

REGULAR COUNCIL MEETING, TUESDAY, JANUARY 20, 2015 AT 5:00 P.M.

Meeting called to order by Council President Markham.

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

Absent: None.

The meeting was opened with prayer by Evangelist Kasja Cole and followed by the pledge to the flag.

Motion was made by Councilman Thomas duly seconded by Councilwoman Henson and unanimously passed by the Council to confirm the agenda for this meeting with an amendment to: remove R-9; add pending litigation to the executive session.

Motion was made by Councilman Thomas duly seconded by Councilwoman Houston and unanimously passed by the Council to approve the minutes dated January 6, 2015.

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

ORDER #15797 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.

At this time Richie McAlister (Assistant to the Mayor), Janice Yancy (MDOT), Dalton Henry (Director of the Choctaw Transit) and Jimmy Bell (Mobility Manger of the Choctaw Transit) appeared before the City Council to discuss the proposed MOU for transit service in the city. They will be running a bus three days a week for eight hours a day. The cost is \$3.00 each way. They will look at possibly expanding the services at a later date. The effective date will be 60 days after the execution of the MOU. Councilwoman Houston offered and moved the adoption and passage of the following Order:

ORDER #15798 ORDER AUTHORIZING THE EXECUTION OF MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY OF MERIDIAN AND ITS
GOVERNING AUTHORITIES AND THE MISSISSIPPI BAND OF
CHOCTAW INDIANS

And, Councilman Hammon 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.

The hour of 5:15 p.m. having arrived, the hearing as called for in Resolution No. 5943 regarding the appeal by Yolanda McDade and Others of the decision of the Planning Commission regarding rezoning case No. RZ-14-05 was opened with motion was by Councilman Thomas duly seconded by Councilwoman Henson and unanimously passed by the Council. Councilman Hammon recused himself from the hearing and left the chambers because he attended the Planning Commission hearing and spoke at that hearing. First up to speak was city Planner Don Jemison. He said this came before the Planning Commission in September 2014. It is rezoning case RZ-14-05. The applicants are Yolanda McDade, Danyall Myles, Patricia Campbell, Barbara Atterberry, Lillie Hunt and Carter Cole. The request before the Planning Commission was to rezone the property of those he named off from R-1 single-family residential to R-3 multi-family residential. The area covers part of the large block north of 26th Street between Poplar Springs Drive and 29th Avenue. The Planning Commission denied the request and it was appealed to the City Council by Ms. Danyall Myles. The hearing was postponed a couple of times until that night. Councilman Thomas asked what the criteria are according to state law for rezoning property. Mr. Jemison advised that according to state laws and city laws there are two reasons that property can be rezoned: 1) that there was a mistake in the zoning which in this case would have been in 1994 when the comprehensive zoning was done; and 2) a change in neighborhood character and public need. The applicants used the change in neighborhood character and public need as their reason for requesting the rezoning. Councilman Thomas asked what kind of evidence the applicants provided. Mr. Jemison stated that they submitted material to them under the “change in neighborhood character” with ten items listed – socioeconomic class (moved from higher/middle class to lower class); increased number of single parent headed households; two Habitat homes have been built on the 26th Street block; increased vacant/abandoned homes; decreased home values; increase in minority population; younger property owners/renters; and increase in families with school-aged children. Under the “public need” they submitted material with six items listed – beautification/revitalization of neighborhoods; affordable housing; increased tax revenue to the city; environmental protection/safety (an occupied well-lit property that will decrease crime such as assault, burglary/robbery and/or illegal drug activities); promote small/minority business investment opportunities; and decrease number of residents from relocating to the county. Councilman Thomas asked other than the property they own, how much other property is being asked to be rezoned. Mr. Jemison advised the property owners constitute all but one vacant parcel and that property owner did not respond. It is the majority of that block face on the north side of 26th Street between Poplar Springs Drive and 29th Avenue. Councilman Markham asked what the Community Development’s basis for stating there is no need for the rezoning. Mr. Jemison advised that the inspection division found out there were people working on the property without a permit and that is how they got involved. They looked at information from the city and the city’s records showed that one of the buildings has been vacant since 2006 and the other one has been vacant since 2011. Both buildings are a non-conforming use. A non-conforming use does not comply with the district in which it is located. If it becomes vacant for 12 month or more it is a non-conforming use. So this request for rezoning is the only option they have. They have to go to the adjoining property owners to get them to join in with them so that you have an area that is not a spot zone. In 1994 the city council considered at least one-half of a city block is enough to not be considered spot zoning. Spot zoning is called spot zoning for two reasons – size and compatibility. Councilman Markham said Mr. Jemison had stated earlier that they worked on this property without the permission of the city. He asked if the city or community development at any point provided them with any type of provisional authorization to

work on the property. Mr. Jemison said that after they talked to them about what the problem was, they were issued a building permit. They wanted them to know that it is non-conforming and they could not get a CO (certificate of occupancy) until it was zoned properly. Because the buildings which are two duplexes and because of the size of the lot, an R-2 zone would not do them any good. They would have to go to an R-3 zone. They do not meet the setbacks and there are other problems with off-street parking and they would need at least an R-3 zoning to allow them to go back since they are non-conforming. Going back to the original question about the change in the neighborhood character, their research indicates that the only change that has occurred since 1994 is the construction of new single family residences in that area which meet the zoning. That is the only change that has occurred. These two building became vacant. There are other multi-family units in the area and they are occupied but they are non-conforming uses. Councilwoman Houston stated that they were issued a permit to work even though they were not going to be able to occupy the buildings and she doesn't understand why that was done. Mr. Jemison stated they warned them that was part of the reason they stopped it was because they could not get a CO if it was completed. They said they wanted to go ahead with the work and try to get it rezoned. Councilwoman Houston said she does not understand why the city took their money and gave them a permit if they were not going to be able to occupy it after the work was done. Mr. Jemison stated they are allowed due process and they proceeded at their own risk. They did not want to deny them due process and they had the right to go through rezoning. Councilman Markham asked him if they met with them before the permit was issued. Mr. Jemison said they met with them on two occasions before the permit was issued and believes one meeting was held when they city attorney was present. City Attorney Bill Hammack advised he was present at one of the meetings and they were advised that they could proceed at their own risk. Councilman Thomas asked if the zoning was changed if anything else could go in that area. Mr. Jemison stated there are a lot of other things that can go in an R-3 zone that is not allowed in an R-2 or R-1 zone. The R-1 zone is the most restrictive and R-2 is less so. You can have manufactured housing in R-2 and R-3 zones and other stuff with a special use permit. Councilwoman Houston asked if for some reason it is not rezoned, would the property continue to deteriorate because it cannot be used for an apartment building. Mr. Jemison stated that it could be used as a single-family dwelling and with second building as an out building. The idea of a non-conforming use is you allow it to continue but not continue if it remains vacant for 12 or more months. Councilman Markham stated that if they don't have the resources to comply with R-1 and they have exhausted their resources to bring it to R-3 and their request is not satisfied, basically their hands are tied until they can convey that property to someone else. Mr. Jemison stated that the previous owner made improvements to the buildings without a permit after it was vacant and then the new owners started making improvements to the buildings without a permit. Sometimes these things are discovered and sometimes someone says something about work being done without a permit. Councilman Markham asked if their desire is not to revert to a single-family dwelling, are their hands tied until they convey the property to someone else. Mr. Jemison stated this was correct. Councilwoman Houston asked Mr. Jemison if at the time of purchase (and she stated he may not know this) were they made aware that it could no longer be used as an apartment building. Mr. Jemison stated that typically that comes up when people borrow money to purchase property and it is the lender that does due diligence and then they require the person borrowing money to do certain things. Councilman Thomas stated that if you just pay cash that is your risk. Mr. Jemison stated that is right. He said if you don't know any other way then that is how you find out when you borrow money. It is the lender that is doing it to protect their interest. City Attorney Bill Hammack stated that the minutes of the Planning Commission meeting as well as the Community Development staff report should be made part of the minutes of this meeting.

(COPY OF PLANNING COMMISSION MEETING MINUTES &
COPY OF COMMUNITY DEVELOPMENT STAFF REPORT)

At this time, those who appeared to speak at the public hearing were as follows: 1) Mattie Turner (4212 Royal

Road) – She said she used to stay in the Timber Apartments from 2004 to 2011 and moved out in January 2011. She was informed by Mrs. McDade that someone made a statement to the Planning Commission that there was a lot of noise, teenagers hanging out and parties. That was not so. She was a single parent with three teenagers and she did not tolerate it. She did not have any visitors there when she was not home. There was another family in front of her that was also a single parent. She worked graveyard shift also. She did not have problems when she was there. She is one of the ones who would like to move back over there if there is any way possible. The only reason she moved out was because it needed repairs. She had a leaking roof, ceiling falling on her kids and rain coming down from the second floor so she could not live there. She had to protect her kids. Her son had allergies and she could not afford to take him back and forth to the doctor’s office. That is the only reason she moved. 2) Susan Parker (3704 49th Court) – She said she does not live in that neighborhood but has great concern for it. She quoted a saying from a friend at this time. She further stated that due to the lack of proud, proper planning in Meridian we are in a free fall and it is embarrassing her. If she was an industry coming to Meridian and looked around, she would keep going. This is one neighborhood that they have done their proud, proper planning and they have tried to take care of it. She does not think we should disrespect them and their efforts to maintain their neighborhood. She quoted John Ashcroft at this time. She said if we are having neighborhoods that are being maintained then we need to do everything to support them. She said she has been a life-long resident of Meridian and it breaks her heart when she drives through town. 3) Yolanda McDade (6225 North Hills Street) – She is the property owner of the Timbers Apartments and the rezoning appeal RZ-14-05. She commended the City Council in the recent development of examining proposed changes for the city codes, enforcement polices and hiring development managers. The examination and enforcement of the polices when property owners fail to repair their homes is essential to the city in order to move forward in the revitalization of the city. Consequently in her case, she stated she would like the City Council to also review the process or policy addressing property owners like herself who are attempting to repair or rezone property so that not only the faculty of community development would have a better understanding but the citizens of Meridian as well. She said she hopes they have had the opportunity to review the information that she submitted to them. She has three key points to make. The first point is it is her understanding that in order to rezone there has to be a mistake in the previous zoning or change in the character and public need as Mr. Jemison quoted. She said she is not going back through the standards she said as far as the change in character and the need but she wanted to point out she believes the Timbers in in line with the policies that the citizens of Meridian and the City Council want and that is to revitalize and beautify the City of Meridian. The older, abandoned and dilapidated homes that are unoccupied need something done about them. However, the Timbers Apartments blends in well with the neighborhood. She doesn’t know if they have had the opportunity to ride through but improvements have already been made to the block. There are other two-family residences in the area and multi-family dwellings on the same block or adjacent blocks. She feels they follow in line with that. She said her final point is addressing the Poplar Springs Historic committee. This has been a teachable moment for her and she fully respects the position of those opposing the rezoning of that portion of the 26th Street block. However, in response to their concerns, she asked that they work together in promoting support and engaging in the improvement and preservation of the neighborhood and prevent community deterioration. This is how they will preserve this historic character of the city and that is by working together. She said she wanted to address some statements that Mr. Jemison made when he said permits were granted after they met with the city attorney. In June 2013 they were cleaning the property. He is correct, there was already work being done on the apartment complex. They were cleaning up and they rented several dumpsters to clean the property out. A city inspector came by and said when they start working on the property they had to get a permit. She said they did that. A week later the permit was pulled. They were called for a meeting for a stop work order on the property. They stopped working on the property. Then they had neighbors call and tell them that city inspectors were out there taking pictures of the property. She came over and asked what was the problem and she was told they had a stop work order. She asked, at that time, the community development director if they could cut the

grass. They had a neighbor call and say she felt unsafe with the shrubbery growing up outside the apartments and she wanted it cut down so that is what they were doing. They were coming over taking pictures and saying they were working on the property. She said she guessed that was what they were saying, they were working on the property. To clarify another statement, they decided to get a permit. They were not told that they could have the first apartment as a single family dwelling and one in the back as a single family as well. What they were told is that they could have one single family in the front and turn the one in the back into a shed. That is what they were told. The reason they continued to work on the property is because they decided they were not going to let this property go to waste. If they are not granted rezoning they will turn this apartment into R-1. However, they have not been granted due process for all this as shown in their information packet. She said again she respectfully asked for the rezoning and she has other people to speak on her behalf. Councilman Markham asked if she said they were issued a permit and then a stop work was issued. Ms. McDade said yes. Councilwoman Houston asked her when she purchased the property was she under the impression she could use it as an apartment as in the past. Ms. McDade said yes. This is a question she was going to let Mr. B. J. Lewis discuss because he is the one who called community development. 4) Linda Watkins (3830 37th Street) was signed up but she did not want to speak. 5) Pat Campbell (2534 26th Street) – She said she was a representative speaking on behalf of the applicants seeking rezoning of the 26th Street block. She said there were several misleading statements made at the Meridian Planning Commission meeting regarding the applicants on September 23rd. It was stated that they did not fully understand that their property will be rezoned. That is incorrect. They fully understood the petition that they signed. They live right next door to the apartments. They do not want to live next door to an abandoned property. They have felt unsafe because the property was not occupied. There has been substantial improvement to the property and, if the rezoning is permitted, the apartments will blend well with the rentals in their block and surrounding properties in the neighborhood. Another point she wanted to make is that it was pointed out to the Planning Commission that the apartments posed trouble when it was occupied. She said this is not true. She asked the City Council members to please consider that the apartments will become a problem if left unoccupied. 6) Douglas Hall (2314 Poplar Springs Drive) – He said they are going to hear a lot of things about whether they are just of unjust. This is about rezoning, about ordinances, codes and laws. These are codes and laws to benefit the community, not an individual. Just changing a law for an individual is not enforcing the law. If you cannot make up the law to apply to everyone which is to support the community, you might as well give up all the laws and let everyone do whatever they want and make everyone happy. He said he knows at this point they are going to say “so what” we look the other way and bend the law a little bit at this point. You have to think about the future. The decision to change this from R-1 to R-3 doesn’t just affect today. Everyone says they are happy with this now. You are talking about an entire block that can be rezoned. When you rezone the block you are going to make someone happy today but somewhere down the road no one knows if we are going to be here tomorrow. No one knows. Today they are happy with what is going on today but tomorrow you have a whole block that was built with the infrastructure of R-1. Tomorrow someone comes in and buys it and it is going to be a huge R-3 project. Is the infrastructure big enough, the water lines big enough, the gas lines big enough? You may be tearing up that block and other blocks looking for lines. We have rules and regulations for a reason and they are to benefit the whole community not a person. H feels sorry for the person who bought this with the understanding it was another zone but reality this is R-1. You are asking the whole community to accept this for one instead of looking at the community and the rules and regulations we have to benefit a community. 7) Kathryn McNair (2836 Poplar Springs Drive) – She said she lives about two blocks from this rezoning and her mother lives diagonally across the street from the block in question. When her mother bought her house it was abandoned and you could not even see it because of the over-growth. Her mother made a significant investment in her house. She said the house she bought was vacant for two years and she made a significant investment in it. When they did this they followed the proper rules and regulations and got the permits they were supposed to. They moved from the county to the city. She feels Meridian is undergoing a flight from the city. As the City Council, they should protect their investments

too. She owns a house in the county but she chooses to live in the city. Ultimately this rezoning doesn't fit Section 1500.03 of the Municipal Code. In order to rezone the person who would like the rezoning must provide conclusive evidence that there was a mistake in the original zoning. They must provide clear and convincing evidence of a public need. It must not be a small parcel of land. It can't be a piece of property singled out for special treatment nor create an isolated district. It has to be found in the public interest and not for only the benefit of the land owner and has to be consistent with the elements of the comprehensive plan. She said she heard what Ms. McDade said when she listed the bullet points, actually a member of the city listed them for her, and she understands that but she has not shown any proof of those. She just says this is what the property will do. She hasn't proven that those are actual needs even though some of them are, but there is no proof. This rezoning does not fit with the law. She feels it would be improper to rezone it. She said one of the bullet points listed was she thinks rezoning this would help get rid of illegal drug activities. A week ago in the paper it was run that a Danyall Myles was arrested for selling meth on January 13th of this year. She is not sure if this is the same Danyall D. Myles as who is asking for this rezoning but that also gives her some concerns. She asked that the City Council mem and women consider this. 8) Paul Johnson (2241 Poplar Springs Drive) – He said he understands this is a tough question before the council. He can hear it in their questioning and hear them trying to find a way for this to work for everybody. It comes down to the law as written. Are you going to enforce it? The people who have come before you are asking the council to rezone half a block. It is in the area where he has witnessed school buses take that right turn trying to get down to 26th and they can even make it as it is because the streets are so narrow. He knows the sewer cannot support 50 people living in this area but they are asking the council to rezone six properties to multi-family. It would take you from having one family living on a lot to five on a lot. That is what R-3 lets you do. He knows that is not the current intention of the owners but that is what they will be permitted to do. You are saying it is OK to put 50 apartment buildings in this half block and provide the sewer and power service. He doesn't have electricity at his house sometimes because it is old service and it is the area of the city that it is. He asked if the infrastructure is up to this. That is why the zoning laws were written as they were. You have to show the reason why this is being done, it is not spot zoning, it is not strictly for the owner's benefits. This appears to be strictly for the owner's benefit. He said he has been in management of a small business here in town for about ten years. He has gotten permits. If you get this permit you are telling me all I have to do is start the project and ask for forgiveness and that I don't have to follow the process. That is how he sees it. He thinks the Council needs to see the message they are sending if they don't follow the laws. Maybe there could be other plans but you can't make this R-3. There is just no way it makes sense if you make this property R-3. 9) B. J. Lewis (302 Russell Drive) – He said he was glad to be able to come and express what he has to say in regard to Ms. McDade pursuing rezoning of the property because at one time the property was used as R-3. There wasn't any problem during that period of time when it was used that way. It provided a good service not only for the tenants but for the owner, Mr. Tim Putnam, the gentleman who hired him to sell those properties for him. From time to time Mr. Putnam would contact him to find tenants to rent the property. There was never a problem that he ran into or that he heard a problem Mr. Putnam had in owning this property as R-3 at that time. Also at that time when he listed the property for Mr. Putnam in 2013 there was no indication that there was a problem with him selling the property because of the zoning of it or that it wasn't usable any longer to rent the property. Mr. Putnam never indicated to him so when Mr. Myles and Ms. McDade asked to buy the property he called the city and asked if there were any flags or problems with the use of this property as investment property for an investor. He spoke with Mr. Wright and he said he would look into it. Mr. Wright got back in touch with him and told him there was no problem, no flags or indications on the book that he looked at that said there was a problem. Mr. George Culpepper is the attorney. He is an attorney who closes a lot of deals not only for him but other realtors. When he did a title search on the property there was no indication that the property had rezoned or anything like that, otherwise he would have brought it to his attention. So, Mr. Culpepper as well as Mr. Wright showed that there was no problem with the zoning at that time and that was the objective of Mr. Myles and Ms. McDade purchasing

the property. As a matter of fact, that was one of their concerns and they got that cleared up and they were able to sell the property. They entered into a contract on the property on November 13, 2013. That is when they entered into a relationship. There was still no indication from Mr. Putnam that there was a problem selling the property. He has been selling property in the City of Meridian since June 11, 1996 and this is a unique situation. He never would have allowed his clients to purchase this property. He knew what their intentions were. It is not the protocol per se as indicated in realtors doing their due diligence to see if there was some conflict or some problem. If it would have been, Mr. Culpepper would have backed it up. Also, he said he did his due diligence in contacting the city, Mr. Wright. Mr. Wright called him from time to time telling him that he had a property with the grass growing up and he report to Mr. Wright by getting in touch with the sellers to get that job done. He feels Mr. Wright was in a good position to help him see if there was a problem with this property. He said there wasn't a problem with the previous tenants, no loud noises or anything of that nature. He said if you went by there and looked at the property now they are making good improvements on the property. He thinks it would be something good for the city. Councilwoman Houston asked him at the time he sold the property if he didn't know anything about the rezoning and the city evidently did not know it was being used as an apartment. He said he assumed that the city was OK with it being used as an R-3 and that it was in R-1 but had been grand-fathered but was OK at that time. The only problem was he discovered that it was not being used as Mr. Putnam got sick and as a result of the seriousness of his illness he was not able to keep up the property to stay competitive and it got in bad shape. That is why it was sold at such a low price. Other than that it still would have been used as Timbers Apartments. People called him from time to time asking him if he had something available at the Timbers. 10) Tag Purvis (3643 Poplar Springs Drive) – He is a part-time resident of Meridian and owns an older home. He is completely opposed to the rezoning of that neighborhood. He moved back to Meridian to run the family business and comes back and forth. He has a lot of concerns about where the city is going in those eight years. When he drives around the city it is heart breaking for him to see the shape it is in. As a business owner who employs 30 people here and he does not have to live here, quality of life is important to him. Every time he comes back it has eroded and eroded. All of the neighbors in this neighborhood have worked so hard and have been trying to make that place great. He feels they are being constantly attacked and this is another rezoning. He asked them to seriously consider no rezoning this area. They have put hundreds of dollars into the corporate building in downtown and he feels like some times he questions why. Councilman Markham said he has heard the concerns from both sides. He understands what we have on the books as far as ordinances are concerned and how they stand, but what he has major concerns with is that we have this so-called crusade through community development to go through the city and rid the city of urban blight, abandoned buildings, condemned buildings and over-grown properties. You hear Councilman Hammon at each meeting talk about how we have a number of vacant lots and abandoned property. It is hard to get in touch with the land owners and hard to get them to do anything once you get in touch with them. It is very seldom in the City of Meridian in our inner city communities to have persons who purchase property for the purpose of renovation, rehabilitation and re-habitation. On one end we have a department in the city saying no, don't use it for what it has been used for years, let it sit here and continue to deteriorate, continue to be vacant, continue to have people breaking in and tearing things up, getting high and prostituting. Let's leave it like it is. Let's not give home-owners the opportunity to make it better. He has a major problem with that. He said the city needs to look as what we have. This is not the first time he has said it. He said the city needs to be consistent with our landowners and needs to be a city that rewards those citizens who want to rehabilitate the property. Because if not, we will have abandoned houses everywhere which we do. The Clerk of Council advised the City Council that the city attorney told her the community development department should have the opportunity to rebut any comments made. Mr. Jemison that Mr. Wright is not present. He is a building inspector. He is not a zoning expert. Mr. Wright inspects unclean property. That is what Mr. Wright does. That is the person the realtor spoke to. If you called someone from public works and asked them a question about zoning, do you think they could give you the right answer? Mr. Wright is not here to say what he told them. Mr. Wright isn't qualified to address

zoning and non-conforming use issues. That came up at the Planning Commission meeting and has come up again at the City Council meeting. The same rules would apply to Mr. Putnam had he kept the buildings that apply to Ms. McDade and Mr. Myles and anybody else who has a building that is non-conforming use. Had Mr. Putnam finished and all that work that has been done, it has not been inspected. They were denied access into the building by Mr. Myles. They have not gone into the building to see what has been done. So the work that has been done has not been inspected. Had Mr. Putnam kept the building and they have been vacant since 2006 and 2011, long past a year, and if he had continued to own the buildings, he would have had to have them inspected and would be up here trying to rezone it just like these other people are. The same rules would apply to Mr. Putnam as they apply to these today. Councilwoman Houston asked if they were notified that they were in this new status. Mr. Jemison stated it is not a new status. It is an old status. It has been R-1 since 1994. Councilwoman Houston said she meant non-conforming. If it has been R-1 since the beginning of time, how were they able to operate rental dwellings. Mr. Jemison said it was a non-conforming use and as long as they were occupied they could continue. Once it became vacant that is when it became non-conforming use. It is still R-1 and that use can continue unless it becomes vacant for a year or more. That is when it has to convert to the current zoning status or go away under some means. Councilwoman Houston asked if their office notified the property owners. Mr. Jemison said no, they don't do that. He doesn't know if the real estate people are responsible for looking at zoning. That has been a debate as long as he has been doing this. Attorneys only look at who owns the property and any taxes or liens on the property. The city doesn't put liens on the property. The attorneys look at ownership. You get a title opinion from an attorney. They tell you what taxes or liens are on the property. They don't check the zoning. He said he has been told by real estate people it is buyer beware. It is the buyer's responsibility to check out the zoning and land use issues. He knows plenty of companies that would be glad to do that for you. Banks do this every day. He said they have people calling them every day from all across the country checking land use and zoning. This is routine. He has a file full of correspondence from lending institutions concerning zoning and land use issues. That is something they answer every day, all day long. Councilwoman Houston said it was stated in the hearing that if it remains R-1, what will the current owners be able to do to the buildings? She understood they could turn the back one into a shed. Mr. Jemison stated there are two buildings there. The lot is about 11,500 sq. feet. In an R-1 district it is a 7,500 sq. foot minimum. So in hindsight it could be only one single family dwelling and the back building could be a shed or out building. He doesn't think it can be split in for two single family dwellings. Councilwoman Henson asked he what he can according to law by his position is only ask them to follow the law as written. Mr. Jemison stated that is correct. Councilwoman Henson asked if the Council did give them permission to do this, if there is still no law to follow them in there. It is just a change in that area. Mr. Jemison stated it is the area that has been applied for. It is about one half of that double block. It is not quite the whole block face. The area would be rezoned from R-1 to R-3 and all the property on that would change from R-1 to R-3 with all the uses and special uses that are allowed could go there. It wouldn't happen immediately but it would happen over time. Councilwoman Henson asked Mr. Jemison when they asked for it, did they just tell them no. She asked him if he explained to them what the codes were, what the laws are. He said they did. Councilwoman Henson said what she is saying is if the council grants their wishes it would be a done deal. Mr. Jemison said the Planning Commission first heard from them. They posted signs and notified the public that a rezoning was proposed for that area and their legal obligation was placing a notice in the newspaper. There is a 15-day notice required prior to the Planning Commission hearing. A hearing was held before the Planning Commission and the people in attendance were on both sides. The Planning Commission's recommendation goes before the City Council. The City Council is actually the one who changes the zone. That is what is before them now. The Planning Commission does not change the zone. They only make a recommendation to the City Council. Councilwoman Houston asked if everyone in that block are the people who lived there and signed the petition. Mr. Jemison said there were two petitions. They gave Ms. McDade a sample petition. What she was talking about earlier is she changed the petition to read something different than what they gave her. The issue is "I don't care if so & so gets their property

rezoned”. It is saying “I want my property rezoned from this to this”. They got some people across the street from it and within that area. They told them they only actually needed to get in the contiguous area to sign. You have more than one-half of a city block so the City Council shouldn’t consider this spot zoning. The petition was changed from the one they gave them originally where you are asking for their property to be rezoned. Not everybody in that block signed the petition. The ones on the other half and the ends didn’t sign the petition, just the rezoning area and that is all you should look for is the property owners in the rezoning area who signed the petition. Councilwoman Houston asked if all the owners in the area signed the petition. Mr. Jemison said all but one signed and it is a vacant lot. Councilwoman Houston asked if that was because they were unable to contact the owner. Mr. Jemison said yes. Motion was made by Councilman Thomas duly seconded by Councilwoman Henson and unanimously passed by the Council to close the hearing. Councilman Thomas stated that when he bought property in the past he had a title search done, asked what school zone it was in and asked those kinds of questions before he either put up the money or went and borrowed the money. He knew what zone, what school zone and then decided to spend his money. Any piece of property that is for sale, if you offer enough money you can buy the property. We have another piece of property coming up and a guy who has this property zoned and he wants to use it. He said they almost have two opposite arguments going on in this room in the next 30 minutes. Motion was made by Councilman Thomas duly seconded by Councilwoman Henson to deny the appeal. Said motion failed due to the lack of a majority. Voting yea: Thomas, Henson. Voting nay: Markham, Houston. The Clerk of Council advised that since the vote was tied, the property would not be rezoned unless there was another motion made, seconded and passed by a majority vote to rezone it. Councilman Markham advised that since the vote was tied and Mr. Hammon had to recuse himself there would not be a motion to rezone the property.

Councilman Hammon returned to the meeting at this time.

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

ORDER #15799 ORDER APPROVING AND ADOPTING AN AMENDED PLAT OF
THE RESUBDIVISION OF MERIDIAN CROSSROADS, A
COMMERCIAL SUBDIVISION OF THE CITY OF MERIDIAN

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.

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

ORDER #15800 ORDER APPROVING AND ADOPTING THE REPLAT OF BLOCK “G”
OF L.H. ARKY’S SUBDIVISION, A COMMERCIAL SUBDIVISION OF
THE CITY OF MERIDIAN

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.
Nay: Hammon.

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

ORDER #15801 ORDER AUTHORIZING THE EXECUTION OF APPLICATION FOR PERMIT TO CONSTRUCT DRIVEWAY WITH CONNECTION TO STATE HIGHWAY AND AGREEMENT OF APPLICANT GIVEN IN CONSIDERATION OF SUCH PERMIT BETWEEN THE CITY OF MERIDIAN AND THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION

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

ORDER #15802 ORDER AUTHORIZING THE EXECUTION OF PIPELINE CROSSING CONTRACT BETWEEN THE CITY OF MERIDIAN AND THE KANSAS CITY SOUTHERN RAILWAY COMPANY

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

ORDER #15803 ORDER AUTHORIZING THE EXECUTION OF CONSTRUCTION ENGINEERING & INSPECTION SERVICES CONTRACT BETWEEN THE CITY OF MERIDIAN AND THOMPSON ENGINEERING, INC. (HWY 39 TRAFFIC SIGNALS PROJECT)

And, Councilman Thomas 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 a proposed services and performance contract with the Boys & Girls Club. Motion was made by Councilwoman Houston duly seconded by Councilman Markham to approve said contract. Discussion was held. Appearing along with Mayor Bland were Ricky Hood and Denton Farr with the Boys & Girls Club. Mayor Bland asked the City Council to support this contract at the cost they have requested. CAO McGrevey advised that the money was in the Council's discretionary fund. It was proposed that the city pay the Boys & Girls Club \$246,539.29 for services. After some discussion, motion was made by Councilwoman Houston duly seconded by Councilwoman Henson to amend her previous motion to spend \$150,000 the first year, \$200,000 the second year and \$250,000 for the third year. This amendment would make this contract run in the term of the next term of office. After discussion, Councilwoman Houston withdrew all her motions on the floor. This proposed contract begins February 2015 and goes through September 2015. Motion was made by Councilman Hammon to pro-rate the contract for \$152,780.00. He withdrew his motion. The administration is supposed to come back to the City Council at the next meeting with a new proposed contract for services at the amount of \$153,000 annually with the amount to be pro-rated.

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

ORDER #15804 ORDER AUTHORIZING ELECTRONIC SUBMISSION OF 2014
ASSISTANCE TO FIREFIGHTER GRANT APPLICATION (GRANT
NO. EMW-2014-FV-1801 100' PLATFORM AERIAL APPARATUS)
AND COMMITTING TO A 50% LOCAL MATCH

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.

Motion was made by Councilwoman Houston duly seconded by Councilwoman Henson and passed by a majority vote of the Council to approve the claims docket dated January 15, 2015 in the amount of \$2,100,388.22. Voting yea: Markham, Henson, Houston, Hammon. Voting nay: Thomas.

President Markham called on Mayor Bland for his report. He said the Governor's Job Fair will be held on February 3rd from 9:00 a.m. to 2:00 p.m. in the Tommy Dulaney Building. On February 6th a pre-Valentine ball will be held at the Frank Cochran Center from 6:00 to 9:00 p.m. H reported that there were great turn-outs for the Martin Luther King celebration. He thanked the City Council for the vote on the transit agreement.

President Markham called for Council comments. Various comments were made.

An executive session was requested regarding economic development and pending litigation. Motion was made by Councilman Thomas duly seconded by Councilwoman Henson and unanimously passed by the Council to close the meeting to determine whether to declare an executive session. (Councilwoman Henson left the meeting at this time.) Motion was made by Councilman Thomas duly seconded by Councilwoman Houston and unanimously passed by the Council to declare an executive session in order to discuss economic development and pending litigation. The Council then went into executive session. Motion was made by Councilman Thomas duly seconded by Councilwoman Houston and unanimously passed by the Council to go out of executive session.

President Markham called the meeting back to order. Councilman Thomas offered and moved the adoption and passage of the following Resolution:

RESO. #5948 RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, MISSISSIPPI (THE "CITY"), AUTHORIZING THE EMPLOYMENT OF CERTAIN PROFESSIONALS IN CONNECTION WITH THE PREPARATION OF TAX INCREMENT LIMITED OBLIGATION BONDS (THE MERIDIAN CROSSROADS PROJECT PHASE II) OF SAID CITY FOR THE PURPOSE OF PROVIDING FUNDS FOR CERTAIN SITE AND INFRASTRUCTURE IMPROVEMENTS RELATING TO THE MERIDIAN CROSSROADS PROJECT PHASE II; AND FOR RELATED PURPOSES

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, Houston, Hammon.

Nay: None.

Absent: Henson.

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