REGULAR COUNCIL MEETING, TUESDAY, November 5, 2013 AT 9:00 A.M.

Meeting called to order by Council President Thomas.

Present: Thomas, Markham, Henson, Houston, Hammon.

Absent: None.

The meeting was opened with prayer by Pastor Gail Ford followed by the Pledge to the Flag.

Motion was made by Councilwoman Houston duly seconded by Councilwoman Henson and unanimously passed by the Council to confirm the agenda for this meeting with an amendment to move the presentation agenda before the consent agenda.

President Thomas called on the Meridian Shotokan Karate Association. They were not at the meeting, therefore, CAO Curt Goldacker spoke on their behalf. They want to use the old temporary city hall for free karate classes. They have filled out hold harmless agreements and have obtained liability insurance. They are asking that the utilities be paid by the city. They have applied for the 501-C-3 designation. Next was a presentation from the VFW Post 12124. They are not at the meeting, therefore, CAO Curt Goldacker spoke on their behalf. They want to use the old IT building to hold their meetings. Next was a presentation regarding a family justice center for Wesley House. There was no one at the meeting at that time. The Meridian High School Choral Group sang a song at this time. Mrs. Penny McLemore, Director of Choral Activities, spoke and advised that the MHS Choral Group would be performing at Carnegie Hall in January 2014. They are trying to raise $40,000 to help with expenses. Next Eagle Scout William Johnson with Troop 70 appeared and said his project is “little free libraries” that will be place at four locations throughout the city.

The hour of 9:15 a.m. having arrived, the hearing as called for in Resolution No. 5856 regarding unclean property was opened with motion by Councilwoman Henson duly seconded by Councilman Markham and unanimously passed by the Council. Inspector Rayford Wright advised that property #8 (V/L N of 1011 Rubush Avenue) had been cleaned and this property should be removed from the list. He also advised that property #6 (902 Bragg Avenue) was being cleaned and should be finished soon, therefore, this property was removed from the list. No one appeared regarding any of the other six properties. Motion was made by Councilman Hammon duly seconded by Councilwoman Houston and unanimously passed by the Council to close the hearing.

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

RESO. #5858 RESOLUTION ADJUDICATING PARCEL OF LAND TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY (RK LEE SURVEY BLOCK 5 LOTS 6 & 7 & 7’ OFF S SIDE LOT 5 & 10’ STRIP ADJ ON W SIDE [VACATED ALLEY] AKA: 2601 40TH AVENUE)
And, Councilwoman Houston seconded the motion, whereupon said Resolution was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

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

RESO. #5859  RESOLUTION ADJUDICATING PARCEL OF LAND TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY (RK LEE SURVEY BLOCK 5 30’ OFF S SIDE LOT 3 & 43’ OFF N SIDE LOT 4 & 10’ STRIP ADJ W SIDE [VACATED ALLEY] AKA: 2615 40\textsuperscript{TH} AVENUE

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

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

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

RESO. #5860  RESOLUTION ADJUDICATING PARCEL OF LAND TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY (BROWN SUR BLOCK 29 40’ N&S OFF S SIDE W ½ LOT 5 AKA: V/L @ 1404 34\textsuperscript{TH} AVENUE)

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

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

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

RESO. #5861  RESOLUTION ADJUDICATING PARCEL OF LAND TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY (BALL SURVEY BLOCK 55 57’ N&S X 109.37’ E&W IN SEC AKA: V/L @ 1101 35\textsuperscript{TH} AVENUE)

And, Councilwoman Houston seconded the motion, whereupon said Resolution was discussed, passed and adopted by the Council by a vote as follows:
Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

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

RESO. #5862 RESOLUTION ADJUDICATING PARCEL OF LAND TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY (BASS SURVEY BLOCK 4 63.5’ E&W X 131’ N&S IN SWC AKA: 4018 8TH STREET)

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

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

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

RESO. #5863 RESOLUTION ADJUDICATING PARCEL OF LAND TO BE A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY (GRANT & CAHN SUB RAGSDALE SUR BLOCK 272/273 LOTS 15 & 16 AKA: V/L @ 1000 B STREET)

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

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

At this time Ginger Grissom with Wesley House appeared to discuss their plans for a family justice center.

Norman Copeland with VFW Post 12124 appeared at this time. Their Post started out meeting in a building at Highland Park and then started meeting at St. Patrick’s. They can no longer meet at St. Patrick’s because of renovations and want to use the old IT building located at the corner of 8th Street and 25th Avenue. He said they understand they will be sharing this building with the Sunflower group.

President Thomas called on Mayor Bland for his report. He introduced James Nelson with Allen-Hostell. Mr. Nelson advised the American Water Works Association gave an award to the City of Meridian for the best drinking water in Mississippi and Alabama. Stanley Roberts received an award as operator of the year. Mayor Bland went over his 100 day report to the citizens. He said their accomplishments were as follows: balanced budget with no tax increase; $9.00 a hour living wage; comprehensive plan for a health care corridor; training for all employees; improve city and county relationship through meetings; re-branding and marketing of the city;
expanded wi-fi; officer next door program. He commented about an upcoming job fair, the police department’s image and an AMTRAC @ the rail fest this coming weekend.

Motion was made by Councilwoman Henson duly seconded by Councilwoman Houston and unanimously passed by the Council to approve the minutes dated October 15, 2013.

Councilwoman Henson offered and moved the adoption and passage of the following Order:

ORDER #15542 ORDER CONFIRMING THE APPOINTMENT BY THE MAYOR OF BILLY BEAL TO THE MERIDIAN HISTORIC PRESERVATION COMMISSION

And, Councilwoman Houston seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Henson offered and moved the adoption and passage of the following Order:

ORDER #15543 ORDER AUTHORIZING INSTALLATION OF STREET LIGHTS AT: DAVIDSON ROAD; OLD COUNTRY CLUB WEST; WEST END OF COUNTRY CLUB ROAD EAST AND 4508 25TH STREET

And, Councilwoman Houston seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Henson offered and moved the adoption and passage of the following Order:

ORDER #15544 ORDER DECLARING WEAPON SURPLUS AND TO BE SOLD TO RETIRING POLICE CORPORAL JOHN C. FORD AS ALLOWED BY STATE LAW 45-9-131

And, Councilwoman Houston seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Henson offered and moved the adoption and passage of the following Order:
ORDER #15545  ORDER DECLARING EQUIPMENT SURPLUS AND NO LONGER NEEDED BY THE CITY OF MERIDIAN AND AUTHORIZING THE SALE OF SAID SURPLUS EQUIPMENT

And, Councilwoman Houston seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Henson offered and moved the adoption and passage of the following Order:

ORDER #15546  ORDER DECLARING PROPERTY LOST OR STOLEN AND TO BE REMOVED FROM INVENTORY

And, Councilwoman Houston seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Henson offered and moved the adoption and passage of the following Order:

ORDER #15547  ORDER AUTHORIZING THE SOLE SOURCE PURCHASE OF TWO (2) AUTO LICENSE PLATE READERS AND RELATED EQUIPMENT ON A NON-COMPETITIVE BASIS

And, Councilwoman Houston seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Henson offered and moved the adoption and passage of the following Resolution:

RESO. #5864  RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERIDIAN, MISSISSIPPI, GRANTING TAX EXEMPTION FROM AD VALOREM TAXES TO COLLEGE PARK CHURCH OF CHRIST AS AUTHORIZED BY SECTION 27-31-1 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED

And, Councilwoman Houston seconded the motion, whereupon said Resolution was discussed, passed and adopted by the Council by a vote as follows:
Councilwoman Houston offered and moved the adoption and passage of the following Order:

ORDER #15548 ORDER AUTHORIZING EXECUTION AND ACCEPTANCE OF FISCAL YEAR 2011 ODP HOMELAND SECURITY GRANT PROGRAM AWARD FROM THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY AND EXECUTION OF GRANT RECIPIENT AGREEMENT (GRANT NO. A11HS258T)

And, Councilman Markham seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea:  Thomas, Markham, Henson, Houston, Hammon.
Nay:  None.

At this time discussion was held regarding Ordinance No. 4423 which limited the number of dogs that can be kept by city residents and increasing the minimum fine for violations. Council members felt that this ordinance needed more study with input from city residents. Councilman Markham offered and moved the adoption and passage of the following Ordinance:

ORDIN. #4425 ORDINANCE RESCINDING ORDINANCE NO. 4423 ENTITLED “AN ORDINANCE OF THE CITY OF MERIDIAN, MISSISSIPPI AMENDING THE CODE OF ORDINANCES OF THE CITY OF MERIDIAN (ORDINANCE NO. 3878, AUGUST 7, 1990) BY ADDING A PROVISION LIMITING THE NUMBER OF DOGS THAT CAN BE KEPT BY CITY RESIDENTS AND INCREASING THE MINIMUM FINE FOR VIOLATIONS”

And, Councilwoman Houston seconded the motion, whereupon said Ordinance was discussed, passed and adopted by the Council by a vote as follows:

Yea:  Thomas, Markham, Henson, Houston, Hammon.
Nay:  None.

Councilwoman Houston offered and moved the adoption and passage of the following Order:

ORDER #15549 ORDER AMENDING ORDER NO. 15493 ENTITLED “ORDER DECLARING EQUIPMENT SURPLUS AND NO LONGER NEEDED BY THE CITY OF MERIDIAN AND AUTHORIZING THE SALE OF SAID SURPLUS EQUIPMENT” IN ORDER TO REMOVE THE E-ONE BOX FROM THAT LIST AND FURTHER TO BE DECLARED SURPLUS AND DONATED TO LAUDERDALE COUNTY
And, Councilwoman Henson seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Henson offered and moved the adoption and passage of the following Order:

ORDER #15550 ORDER AUTHORIZING THE ENCROACHMENT OF A HANDICAP RAMP AT 3519 10TH STREET FOR GRACIE M. ROGERS AND WAIVING THE PERMIT AND PENALTY FEES AT THIS LOCATION ONLY

And, Councilwoman Houston seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Henson offered and moved the adoption and passage of the following Resolution:

RESO. #5865 RESOLUTION AUTHORIZING AND APPROVING FURNISHING OF WATER AND SEWER SERVICES AT REGULAR CITY RATES TO PROPERTY OWNED BY LAUDERDALE SENIOR SERVICES, INC.

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

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

VETO PACKET NO. 109

Discussion was held at this time regarding the Mayor’s veto of Ordinance No. 4424. Mayor Bland said he wants citizen comments but not in a position of putting the city in a liable situation. He feels they need to look at the language. President Thomas stated that if the Council lets the veto stand there will be no citizen comments. If you over-ride the veto there will be citizen comments. Councilman Markham stated there have been allegations that this ordinance is unconstitutional. This is not protected speech which would fall under the First Amendment. It is a privilege that the City Council grants a citizen. President Thomas stated that the purpose of the City Council meetings is to conduct the business of the City. The City Council has added the mayor’s report which is not required, added the presentation agenda which is not required and added citizen comments which is not required. Councilman Markham offered and moved the adoption and passage of the following Ordinance:
ORDINANCE TO OVERRIDE MAYOR’S VETO OF ORDINANCE NO. 4424 DATED OCTOBER 15, 2013 ENTITLED “ORDINANCE AMENDING THE CITY’S AGENDA ORDINANCE BY AMENDING SECTION 4-42(8) OF THE CODE OF ORDINANCES OF THE CITY OF MERIDIAN”

And, Councilwoman Henson seconded the motion, whereupon said Ordinance was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.  
Nay: None.

VETO PACKET NO. 110

Discussion was held at this time regarding the Mayor’s veto of Order No. 15540. Mayor Bland stated he gave the City Council a list of 26 or more temporary employees going back as far as 1989. A lot of them have been doing their jobs for years. As this relates to testing and disruption of services as far as public works and parks & recreation are concerned, he wants the Council to look at this further. There are around 500 employees and a lot of them have not taken tests and have gotten into the system some way or another. He has already talked to the Personnel Director and Equal Opportunity Officer and he plans to open up the books on everybody. He asked them again to look at what they are doing and to look at legislative powers, executive powers and what State Statutes say. Councilwoman Houston said they are not trying to penalize anyone. These are some practices that have been in place for a very long time. They did not all happen when Mayor Bland took office. This has been going on for years. There is no reason why we should have people working for the city for over 20 years as a temporary employee and not being able to have the benefits and security they need. She said this was brought up at the public hearing on the budget when city employees asked that this be looked at and the temporary employees be made permanent full-time employees. There is a clause in the policy that says “at the Council’s discretion”. The Council not trying to do the wrong thing but are trying to do the right things to keep people working full-time with benefits. For those individuals who can’t read, MCC offers a free program to help them. There is also a way where those who can’t read can have the test read to them so they can still take it. Those who are working every day, Monday through Friday, 40 hours a week, should not have a title of “temporary” without benefits. This is to take care of the people who work for the City of Meridian, not to punish them. This is so the city can move forward. Councilman Hammon stated that no doubt that a lot of these 26 people are qualified for those jobs they have been working. This gives qualified people the opportunity to test for these jobs the correct way so they can advance. Councilman Markham stated he full supports what Councilwoman Houston and Councilman Hammon said. In the veto letter they received, some of the language states the policy is contrary to statutory law and AG Opinions. There is no authority that addresses this that says they can’t do this. Secondly, the letter stated it allows the legislative branch to over-step its bounds and interfere with executive hiring decisions. This is clearly not the case. Civil Service governs hiring. They require testing, background checks, advertising for the position and making that individual who is an applicant for that job satisfy all requirements to reach full-time status. There have been some assertions that if we pass this policy, temporary employees working 40 hours a week will lose their jobs. That is clearly not the case. Councilwoman Houston stated there are some vocational training opportunities at MCC that are free to assist employees taking these tests. The City of Meridian should be equal to everyone and employment should be equal to everyone. Current employees should have the opportunity to
advance and citizens should have the opportunity to apply for positions with the city. Councilman Hammon offered and moved the adoption and passage of the following Order:

ORDER #15551 ORDER TO OVERRIDE MAYOR’S VETO OF ORDER NO. 15540 DATED OCTOBER 15, 2013 ENTITLED “ORDER ADOPTING POLICY REGARDING TEMPORARY APPOINTMENTS/TEMPORARY EMPLOYEES”

And, Councilman Markham seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Houston offered and moved the adoption and passage of the following Resolution:

RESO. #5866 RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MERIDIAN AND LAUDERDALE COUNTY, MISSISSIPPI (CERTAINTEED PROJECT)

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

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Councilwoman Houston offered and moved the adoption and passage of the following Resolution:

RESO. #5867 RESOLUTION AUTHORIZING THE EXECUTION OF MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MERIDIAN, LAUDERDALE COUNTY, MISSISSIPPI AND CERTAINTEED, INC.

And, Councilman Markham seconded the motion, whereupon said Resolution was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

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

RESO. #5868 RESOLUTION OF THE CITY OF MERIDIAN, MISSISSIPPI, PLEDGING TO CONTRIBUTE $1,000,000 TO THE MERIDIAN ARTS & ENTERTAINMENT CENTER FUND RAISER CAMPAIGN AND AUTHORIZING THE MAYOR TO SIGN A PLEDGE LETTER
And, Councilwoman Houston seconded the motion, whereupon said Resolution was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Markham, Henson, Houston, Hammon.
Nay: None.

Motion was made by Councilwoman Henson duly seconded by Councilman Markham to approve the claims docket. After discussion, motion was made by Councilman Hammon duly seconded by Councilwoman Houston and unanimously passed by the Council to amend the motion to approve the claims docket to add payment to Goggans Law firm in the amount of $12,760.00. The motion and second to approve the claims docket dated October 31, 2013 in the amount of $2,414,210.01 with an amendment to add Purchase Order No. 307397 in the amount of $12,760.00 passed by a unanimous vote of the Council.

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

Respectfully submitted,

Pam McInnis, Clerk of Council