence of Lauderdale County, we know he's a resident of Lauderdale County, but he's not a resident of Ward 2, law is clear on that.

Councilwoman Houston - Mr. Johnson do you have a comment?

Councilman Johnson - Yes, who I choose to live with me shouldn't be a problem for anyone. As it relates to my wife, my wife and I have an awesome relationship and trust me the house that I've got is just a few minutes away and it's not as if I can't see my wife. My wife and I have an understanding about how passionate I'm all about my ward and she knows I give 150%. If you guys look at my track record you wouldn't question at all about me being a Councilmember. My wife knows the sacrifices I have to make on a daily basis, to get out here and perform on a high level of a Councilman. You mentioned my sister was getting HUD Mr. Holt?

Eddie Holt – I'll answer that if you let me speak.

Councilman Johnson – Speak on Sir.

Eddie Holt - I'm making an assumption that your sister has a HUD document.

Councilman Johnson – No assumptions, we are discussing facts, all you are picking at is hearsay, with no facts. Here I have facts.

Eddie Holt – What I do have is the law. All you are producing are things that everybody can get. I pay a light bill every month, it's in my name, but I don't live there. I own property in Ward 2, I own property in Ward 4, my youngest child is in Ward 4, but me paying money is not proof that I stay there. Showing that I made a mistake, I got that from the clerk, I got a deed. As of right now he does not live in Ward 2. Trying to circumvent the law with a lot of documents, but the law is clear on that. The law says it has to be a calamity. If Ward 2 is so bad why are you moving back into it.

Councilman Johnson – Ward 2 is not so bad! But let me get back to what you said that I was supposed to be moving. Yes, that correct, because currently the property I bought is being
remodeled. Within the next two weeks I will be officially back in there after they have done the inside.

   Eddie Holt – Based on his own statement, he just said he will be moving back into the ward. Based on his own statement.

   Councilman Johnson – The law said proved the Councilmember has abandoned, I proved to the Council where she evicted me, that wasn’t a personal choice.

   Eddie Holt – She evicted you because you moved your sister into her property.

   Tyrone Johnson – On my notice here it says, lease expired. If that had been the case she would have written it on her form.

Councilwoman Houston – For the sake of time we have four minutes before we have the Special Called Meeting and we haven’t even got to Council questions yet. A couple of things that were stated that I would like for the attorney to look into. I looked at the law and did not see the calamity exception that Mr. Holt has referred to. Thank you for bringing that to attention, I had not seen that in any of the documents I had been presented with. So, we will check on that during the recess as well. Is there a motion?

   Councilman Lindemann – I move we recess to have the Special Called Meeting.

   Councilwoman Johnson - Duly seconded.

   All Councilmembers were unanimous with the recess.

   Councilwoman Houston – This hearing is recessed until after our Special Called Meeting.

We will probably come back in session around 10:30 or 10:45.

   I will be making a motion to immediately recess the Special Called Meeting so we can return to the Public Hearing issue at hand.

   Councilwoman Houston – So we won’t put a time on it. All in favor? Unanimous Council agreement.

   Councilman Lindemann – Your lease expired in January.

   Councilman Johnson – I wanted to purchase the house but she kept putting it off and I was blindsided when I paid the rent in December, she provided me with the eviction saying she wanted to go in a different direction. She didn’t tell me what her intentions were with the house, she didn’t give me a why, she just said my lease has expired.

   Councilman Lindemann – The deed of trust we were provided, the one with the correct name, it was stated in your initial response that six months had not gone by so you wouldn’t even be a qualified electorate.

   Councilman Johnson – That was just an example.

   Councilman Lindemann – This is showing some degree of intent based on 180 installments. 180 months is a significant amount of time, it shows enough, I think longevity in your decision to purchase that property you would very soon be in Ward 1 if that were your domicile, right?

   Councilman Johnson – Right.

   Councilman Lindemann – There will be clarifying involved. One thing I notice and that’s going to be a debatable point, I’m no attorney, but I can still read, a Supreme Court Opinion-Garner vs The State of Mississippi Democratic Executive Committee. A case where a DA Candidate won the DA’s race in a particular county was being challenged on the basis that they may actually live in a different county. The Supreme Court analyzed that in Mississippi residence and domicile are synonymous for election purposes. A person’s domicile in election matters is defined as the place where he has his true fixed permanent home and principal establishment whenever he’s absent he has the intention of returning. A domicile continues until another is
acquired. Before a domicile is considered lost or changed a new domicile must be acquired by
removal to a new locality with the intent to remain there and the old domicile must be abandoned.
There is obviously the question of intent here, but I want to focus in on a couple of definitions to
see if we can get some clarity. Between this and the facts that have been presented. What is a
fixed permanent home? For that we look to definitions given to us in the Mississippi Code related
to homestead exemption. It says where home or homestead when used in this article shall mean
the dwelling and the eligible homestead actually occupied as the primary home by the family
group. So, if working as a truck driver, off shore or out of town, at the end of the week you go
home to the family. That is considered the way our society describes home.

Councilman Johnson – No, I disagree, in that case I have family there and there is no rule
that I can’t check on my family from time to time. As far as homestead exemption, I have not filed
for homestead exemption.

Councilman Lindemann – Home is the place where the family group resides. So, the intent
is committing to making 180 payments on a house at a particular location,
Councilman Lindemann – Or it could be an intent of investment. So, you can’t say anything
as to what I really want to do, with the house or with my family at that time. Again, Mr. and Mrs.
Smith evicted me, I did place my family over there, but I did keep my integral state in Ward 2.
And again, I aggressively looked for a place in Ward 2. And you can check with my realtor on
that. We all looked, she, my wife and I. I will be there again, because this house is under
construction.

Eddie Holt – We can ask Mrs. Smith now, on the phone.
Councilman Lindemann – If that’s okay with the Council?
Councilwoman Houston – Are you going to put it on speaker?
Eddie Holt – Miss Smith is coming down here now.
Councilman Lindemann – I will resume, I’m just about done. You get past the differences in
definitions, I’m not sure what the Council thinks, in the Mississippi Code I was referencing, you all
have a copy of it, even if you get past the issue of home and family, I think I have a question about
establishing your residence from this date forward. You mentioned in this statement that February
15th, you got this letter saying you were contacting someone about a rental property and they
signed it. And then you provided voter registration application, that’s what I want to emphasize,
you say this is a registration card but it’s an application and it’s not dated. So, where you show
your present mailing address being the first three properties in which you clearly agreed through
this rental agreement here, that is notarized, that you would be residing at or at least have rental
agreement beginning on March 1st to that property. The forms of proof provided I would think
measure up to what we have agreed what we were going to accept as forms of proof.
Councilwoman Houston – That is the full copy of the registration, I thought you might want
it.

Weston Lindemann – I think when we hear from Miss Smith, assuming she’s on her way,
we’ve got to determine one way or another some of these definitions I think, if we are going to
make a decision today. What qualifies as intent to vacate a ward and where is a person’s domicile.
Is it where they claim they live as referenced in the Supreme Court decision or this particular DA
who won the election, said that it was always in his mind that he was a resident of Humphrey
County. He said that he always believed himself to be there, said he’d always believed that
because his family was there, his church was there, he had grown up there, but five days out of
the week he lived in Hines County. The Supreme Court says it’s not enough for a person to say
they feel like they are still a resident of this place, but you’ve got to look at the question of domicile, which I think leads us to the definition of home, which leads us to family group. So, right now looking at the available legal precedents, perhaps you could argue either way, but I believe that is what we should stick with today.

Councilwoman Johnson – Most of you know I’m a basic person. I kept calling the attorney, I kept calling different people asking questions. How can I decide what somebody’s intent is, we are not in anybody’s head, we don’t know their intent? The only thing I can come up with is when it was time to move find a temporary solution or a permanent solution. And in my mind purchasing a home is a permanent solution, not a temporary solution.

Councilman Johnson – Here’s the difference with that is why I disagree. Had I made that decision after the fact of receiving an eviction notice I might have agreed, this was purchased before. I never had any intention of moving out of Ward 2, never. The fact that I purchased a home, it does no justice by saying, it’s my permanent home, because again, I have bought a house in Ward 2, now is that my permanent home? Because my wife and family can come there and live with me or I can leave the house I have in North Hills. So, you can’t say what was really my intent. And I will say again, my intent was not to leave 2333 19th Avenue.

Councilwoman Houston – How many bedrooms is the 2130 1st Street.

Councilman Johnson – Three bedrooms.

Councilman Lindemann – I think part of the consideration has to be the date the letter says you were looking for property in Ward 2. The original complaint from Mr. Holt prior to February 15th.

Councilman Johnson – What I have here a list of numbers and names of the properties I was trying to rent and conversations back and forth with Ms. Doris Walker, for the last two months and she has been dealing with a sick relative and she finally got here to Meridian, she came to the decision of not renting anymore, she has gotten too old for it, she just wants to sell her properties. So, I do have those numbers and I will give you those.

Councilman Thomas – Three things I would question, the lease on the new property is dated starting March this year, who are the current utility bills addressed to for the house in Ward 1, and also current photo ID showing place of residence.

Councilman Johnson – Utility bills to my wife.

Councilwoman Houston – Have you changed your driver’s license or anything like that.

Councilman Johnson – Yes ma’am, on my driver’s license the address I have on there is 2130 1st Street.

Councilwoman Houston – You have that with you today?

Councilman Johnson – Yes.

Councilwoman Houston – This says 1st Avenue. On this it says Street, on that it says Avenue.

Councilman Johnson – No Ma’am, it’s 1st Street, the license should say 1st Street.

Councilwoman Johnson – You have a driver’s license at an address you are not at yet?

Councilman Johnson – No, I have a driver’s license based on the home I’ll be moving into.

The only reason I’m not in there is that they are still doing some renovations on the house.

Eddie Holt – I’d like to point out that that’s against the law to have an address of somewhere that you don’t yet live.

Councilwoman Houston - We did submit a request for some unbiased questions that we could possibly look at asking. A lot of this has been covered, but I don’t think that we’ve actually officially asked, what address have you lived since your original property address on the
Qualifying Statement of Intent and since your eviction; where are you currently residing?
  Councilman Johnson – For the last two months?
  Councilwoman Houston - Since your January 5th eviction.
  Councilman Johnson – Since my eviction I have been at the property in Ward 1, I have nowhere else. To try to rent or get a hotel room, so yes, I have been there. My intent was never to be there, which is why I never changed my address for voter registration because It’s not my intent to leave.
  Councilman Lindemann – I think really, what will help us determine that fact is hearing from Ms. Smith on the circumstances leading to the expiration of the lease. Do we know how long it will be until Ms. Smith gets here?
  Eddie Holt – I would like to point out that intent to move, you cannot, they will not change your license. And you can make up a lease to get utilities turned on.
  Councilman Johnson – Are you stating that I made up this lease
  Eddie Holt – No, I'm not saying that, its easy to have light, it’s too many people I know, that have lights on in their children’s names, utilities in their children's names. A lease, they sell them at Office Depot. But, he stated he doesn’t live there, it’s a house, 180 payments at $1800 a month.
  Councilman Johnson – But what does that have to do with it?
  Eddie Holt – It’s the law, all you have to do is look at what the law says about domicile.
  Councilman Johnson – What I make a payment for and what I own shouldn’t have anything to do with it. The initial conversation is, has Councilman Johnson abandoned his ward.
  Councilman Lindemann moved to recess for five minutes, duly seconded by Councilman Johnson and passed by unanimous vote. Meeting was called back to order.
  Councilwoman Houston- Will you state you name and address?
  Carol Smith – My name is Carol Smith, I live at 3403 12th Avenue.
  Councilwoman Houston – There have been several things brought to our attention as it relates to residency requirements in Mr. Tyrone Johnson’s Ward 2 Councilman, and he has presented a 30-day notice to vacate that was signed by you that just says expired lease.
  Carol Smith – Yes.
  Councilwoman Houston – Could you give us some details, because the original lease that he gave us was from October to October and this is dated December 5th and 30-day notice will be January 5th 2020. We’ve heard several reasons for why he was evicted, can you shine some light on that?
  Carol Smith – Yes, Mr. Johnson asked me why I gave him the notice and I told him because there are people living in my rental residence that I did not know and I was not comfortable with that situation.
  Councilman Lindemann – Who was paying you for the rent each month?
  Carol Smith – Tyrone Johnson did.
  Councilman Lindemann – We have some receipts here today but only one receipt provided was from 2019, so were the payments being made regularly?
  Carol Smith – Yes.
  Councilman Lindemann – But to your knowledge, was Councilman Johnson actually living there?
  Carol Smith – I guess so, I cannot tell you that, but I can tell you there were different vehicles parked there. I live in the East End and I pass by there sometimes and I never saw his vehicle there, possibly after October and I asked him, are you still living there? And he said well,
and I asked him who is actually living there and he said my sister. Like I said, that’s the only vehicle I saw there after October, I can’t tell you who lived in that house.

Councilman Lindemann - So the decision to give 30 days’ notice was due to the fact that other people were living there?

Carol Smith – Correct! It’s my understanding about a lease is that when it ends, you go month to month on the same terms ad those were not the names on that lease.

Councilman Johnson – That’s correct. I had bought a car for my nephew when he graduated high school, an ’03 Buick, I have a red vehicle registered in my name, Tyrone Johnson, I also have a 2017 Honda that’s my vehicle. My wife had at that time a Range Rover and I had the white truck. Now I let the Range Rover and the white truck go back which is probably why you hadn’t seen the vehicles. Correct me if I’m wrong Ms. Carol, I had a black car with the Air National Guard tag on the back and a green Chevy truck. So those were the vehicles parked there.

Carol Smith – I didn’t look that close.

Councilman Lindemann _ What evidence did you have that other people were living there? Was it just based on seeing various cars there or did you have some other reason for knowing some other people were living there?

Councilwoman Houston – And what date was that?

Carol Smith – I believe it was November 5th he told me.

Councilman Johnson – It was.

Councilman Lindemann - What evidence did you have that other people were living there?

Councilman Johnson – The utility bills remained the same, the only thing changed was the lights and the reason was once we bought the house all my funds were depleted, so that’s how that came about. And Ms. Carol I want to mention that Mr. Holt mentioned that you were receiving HUD.

Councilman Lindemann _ I did what?

Carol Smith – Well Mr. Johnson told me.

Councilwoman Houston – And what date was that?

Carol Smith – I believe it was November 5th he told me.

Councilman Johnson – It was.

Councilman Lindemann _ What evidence did you have that other people were living there?

Councilman Johnson – The utility bills remained the same, the only thing changed was the lights and the reason was once we bought the house all my funds were depleted, so that’s how that came about. And Ms. Carol I want to mention that Mr. Holt mentioned that you were receiving HUD.

Councilman Johnson – I did what?

Councilman Johnson – That my sister was receiving HUD,

Eddie Holt – No, no.

Councilman Johnson – I’m sorry, I want to clarify it so everyone will know, what was your claim with HUD?

Eddie Holt – My statement to the Council is he had his sister living in the house for the sole purpose of creating a fake residence so he could continue to represent Ward 2 while he lives in Ward 1. He had his sister live there who has a HUD voucher paying him and he was paying her and she didn’t know anything about that.

Councilman Johnson – I want to clarify on that, you said I had a sister staying there paying HUD that was paying me. This is a copy of my sister’s HUD papers where she has not got into a place yet and which she has no received funds yet. I’d like to show the Council these. Mr. Holt, you said my sister was collecting HUD and was paying me. What facts do you have to back that up?

Eddie Holt – I’m asking Ms. Smith did he sublease the house that he was living in?

Carol Smith – I can’t answer that.

Councilman Johnson – My sister and my niece yes, they were living with me. And Ms.
Smith, like you said, we had a conversation about it, and it was mentioned about you coming to the house to collect the rent, from our experience, I always came to your house to pay my rent.

Carol Smith – That’s correct.
Councilman Thomas – Carol, is the water turned on at that house at the present time?
Carol Smith – It’s connected now, with nothing to do with Mr. Johnson or myself, I have someone in there temporarily. The water is in my name now.

Councilwoman Houston – Who’s name was it in prior to, do you know.
Carol Smith – Someone named Lanesha Johnson. When I went to get it in my name, it was in her name.

Councilman Johnson – The water bill was in Lanesha Johnson?
Carol Smith – I believe the power bill and the water was in Lanesha Johnson.
Councilman Johnson – That’s incorrect, the water and gas was in my name and the power was in my sister’s name.

Brandye Latimer, Finance & Records – I believe the water was in Mr. Johnson’s name.
Carol Smith – Oh, Mr. Johnson?
Brandye Latimer – Yes ma’am.
Councilman Thomas – Right now it’s in your name?
Carol Smith – Yes.
Councilwoman Houston – But, the power for sure was in someone else’s name?
Carol Smith – Yes.
Councilwoman Houston – And that was back in November?
Carol Smith – That was January.
Councilman Lindemann – So, for the service period of December 4th through January 7th, but at that point the water bill was still in Councilman Johnson’s name. We are not sure between January 7th to the present that changed to another person, but that’s the most resent water bill.

Councilwoman Houston – Just for clarification, around November 5th is when Mr. Johnson told you he was no longer residing in the residence, that his sister was living there?
Carol Smith – That’s correct. When I
Councilman Johnson – No, no, I want to make sure it’s clear. When we had the conversation and you asked who was living there, I said yes, and my sister and niece were living with me as well. I want to make sure it’s correct. I know Kim asked if I said to you that my sister was staying there and I did not reside there. And that wasn’t the conversation, you asked me, because you were worried about if I was still staying there. I said, yes ma’am I live there and my sister and niece as well.

Carol Smith – I believe that is correct.
Councilman Lindemann – When Mr. Holt questioned earlier whether or not you were subleasing to your sister and you denied it, does anyone recall whether you denied that there were any relatives living there?
Councilman Johnson – They can’t answer that for me, and I never said that!
Councilwoman Houston – That question was never asked, it was a question about subleases.

Carol Smith – I don’t know anything about anybody else leaving or coming until I asked Councilman Johnson.

Councilman Johnson – So, to your knowledge from October, November, December, I paid the rent on time and I came, myself, to you to pay the rent. And we had a conversation about that
in November and I mentioned about my sister and niece staying with me.

Carol Smith – Yes.

Councilman Thomas – The water was in your name through January 7\textsuperscript{th}, and the new lease takes effect in March, so where is it that you've been living?

Councilman Johnson – These last couple of weeks I've been living at the 4007 address until my permanent home on 1\textsuperscript{st} Street is complete. Also, Ms. Carol, I know we had conversations before about purchasing your property, and I wanted to make that known to the public, that my intentions have been and always will be to stay in Ward 2. I wanted to purchase the house and you wanted to hold off until the next year or until something on your part came together, but just clarifying that our conversation was once we moved in we wanted to purchase the house.

Carol Smith – When you moved in that's what you told us.

Councilman Johnson – Thank you. And publicly I do want to apologize because we know we will be going through some legal battles at some point, I was blindsided about the house as far as the eviction letter, so at that point I had to take the initiative to really try to find somewhere to go. Also, I'm a repairman, and I would have fixed some of the things in the house, but I've been hampered with a back injury for almost a month and a half to two months, the Council can attest to that.

Carol Smith – I accept your apology, but I would like to say this Tyrone, I gave you ample opportunity.

Councilman Johnson – I agree, and the route that we're taking I'm fine with that, I respect that and I do respect you coming in and making your claim. I want people to know I never had any intention of moving out of Ward 2 at all. My intent was to purchase the home. We never had a bad relationship and I don't have anything bad to say about Ms. Carol. She has been a great landlord, thank you Ms. Carol.

Councilman Thomas – But it was an eviction notice?

Carol Smith – Eviction? Lease expired. Out of respect for Councilman Johnson, I didn't want to go into a lot of what we have to do now. There was a lot of people in my house, and I made it perfectly clear, that I was uncomfortable with people in my house that I did not know. And I told him if he came to me in the right manner we could still work it out. But that was then.

Councilwoman Johnson – What do you mean still work it out?

Councilman Johnson – I guess renew the lease and add my sister and her kids.

Councilwoman Johnson – You would have been willing to let him stay, is that what you are saying?

Carol Smith – Yes, I told him that. If we sat down and did it the proper way instead of just moving people into my house without my knowledge. Yes, I told him that.

Councilwoman Johnson – Okay.

Councilwoman Houston – Are there any further questions for Ms. Smith. Does the Council have any further questions or comments?

Councilman Lindemann – I would like to make some comments. I think we have to return to the question of residence and domicile. These seem to be extremely unusual circumstances that we are dealing with here today, but there is still some precedence that we can point to. For example, if we accept this fact, even though it was debatable, it seems between Ms. Smith and Councilman Johnson, whether or not he was there after October, she stated she didn’t see his vehicle, but he noted that he had changed vehicle, so we don’t have a way of validating that, I don't think we do.
Councilman Johnson - You have the rent receipt and the text messages I provided, and she just clearly said my last payment was in December.

Councilman Lindemann – There is a difference between paying and

Councilman Johnson – Yes, but the facts clearly show

Councilman Lindemann – If you would let me finish

Councilwoman Houston – If we could have order, Councilman Lindemann does have the floor.

Councilman Lindemann – Your point is that you changed vehicles recently as the reason she had not noticed your vehicle there. That may be so, but we can't validate that today. Even if we moved past that back to the question of domicile and residence and accept the fact that you lived there with your sister and niece a precedence we can look to is college students. Where they are actually able to maintain their voter registration at their home. Despite the fact that all their utilities their residency their food their roommates are all at another location. The family group is still what’s important. The head of the household can still be the parent of the college student and their voter registration and precinct will still be at the residence where their parent resides. So, for election purposes, again returning to Supreme Court Opinions, Residence and domicile are synonymous, and a person’s domicile changes once they’ve established a new domicile with an intent to remain. And I think when we look at what we’ve been presented with here today, purchasing a home to move the family into with 180 monthly payments, that you searched two years with a realtor, to arrive at that point shows intent. I think it certainly establishes a new domicile.

Councilman Johnson – We searched two years in Ward 2. And if you need to contact our realtor she can attest we have been looking in Ward 2 for a home.

Tcarro Johnson, 407 Windover Circle – I just spoke with Ms. Sharon Pompelia and she said she will send me the documents proving that we were searching for a house in Ward 2 for two years. She is about to send me that now, and I will print it off. She said she will send the addresses of every house we looked at in Ward 2 for the past two years.

Councilwoman Houston – Thank you, are there any additional questions? Would you all like to wait until she gets that information.

Councilman Thomas – I think the information she is referring to is irrelevant.

Councilwoman Houston – Is there a motion on the floor?

Councilman Johnson – I guess no information is irrelevant, it’s just further proof to my claim that I have been looking for a house in Ward 2 for two years.

Councilman Lindemann – The reason I also think it's irrelevant is because when you hire a realtor you look at a number of prospective homes, but eventually you choose one, that to me again shows intent. I have no further questions or comments. I don’t know if the Council is ready to make a decision or not. I’m comfortable with making a decision here today.

There was some question of Street or Avenue. Of the 2130 1st Avenue address on Councilman Johnson’s lease that begins in March on the property that he will rent, the agreement says Street. The City’s Community Development Department says the address is Avenue not Street.

With much discussion of the proof of residence provided and current domicile the Council made motion and voted on the issue at hand.

Councilman Lindemann offered and moved the adoption and passage of the following
Resolution:

RESO. #6256  \hspace{1em} RESOLUTION REGARDING THE FACTUAL DETERMINATION OF
CITY COUNCIL AND MAYOR RESIDENCE REQUIREMENTS
(DETERMINED WARD 2 HAS A VACANT SEAT)

and, Councilwoman F. Johnson seconded the motion, whereupon said Resolution was discussed,
passed and adopted by the Council by a vote as follows:

Yea:  Thomas, F, Johnson, Houston, Lindemann.
Nay:  None.
No Vote: T. Johnson.

There being no further business to come before the Council at this time, the meeting was
adjourned. Sine die.

Respectfully submitted,

Jo Ann Clark
Clerk of Council