REGULAR COUNCIL MEETING, TUESDAY, MAY 05, 2020 AT 9:00 A.M.
Meeting held via live stream due to Coronavirus Pandemic

Meeting called to order by Council President, Houston.

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

The meeting was opened with prayer by Pastor Gary Morris, and followed by the pledge to the flag.

Motion was made by Councilman Thomas duly seconded by Councilwoman F. Johnson and passed by a unanimous vote of the Council to confirm the agenda with the following changes: Add C-4 (Resolution requesting United States Congress to support direct federal funding to all Mississippi Municipalities to help fight COVID-19 and protect citizens from effects of the Novel Coronavirus.) Change R-4 to R-1 (Order confirming the Mayor’s appointment of Charles Coleman as Interim Police Chief.) Add R-6 (Order confirming the Mayor’s appointment of Charles Coleman as Interim Police Chief.) Add (Executive Session personnel performance, potential litigation.) Lift from table and Add R-7 (Order authorizing acceptance of Traffic Analysis Proposal for the Sela Ward Parkway/22nd Avenue Project from Neel-Schaffer.) Add R-8 (Order authorizing pay raise for Public Safety & Training Director, Doug Stephens.) Voting yea: Thomas, F. Johnson, Houston, Lindemann. Voting nay: None.

Motion made by Councilman Thomas duly seconded by Councilman Lindemann and passed by a majority vote of the Council to approve the minutes dated April 21, 2020. Voting yea: Thomas, Houston, Lindemann. Voting nay: F. Johnson.

Councilman Thomas offered and moved the adoption and passage of the following Order:

ORDER #16945 ORDER DESIGNATING PYE TECH (DBA) CIVIL TECH AS THE SOLE SOURCE SUPPLIER FOR UNIQUE CRIME PREVENTION TECHNOLOGY FOR THE MERIDIAN POLICE DEPARTMENT

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

Yea: Thomas, Houston, Lindemann.
Nay: F. Johnson.

Councilman Thomas offered and moved the adoption and passage of the following Order:

ORDER #16946 ORDER DECLARING POLICE DEPARTMENT WEAPONS SURPLUS AND NO LONGER NEEDED BY THE CITY OF MERIDIAN AND AUTHORIZING THE TRADE-IN OF SAID SURPLUS WEAPONS FOR NEW WEAPONS
And, Councilman Lindemann seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, Houston, Lindemann.
Nay: F. Johnson.

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

RESO. #6269 RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, MISSISSIPPI, URGING THE UNITED STATES CONGRESS TO SUPPORT DIRECT FEDERAL FUNDING TO ALL MUNICIPALITIES IN MISSISSIPPI TO HELP FIGHT COVID-19 AND PROTECT LOCAL CITIZENS FROM THE EFFECTS OF THE NOVEL CORONAVIRUS

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

Yea: Thomas, Houston, Lindemann.
Nay: F. Johnson.

Motion made by Councilman Thomas duly seconded by Councilman Lindemann and passed by a unanimous vote of the Council to open discussion on item R-1 (Order confirming the Mayor’s appointment of Charles Coleman as Interim Police Chief.) Discussion exception was taken for and against the word Interim; Councilman Thomas wants the word removed to select a permanent police chief; he said the department needs stability and leadership by putting in a chief that is chief that will be there for the long haul and it puts this chief on trial and that is unfair to the department and the potential chief. Councilwoman Houston wants the word to remain in the order until a Ward 2 Councilperson could be elected and the position would come back before the Council for all the Wards would be represented in the selection of a permanent Police Chief. The vote was taken of the order as written. Voting yea: Houston, Lindemann. Voting nay: F. Johnson. Voting present: Thomas.

Question was asked of City Attorney, Kermit Kendrick if this motion passed or not? Council President Houston said no, it needs three votes to pass. With one present and one nay, that leaves only two votes as yea. Attorney Kendrick said Council President Houston is correct, it needs three yea votes to pass, a majority.

Council President Houston motioned and was duly seconded by Councilwoman F. Johnson and passed by a unanimous vote of the Council to TABLE (Order confirming the Mayor’s appointment of Charles Coleman as Interim Police Chief.)

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

ORDER #16947 IN THE MATTER OF: THE CONFIRMATION OF THE RE-APPOINTMENT BY THE MAYOR OF TIM ALLRED TO THE
MERIDIAN HISTORIC PRESERVATION COMMISSION

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

Yea: Thomas, F. Johnson, Houston, Lindemann.
Nay: None.

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

ORDER #16948 ORDER AUTHORIZING THE EXECUTION OF PROPOSAL BETWEEN INVOICE CLOUD AND THE CITY OF MERIDIAN TO ADD CUSTOMER FEATURES FOR INQUIRY AND PAYMENTS ON WATER ACCOUNTS

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

Yea: Thomas, F. Johnson, Houston, Lindemann.
Nay: None.

Councilwoman F. Johnson offered and moved the adoption and passage of the following Order:

ORDER #16949 ORDER AUTHORIZING EXECUTION AND ACCEPTANCE OF CONTRACT BETWEEN THE CITY OF MERIDIAN AND DPS ECRASH REPORTING SYSTEM AND PAYMENT PROCESSING (MERIDIAN POLICE DEPARTMENT ACCIDENT REPORTS; PROJECT #45599 PROPOSAL #3564)

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

Yea: Thomas, F. Johnson, Houston, Lindemann.
Nay: None.

Motion was made by Councilman Thomas duly seconded by Councilman Lindemann and passed by a majority vote of the Council to approve Section (1) Payroll of the claims docket in the amount of $791,647.75. Voting yea: Thomas, F. Johnson, Houston. Voting nay: Lindemann.

Motion was made by Councilman Thomas duly seconded by Councilman Lindemann and passed by a unanimous vote of the Council to approve Section (2) Mandatory & Operational Items of the claims docket in the amount of $1,065,491.43. Voting yea: Thomas, F. Johnson, Houston, Lindemann. Voting nay: None.

**Total amount approved/passed $1,857,139.18** claims docket dated, April 30, 2020.
Mayor Bland said we do need a police chief right now, with everything that’s going on with COVID-19, every day is like a week and with every department we are having to make major decisions.

Assistant Police Chief John Griffith said there is something I would like to say, I understand where everybody is coming from, Ward 2 people needs a voice, but this department has got to have stability and the only way you get that stability is with a permanent fixture. Interim is not going to do it, even that person sitting in as interim is still holding back, because they don’t have that full support yet. I think we need to try to figure out how to make this work, so this department can start to stabilize and get better.

Mayor Bland said again we need a police chief, we are asking you to take it off the table, we have three people here today that wants to vote for him as police chief and allow Charles Coleman to be the police chief and start working to smooth out the police department and move forward.

Council President Houston said as a note on that, me personally, a man’s word is their bond. I can’t speak for anybody else at this table, and I said the same thing when Mr. Robbins was in this same predicament, that I’m not ready to move forward because I feel strongly that everybody in the city should have a voice. Mayor you made mention of the election in Ward 2, that there could be a hold up if there is a runoff, but everybody in the election is an independent candidate, whoever comes out on top should be the winner, so that shouldn’t be an issue. I know Mr. Coleman would do an excellent job and whatever talk you are referring to about him, I make it a practice not to entertain foolishness and go by what I know, and I know this gentleman. It goes back to my word being my bond, and I won’t say something different than what I said regarding the other person that stood in this same position. Integrity matters to me, my word matters to me, and the commitments I made to people matter to me. I know we are in this place right now, nobody wanted Corona, nobody foresaw this coming, and I didn’t foresee Mr. Robbins stepping down. I wish he would have been the first candidate brought to us two or three months ago, I think it would have been a no brainer then, like it’s a no brainer now. That is my concern, if there are three people here today that want to move forward, that is the wishes of this Council, I’m just one voice and out of respect for this gentleman and his family, I was willing to do the interim thing so he could see and know. If we end up in the same place next month or whenever this comes off the table and he work for a month or two and decides he doesn’t want to do it, we are still in the same place if we had done permanent. So, all this talk about temporary and all of that; I respect what Captain Griffith said about the title sometimes doesn’t carry as much weight with interim in front of it, but at the end of the day my word means something to me, people in this community call on me for a lot of things and when I say something I like people to know I meant it. Even though this is a difficult place to be in and I’m sure the pastor knows and understands that. When you make a commitment to people it is your word and we are talking about a few weeks here and this Council voted not to allow him to serve as interim with the anticipation that he will be chief. Even if Ward 2 gets here and say they want something different, I believe strongly, I could be wrong, but I believe strongly that we have three people here that have confidence in his ability to lead this department. So, it’s really just a formality, it’s at a place we didn’t ask to be and at a time we didn’t ask to be. My word is my bond and I can’t shy away from that, and I respect what you have presented to us Mayor.

Mayor Bland said, Dr. Thomas, it seems as if the third vote is yours and I respect what you said about everything you’ve said and I know that if you would have voted yea we could have moved forward in the interim. As I said, I do know based on this litigation if another
candidate is put in that race you have to win with 50% plus one vote. It most likely would be a runoff if that were to happen.

Council President Houston asked how is that, usually that's why they are independent candidates. Is there somebody from the election, I thought the winner was the person with the most votes. That was my understanding as to why they're running independent as opposed to party.

Brandye Latimer said they are running as independent so we don't have to have a party election first with a primary and general. But it will still be a general election and if someone doesn't receive the majority of the votes plus one we would have to have a runoff even with independent candidates.

Mayor Bland said, Dr. Thomas as I said, I understand, but where we are permanent or interim I need a chief, right now today, I can't wait ‘til July to possibly have a chief. I’m asking you all, if you would as a Council go back to item number 4 that was moved to 1 and vote on Mr. Coleman as Interim Police Chief. Will you do that?

Councilman Thomas said are you sure he is willing to do that?

Mr. Charles Coleman said yes, I will do it. I’m willing to accept it because I am retired and draw a decent salary from the state each month and pastor a local church and not just for the money; although I will not turn the money down.

Councilman Thomas asked if this will affect your money?

Mr. Coleman said it will not, he retired from the Highway Patrol and that is a different retirement system. I know the importance of the chief’s position and I will serve as an interim until Ward 2 can get a voice at the table. I want you to understand one thing, it is going to be difficult to implement anything, but I'll do my level best in these two months, ninety days, whatever it is. If y'all are not satisfied tell me you won't have to tell me to leave, I’ll leave on my own. That's about as good as I can give you. What I'm getting ready to go through, the embarrassment I'm getting ready to endure, my wife and I, a good name is better than gold. I don't think 90 days is enough time to do anything, but I’m willing to suffer it because lies will fade and the truth will stand. I have 41 accommodations to my name and I appreciate you all giving me the vote of confidence. I believe in 90 days we will come back, Ward 2 will be in place and I believe we’ll have the vote we need from him. My main focus is to decrease crime, in fact we’ve already started before I got the job. Target the truck shooting, I know you all saw that, we’ve got him off the street. Police work is not only the police department, it’s all of us working together for the betterment of the citizens of Meridian. If you all will allow, I’ll serve as interim. The title interim doesn’t carry as much weight, but for a department in limbo that needs morale building it’s going to be difficult to build morale. I won't focus on interim, I’m focusing on Chief, I'm going to implement those rules as chief. I ask you to support me when I make those tough decisions, because there will be some tough decisions made.

Motion made by Councilwoman Houston duly seconded by Councilman Lindemann and passed by a majority vote of the Council to LIFT FROM THE TABLE and re-open discussion on item R-1 (Order confirming the Mayor’s appointment of Charles Coleman as Interim Police Chief.) Voting yea: Thomas, Houston, Lindemann. Voting nay: F. Johnson.

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

ORDER #16950 IN THE MATTER OF: CONFIRMING THE APPOINTMENT BY
THE MAYOR OF CHARLES E. COLEMAN AS INTERIM POLICE CHIEF FOR THE CITY OF MERIDIAN

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

Yea: Thomas, Houston, Lindemann.
Nay: F. Johnson.

President Houston called for the Mayor’s Report:

Mayor Bland has no further comments.

President Houston called for Council comments:

No comments were made by the Council Members.

Councilman Lindemann said we have a citizen comment, I’m not sure what this is about, Dr. Thomas?

Councilman Thomas said I want Mike Van Zandt if he would, we have two projects out there that are ditches, Mike tell us what they are.

Mike Van Zandt, Asst. Public Works Dir. – Yes, we have two citizens whose houses are built very close to two large streams, one is Magnolia Creek. Natural Resources Conservation Service (NRCS) which is a part of the United States Department of Agriculture (USDA) agreed to pay a part of the slope failure repair. These properties are not city properties, they are owned by private entities and they are requesting assistance from the city for these repairs. There are estimates, but I don’t have them in front of me at this time. Both of them are around $30,000.

Councilman Thomas – There are two house and both are probably from three to five feet from collapsing. They have some matching money, yet it will still cost the city a lot.

Mike Van Zandt - To give you a little more background, NRCS will fund projects or infrastructure that’s in danger that are caused by an annual event; it can’t be caused by erosion, it’s got to be a certain rainfall condition that caused this washout. We have a lot of people around town that has an erosion process going on, but that’s a lack of maintenance. This is a catastrophic event that has washed infrastructure away. So, this qualifies for NRCS funding, but we have to take part in it. They will not deal directly with a resident, they will deal with the city that chooses to assist.

Councilman Thomas – If you will get, you, Hugh, or somebody to put us some figures together for the Council to look at them. These are major drainage systems by these houses, these are not just little ditches, 10 to 15 feet deep and 10, 15, 20 feet wide. These drain massive parts of the city.

Council President Houston – Well, I have major concerns that how convenient we find money in certain areas of this city to do certain things, when we bring stuff up all the time. I just brought a situation with the Public Works Director about something that the city put in; I don’t know where we are on that, if we are getting assistance with that. But, I do have major concerns that it appears; and we could be completely wrong, but it appears that we go over and beyond and we get hold harmless agreements, and we go on private property when it’s
convenient. I know you will sit there and say that’s not the case, but I have a whole string of work order that I have sent to you all and I don’t even know if the department goes out and looks at these properties. They automatically tell them, “Oh, that’s private property, there’s nothing we can do.” There are culverts collapsing in people’s yards, causing them to drive in ditches in front of their homes. We go out and tell these poor people, that there is nothing we can do. But, we find a way, and we find money, and it’s a major drainage issue. When I feel the things that are happening in my community and my Ward are major drainage issues and major problems and major issues. So, let’s set a precedent, if we are going to be working on ditches and finding ways to go on private property, let’s do it for everybody in the city, and not just pick and choose when it’s convenient or whatever else might be going on in these cases. But, I’m not going to entertain anything about a ditch if we are not entertaining it across this town. If we paint the picture on this one, we paint the picture on all of them.

Hugh Smith, Public Works Director – The first was made that these are NRCS grants and the city has to provide a match, which we do not have. So, there has not been any money found to address these issues. Mike is dealing with the citizen on this because he has a good relationship with NRCS. If there’s a situation where NRCS says, “Yes we’ll address this” then we will take it up. In fact, he may contact Council Members, his roll is to bring that up to you, for you to consider, because there’s still a funding issue that’s still sitting out there. This is not a done project, this is a conversation, and I have no problem with doing that across the board, but only unique situations qualify. If it’s a lack of maintenance, then NRCS won’t take it on, only if it’s a catastrophic event. The first thing that starts this conversation is their approval to look into it.

Council President Houston – Who decides what goes up to NRCS?
Hugh Smith – First you have that catastrophic event, then NRCS will contact us and say we’ve had a rain event that triggers the ability to release funds, do you have any ditches to look at? We’ve looked at ditches throughout the city, some qualify and some don’t. That’s not my determination, that’s not Mike’s determination, that’s NRCS’ determination. If they go and look at a ditch and feel it is in that condition due to lack of maintenance, that’s the end of that conversation. That’s not our decision or the homeowner’s decision. My roll is if there is an avenue to address these things we bring them to your attention. This is simply a conversation, you’ve pressed me for the last few years to try to work something out, this is all I’m trying to do, work something out. At the end of the day, we still don’t have funding to complete these projects, this is a conversation.

Council President Houston – I would like there be a conversation every time we send in a work order. I would like the conversation to include all citizens on these work orders we send in, because the catastrophic event could have happened a few years ago and we didn’t know anything about this avenue.
Hugh Smith – That is not the city’s determination, they called us, just because it rained they may not qualify, it’s not just the volume of rain, it’s the volume of rain in a certain amount of time. We don’t set that precedent, it’s done at the federal level and it trickles down to the local level. We are just trying to take advantage of a resource, if we can, to help the citizens.
Councilman Thomas – The reason I’m bringing it up is these two property owners requested to be heard by the City Council.
Hugh Smith – Since I don’t have the funding to match the NRCS grant, my answer is no, we can’t do that. Until those dollars are released there’s nothing I can do about it because I do not have that money in my budget.
Council President Houston – Can we just make it a practice not to immediately tell people there’s nothing we can do, but you or somebody with some real knowledge, skills
and ability that know how to communicate with the residents of this city or perhaps somebody trained along those lines, that they don’t just tell them over the phone that there’s nothing we can do.

Hugh Smith – We don’t do that, literally people go out and look at these.

Council President Houston – That’s not what I’m hearing.

Hugh Smith – We had a string of emails this morning, in fact we were out there this morning. We don’t tell people that over the phone. Mr. Lloyd goes out, we physically speak with those residents. A lot of times they don’t like what we have to say, hence they call you. I would not let these guys make those kinds of decisions over the phone, they won’t do that, at least and let me know about it.

Council President Houston – I’ll start communicating to them when they say nobody called or came out, I haven’t heard anything or they told me over the phone that it’s private property.

Hugh Smith – I would not let these guys make that kind of decision over the phone.

Mike Van Zandt – We never respond to them without knowing where the parcel lines are, if there are easements, all of the legal aspects we looked at first.

Council President Houston – You all go out there?

Mike Van Zandt – We go out there physically, we get survey crews on site, we know where everything is.

Council President Houston – Is there something that you can leave that says the City of Meridian have been here, please call this number to get details about our findings. Something to say that you all have been there.

Hugh Smith – We do more than that, we physically talk to those property owners, that’s how we got into this situation.

Council President Houston – Is there some kind of way to document who you spoke with and so forth?

Hugh Smith – The extreme response to that is for us to generate a form for the property owner to sign showing we have talked to them when we came out.

Council President Houston – I think that will eliminate any confusion on if we did or did not go out there to check on the issues and eliminate us sending in two or three requests on the same things.

Hugh Smith – Then we will do that. Since I’ve been in this role I’ve met over and over with individuals over the same issues. I work for the citizens, this is not only Dr. Thomas' ward, we've done work in everybody's ward and we will continue to do that. This is just a unique circumstance and a unique opportunity that requires you all taking action from a funding perspective.

Council President Houston – I just want it on the record that we all have concerns about the erosion and all the houses about to lose their embankment due to erosion.

Hugh Smith – I hate being in the position of telling a home owner that are for a lack of a better word helpless, their insurance won’t cover it and there is no funding mechanism available with federal dollars from the government to address their issues, and our budget is so tight from the beginning that finding excess dollars is not going to happen. We just have a situation where NRCS is willing to do this work and it was worth discussing.

Mike Van Zandt – And the only reason I came up to speak on behalf of this is because the citizens were unable to do so because of the Coronavirus situation going on kept them from coming in. I’m not trying to be a proponent of this of anything, I’m just trying to speak on their behalf because they can’t come in.

Council President Houston – I think its wonderful that we bring things to the attention, and it has been enlightening that we have a way to do these things. I've been here six or
seven years now and I think this is my first time hearing about something like this NRCS and just find that amazing.

Mike Van Zandt – I can send out facts and figures to each of you that covers the NRCS Assistance for Emergency Watershed Protection (EWP) Slope Failure Sites.

Motion made by Councilwoman Lindemann duly seconded by Councilman Thomas and passed by a unanimous vote of the Council to amend agenda and LIFT FROM THE TABLE and Add R-7 (Order authorizing acceptance of Traffic Analysis Proposal for the Sela Ward Parkway/22nd Avenue Project from Neel-Schaffer.) Voting yea: Thomas, F. Johnson, Houston, Lindemann. Voting nay: None.

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

ORDER #16951 ORDER AUTHORIZING ACCEPTANCE OF PROPOSAL FROM NEEL-SCHAFFER, INC., FOR A TRAFFIC ANALYSIS OF THE SELA WARD PARKWAY/22ND AVENUE PROJECT (TO FULFILL REQUIREMENTS OF THE ENV-160)

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

Yea: Thomas, F. Johnson, Houston, Lindemann.
Nay: None.

An executive session was requested regarding personnel performance and potential litigation. Motion was made by Councilman Thomas duly seconded by Councilman Lindemann and unanimously passed by the Council to close the meeting to determine whether to declare an executive session. Motion was made by Councilman Thomas duly seconded by Councilwoman F. Johnson and unanimously passed by the Council to declare an executive session in order to discuss personnel performance and potential litigation. The Council then went into executive session. Motion was made by Councilwoman Houston duly seconded by Councilman Lindemann and unanimously passed by the Council to go out of executive session. The Regular Meeting was reconvened with the following action:

Motion was made by Councilman Lindemann duly seconded by Councilwoman F. Johnson and passed by a unanimous vote of the Council to amend the agenda with the following changes: Add R-8 (Order authorizing pay raise for Public Safety & Training Director, Doug Stephens.) Voting yea: Thomas, F. Johnson, Houston, Lindemann. Voting nay: None.

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

ORDER #16952 ORDER AUTHORIZING A RAISE FOR THE PUBLIC SAFETY & TRAINING DIRECTOR DOUGLAS STEPHENS AS PER RECOMMENDATION FROM THE MAYOR
And, Councilwoman F. Johnson seconded the motion, whereupon said Order was discussed, passed and adopted by the Council by a vote as follows:

Yea: Thomas, F. Johnson, Houston, Lindemann.
Nay: None.

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