

REGULAR COUNCIL MEETING, TUESDAY, AUGUST 21, 2012 AT 5:00 P.M.

Meeting called to order by Council President Thomas.

Present: Thomas, Perry, Henson, Palmer, Smith.

Absent: None.

The meeting was opened with prayer by Mark Naylor and followed by the Pledge to the Flag.

Motion was made by Councilman Smith duly seconded by Councilwoman Henson and unanimously passed by the Council to confirm the agenda for this meeting with an amendment to: add as R-10 the Mayor's veto of Order #15270; add as R-11 the Mayor's veto of Order #15275.

Motion was made by Councilman Smith duly seconded by Councilman Palmer and unanimously passed by the Council to approve the minutes dated August 07, 2012.

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

ORDER #15276 ORDER DECLARING EQUIPMENT SURPLUS AND NO LONGER
NEEDED BY THE CITY OF MERIDIAN AND AUTHORIZING THE
SALE OF SAID SURPLUS EQUIPMENT

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

Yea: Thomas, Perry, Henson, Palmer, Smith.

Nay: None.

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

ORDER #15277 ORDER DECLARING 1993 FORD F-150 REGULAR CAB TRUCK,
VIN NO. 1FDTF15Y9NA71828, CONTROL NO. 267-05 SURPLUS
AND NO LONGER NEEDED BY THE CITY OF MERIDIAN,
REMOVING FROM SERVICE AND AUTHORIZING SURPLUS
VEHICLE TO BE TURNED OVER TO THE INSURANCE COMPANY

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

Yea: Thomas, Perry, Henson, Palmer, Smith.

Nay: None.

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

ORDER #15278 ORDER DECLARING TEN (10) CONCRETE PLANTERS SURPLUS
AND NO LONGER NEEDED BY THE CITY OF MERIDIAN AND
AUTHORIZING THE DONATION OF SAID PLANTERS TO MERIDIAN
MAIN STREET FOR DOWNTOWN BEAUTIFICATION

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

RESO. #5790 RESOLUTION DECLARING CERTAIN MUNICIPALLY OWNED REAL
PROPERTY TO BE SURPLUS AND NOT NEEDED FOR MUNICIPAL
PURPOSES AND AUTHORIZING AND DIRECTING SALE OF SAME
(701 23RD AVENUE – OLD TELEPHONE COMPANY)

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

ORDER #15279 ORDER AUTHORIZING THE EXECUTION OF EASEMENT FOR
RIGHT-OF-WAY IN FAVOR OF MISSISSIPPI POWER COMPANY

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

RESO. #5791 AN INTENT RESOLUTION TO AUTHORIZE THE CREATION OF A
JOINT WATER AND WASTEWATER MANAGEMENT DISTRICT FOR
THE PURPOSES OF ACQUIRING, CONSTRUCTING AND OPERATING
ADEQUATE WATER SUPPLY SYSTEMS, CONSERVING WATER
RESOURCES, DEVELOPING ADDITIONAL. WATER RESOURCES,
AND PERFORMING SUCH WATER AND WASTEWATER MANAGEMENT
FUNCTIONS NOW OR HEREAFTER DETERMINED TO BE NECESSARY
OR APPROPRIATE; TO PROMOTE AND MAINTAIN A REGIONAL
WATER AND WASTEWATER SYSTEM; TO PROVIDE GEOGRAPHICAL
BOUNDARIES OF THE DISTRICT; TO DECLARE THE NECESSITY FOR

THE CREATION OF THE DISTRICT; TO PROVIDE FOR THE HOLDING OF A PUBLIC HEARING REGARDING THE FORMATION OF SUCH DISTRICT; TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS TO SERVE AS A BOARD OF COMMISSIONERS FOR SUCH DISTRICT; TO PROVIDE FOR CERTAIN METHODS OF FUNDING AND THE EXPENSES AND CAPITAL COST FOR SUCH DISTRICT; AND RELATED MATTERS

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

Yea: Thomas, Perry, Henson.
Nay: Palmer, Smith.

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

RESO. #5792 RESOLUTION AUTHORIZING \$500.00 FOR RILEY CENTER RENTAL
FOR AMERICAN PLANNING ASSOCIATION MISSISSIPPI CHAPTER
2012 ANNUAL CONFERENCE

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

ORDER #15280 ORDER ACCEPTING LOW BIDS FOR 12 MONTH SOURCE OF
SUPPLY FOR PIPES, VALVES & FITTINGS

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

ORDER #15281 ORDER ACCEPTING THE BID OF CONSTRUCTION PLUS,LLC
MERIDIAN, MS FOR DEMOLITION OF STRUCTURES IN THE
AMOUNT OF \$62,300.00 (34 HOUSES)

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

ORDER #15282 ORDER ACCEPTING THE BID OF CREEL DEVELOPMENT, INC.
FOR CONSTRUCTION OF #9 FIRE STATION IN THE AMOUNT OF
\$844,500.00 AND AUTHORIZING EXECUTION OF CONTRACT

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

ORDER #15283 ORDER AUTHORIZING EXECUTION AND ACCEPTANCE OF FISCAL
YEAR 2010 ODP HOMELAND SECURITY GRANT PROGRAM AWARD
FROM THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY AND
EXECUTION OF GRANT RECIPIENT AGREEMENT (GRANT NO.
A10HS258T)

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

ORDER #15284 ORDER AUTHORIZING THE EXECUTION OF MEMORANDUM OF
UNDERSTANDING BETWEEN THE MISSISSIPPI NATIONAL GUARD
COUNTER DRUG PROGRAM AND THE CITY OF MERIDIAN

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

Yea: Thomas, Perry, Henson, Palmer, Smith.
Nay: None.

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

ORDER #15285 ORDER AUTHORIZING SUBMISSION OF APPLICATION FOR
HAZARD MITIGATION GRANT THROUGH THE MISSISSIPPI
EMERGENCY MANAGEMENT AGENCY (MEMA)

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

Yea: Thomas, Perry, Henson, Palmer, Smith.

Nay: None.

Motion was made by Councilwoman Henson duly seconded by Councilman Palmer and unanimously passed by the Council to approve the claims docket dated August 16, 2012 in the amount of \$3,274,745.67.

VETO PACKET NO. 106

Council President Thomas asked if there was a motion to over-ride the Mayor's veto of Order No. 15270. There was no motion or second to over-ride, therefore, no action was taken.

VETO PACKET NO. 107

Council President Thomas asked if there was a motion to over-ride the Mayor's veto of Order No. 15275. Motion was made by Councilman Smith duly seconded by Councilman Palmer to over-ride the Mayor's veto of Order No. 15275. Councilman Palmer stated that he talked to someone at MDOT who assured him that even though the city had already applied for a TEP grant that applying for another one would not hurt the chances of the first grant being approved. Mayor Barry stated that the TEP grant they applied for was for improvements to 5th Street. She said that there was only a certain amount of money that would be given out in TEP grants in the Central District that Meridian is located in. She feels that applying for another TEP grant would cause a conflict between the two grants and that they would be competing against each other. Councilman Palmer said that he was advised that this would not be so. Council President Thomas asked City Attorney Walton if he had any advised to give to the City Council. Mr. Walton stated that no action was taken in regard to the Mayor's veto of Order No. 15270. When the City Council adopted Order No. 15270 the original proposal on the agenda was to amend the professional service agreement with Kemp Associates to amend the rates they are being charged by Kemp Associates. Added to that proposed agenda item was directions that the city apply for a specific grant and also to study flood control issues in the city. Those two things are certainly within the Council's authority but added to that was direction that Kemp Associates be hired to do this. Under State Statute the City Council is given authority to employ a clerk of council and any deputy clerks as needed and to employ an independent auditor to do the audit. Beyond that the City Council does not have any authority to employ someone. There are two Attorney General Opinions that have been issued that speak to this. One states that the City Council cannot be involved in the selection or evaluation process of hiring professionals. The other states that the City Council does not have the power to employ professionals. If you do that, you are crossing the line of separation of powers between the legislative and executive divisions. The City Council can request that grants be applied for and studies be done but they can't say who will do this. Councilman Smith stated that Mr. Walton did not mention another authority the City Council has and that is to handle the "purse strings" of the city. Council President called for the vote on motion and second to over-ride the Mayor's veto of Order No. 15275. Said motion and second failed due to the lack of a majority vote. Voting yea: Palmer, Smith. Voting nay: Thomas, Perry, Henson.

President Thomas advised of the notification of legal advertisement for the following: a) hydrated lime; b) hydrofluorosilicic acid; c) liquid alum; d) liquid chlorine; e) polymer; f) sulfur dioxide.

President Thomas called on Mayor Barry for her report. She read a progress report on the new police complex. She congratulated Wesley United Methodist Church on the 100th anniversary. Dixie Thunder Run will be held in Meridian on August 31st and September 1st at Bonita Lakes. Southern Justice will be performing at the Temple Theater. The city is participating in the Fight the Bite project to kill mosquitoes. The city will notice that the fog machine will run more frequently. She thanked everyone for supporting the renovations at Ray Stadium. The employee council will be holding a rubber duck race in conjunction with another organization. She said she visited with local schools. Council President Thomas asked about where the matter of damages on city hall stood. City Attorney Walton advised that that Mr. Butler met with him and the architect. They discussed how many days the city has the right to claim damages for. Mr. Butler was involved in an accident and died. There has been no further discussion since his death. Mr. Walton said the contractor is supposed to get some more information to him. Council President Thomas said the construction was for two 17-month contracts. Mr. Walton said that he needs an order from the City Council directing that a claim be made and depending on the response to authorize the city to pursue the claim. This will be placed on the next agenda for action. Public Works Director Monty Jackson advised that household hazardous waste day will be held on September 15th and there will be two locations to drop off this waste – public works complex and next to the bowling alley on North Hills Street. He advised that Lauderdale County has done some paving in the last few months. The STP paving project will begin on Wednesday, August 22nd. The city's paving project is coming along. The specs should be ready by this Thursday and they will have 30 days to advertise for bids.

President Thomas called for citizen comments. Those appearing to speak were: 1) Jimmy Kemp with Kemp Associates; 2) John Martin, 2326 32nd Street.

President Thomas called for council comments. Various comments were made.

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