

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, March 7, 2017 at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: City Attorney Kenny Stockton, Court Clerk Cassandra Perry, Planning Director Jared Darby, Police Chief Scott Worsham, Human Resources Manager Julie Harris, Fire Chief Hubert Jones, Public Works Director Gary McElhannon, Henry Bailey, Jim Bob Liston, Vickey McLendon, Hosie Porter, Kathy White, Sandra McElhannon, Bob Ginn, Wesley Callahan, Maddie Jones, Mary Gray, and Ben Piper.

INVOCATION

Alderman Higdon gave the invocation.

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

March 7, 2017

6:00pm

- 1) Call the meeting to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 117083 – 117235 less 117090 and 117183
- 5) Approve Docket of Claims No.'s (Lauderdale) 117090 and 117183
- 6) Approve Minutes
- 7) Consent Agenda
 - A) Authorize a step raise for Crystal Kester Whitney from a D3 at \$16.43 per hour to a D4 at \$18.55 per hour
 - B) Authorize Chief Hubert Jones, M. Berry, M. Massey, and S. Witt to attend the MS Fire Investigators Association (MFIA) Spring Seminar in Biloxi, MS on March 29-31, 2017, and approve registration and travel expenses
 - C) Authorize Joanna Herring to attend the MS Emergency Medical Technicians Association (MEMTA) Educational Conference in Vicksburg, MS on April 28-30, 2017, and approve registration and travel expenses
 - D) Authorize Captain Kyle Hodge to attend the Leadership and Management Seminar Conducting and Managing Internal Affairs Investigations in Southaven, MS on April 3-7, 2017, and authorize to pay registration.
- 8) Planning Commission Appeal for Design Variance, submitted by Land Development Resources. The variance request is for Article 7, Section (d), Paragraph 6 of the Design Regulations (parking lot standards). Subject property consists of one parcel totaling 43.18 acres and is zoned C-2, highway commercial. The subject property is better known as parcel: 208624000002300; situated in Section 24, Township 2 South, and Range 8 West (File: PL-1209) (this item was tabled from the February 21st Board Meeting per the request from Land Development Resources)
- 9) Request from the Hernando Optimist Club to temporarily close streets for the A'Fair
- 10) Request from the Hernando Optimist Club for sponsorship of the A'Fair

- 11) Request from Angela Lashlee to close Panola Street on October 14, 2017 from 10am to 10pm for the Hamm/Dakota Dooley wedding reception
- 12) Authorize to give Mark Foster in the Fire Department a raise of \$0.20 per hour for EMT-B Certification
- 13) Authorize to hire Hosie Patrick Porter as an Uncertified Police Officer with a rate of \$15.72 per hour
- 14) Authorize to give Neil Waldrop a \$2.68 per hour raise for becoming a Certified Water Operator
- 15) Appoint Robert Quimby as Judge for City Court
- 16) Authorize Mayor Johnson to sign the contract with Syscon for court software
- 17) Approve Budget Amendments fye 2017
- 18) Discussion of feasibility study in conger park (by Alderman McLendon)
- 19) Executive Session for Water Negotiations
- 20) Adjourn

Motion was duly made by Alderwoman Brooks, and seconded by Alderman Higdon to approve the agenda as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017.

APPROVE DOCKET OF CLAIMS NO.'S 117083 – 117235 LESS 117090 AND 117183

The Board of Aldermen were presented with a docket of claims No. 117083 – 117235 less 117090 and 117183 in the amount of \$1,014,192.92 for approval.

Motion was duly made by Alderman McLendon and seconded by Alderman Hobbs to approve the docket of claims for payment as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Lauderdale.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

APPROVE DOCKET OF CLAIMS NO.'S 117090 AND 117183 (LAUDERDALE)

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 117090 and 117183 in the amount of \$40,550.50 for approval.

Motion was duly made by Alderman Hobbs, and seconded by Alderman Higdon to approve the docket of claims for payment as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON FEBRUARY 21, 2017

Motion was duly made by Alderman Miller, and seconded by Alderman Hobbs to approve the Minutes from the regular Board Meeting on February 21, 2017 as presented. A vote was taken with the following results:

Those voting "Aye": Alderman McLendon, Alderman Hobbs, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

Alderwoman Brooks and Alderman Lauderdale abstained from voting.

ORDERED AND DONE this the 7th day of March, 2017

CONSENT AGENDA

- A) Authorize a step raise for Crystal Kester Whitney from a D3 at \$16.43 per hour to a D4 at \$18.55 per hour
- B) Authorize Chief Hubert Jones, M. Berry, M. Massey, and S. Witt to attend the MS Fire Investigators Association (MFIA) Spring Seminar in Biloxi, MS on March 29-31, 2017, and approve registration and travel expenses
- C) Authorize Joanna Herring to attend the MS Emergency Medical Technicians Association (MEMTA) Educational Conference in Vicksburg, MS on April 28-30, 2017, and approve registration and travel expenses
- D) Authorize Captain Kyle Hodge to attend the Leadership and Management Seminar Conducting and Managing Internal Affairs Investigations in Southaven, MS on April 3-7, 2017, and authorize to pay registration.

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to approve the consent agenda as presented. A vote was taken with the following results:

Those voting "Aye": Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

PLANNING COMMISSION APPEAL FOR DESIGN VARIANCE, SUBMITTED BY LAND DEVELOPMENT RESOURCES. THE VARIANCE REQUEST IS FOR ARTICLE 7, SECTION (D), PARAGRAPH 6 OF THE DESIGN REGULATIONS (PARKING LOT STANDARDS). SUBJECT PROPERTY CONSISTS OF ONE PARCEL TOTALING 43.18 ACRES AND IS ZONED C-2, HIGHWAY COMMERCIAL. THE SUBJECT PROPERTY IS BETTER KNOWN AS PARCEL: 208624000002300; SITUATED IN SECTION 24, TOWNSHIP 2 SOUTH, AND RANGE 8 WEST (FILE: PL-1209)(this item was tabled from the February 21st Board Meeting per the request from Land Development Resources)

Jared Darby went over the appeal, along with the Planning Commission report. The appeal is for lime stone parking. The applicant wants to use lime stone for parking. The Planning Commission denied that request.

Alderman McLendon asked why are there no conditions.

Jared Darby answered because this is not a conditional use permit, this is a variance, varying from an Ordinance.

Alderman Hobbs asked why would the Planning Commission grant Kubota a gravel parking lot and not this one.

Jared Darby answered that it is his understanding that the Planning Commission at that time granted it because Kubota has off road vehicles.

Alderman McLendon asked if 18 wheelers were considered when the ordinance was done.

Mayor Johnson answered no. He thinks the ordinance was done around 2001.

Bob Ginn, 342 W Valley, stated that back on September 9, 2014, we made the presentation and was approved for Kubota. Mr. Pirtle, on the Planning Commission, stated that his company has concrete for 18 wheelers and it is torn up. I'm here with Mr. Wilkins. He wants to move his business here from Olive Branch. It is a large building, behind the building (North to MDOT's building) will be 5-10 acres of overflow parking. The financial burden is not practical. Large farm tractors weigh between 15,000 – 25,000 lbs, a cab on a semi is 16,000 – 21,000 lbs, an empty trailer is 30,000 – 35,000 lbs, and a loaded trailer is 80,000 – 85,000 lbs. He has people coming in and out with loaded trailers to visit, and look at other trucks. I have researched and found that freight trucks cause 99% of damage to roads. One 18-wheeler does the same damage as 9,600 cars. From a practical stand point, Mr. Wilkins is asking for the area behind the building to be line stone.

Alderman Higdon stated that he went to Southaven and they have no gravel parking lots, it is all cement. Brooks Road is huge, paved lots.

Alderman Lauderdale stated that exceptions bring long term consequences that are never intended for areas zoned commercial. How do retail businesses get their goods to stores? Why do we require them to pave? Their pavement is fine.

Bob Ginn stated that he doesn't think Mr. Lauderdale was comparing apples to apples.

Alderman Lauderdale answered he was, they use 18 wheelers as well.

Alderman Hobbs asked if there would be curb.

Mayor Johnson answered yes, there has to be.

Alderman Hobbs asked Mr. Ginn if he understood what Mr. Darby and Mr. Lauderdale were saying. If we change it, that would set a precedence. I'm willing to work with you. Maybe we can put a committee together.

Bob Ginn stated that he liked that idea.

Alderman McLendon sked if the golf cart place has gravel.

Jared Darby answered that it some gravel and some paved.

Alderman Hobbs asked if he could do a variance for it.

Jared Darby answered that is what he is doing.

Alderman McLendon asked why did the Planning Commission let Kubota and not this one.

Jared Darby answered that it is his understanding that Kubota has off road equipment, and they needed an area for test driving.

Alderman McLendon stated so no 18 wheelers can drive on our streets.

Jared Darby answered that our streets are up to standards for 18 wheelers to be able to drive on them.

Alderman Lauderdale stated that we have a lot of empty property zoned commercial. We need to be careful what we do. Some that have gravel are grandfathered in, it was before this ordinance.

Alderman McLendon stated that he doesn't know why a weight limit / tonnage couldn't be considered.

Jared Darby stated that every retail commercial has 18 wheelers that go on property, you couldn't do that for everyone.

Alderman Hobbs stated yes, we can word it how we want to.

Mr. Wilkins stated that H&E in Memphis has limestone. I want it to look good. Even if you didn't request it. I just don't want to maintain asphalt parking. The area is in the back, hidden. It will look better than other buildings around it.

Alderman McLendon asked how long will trucks stay.

Mr. Wilkins answered hopefully no longer than 10 days.

Alderman McLendon asked if he just did sales and servicing.

Mr. Wilkins answered yes.

Alderman Lauderdale stated that you say it's going to be hidden, what if we get an applicant on I69 and McIngvale, what do we tell them?

Does visibility matter.

Alderman Hobbs stated that we could add it.

Jared Darby answered yes.

Alderman Higdon stated that we can change the ordinance, but we have to look at it. I think what Mr. Hobbs said is a good idea. A committee.

Alderman McLendon asked what the time line to start would be.

Mr. Wilkins stated that he is ready to go right now.

Alderman McLendon asked how long it would take to do the process.

Alderman Hobbs stated he thinks two weeks.

Mayor Johnson stated that it would take longer than two weeks.

Jared Darby stated about 6 – 8 weeks. We have to advertise, hold a public hearing, the Planning Commission recommendations.

Kenny Stockton stated that it would go into effect 30 days after approved.

Mr. Wilkins stated that he thinks his business will also help jobs in the area.

Bob Ginn stated that it is weird that its commercial and not industrial.

Alderman McLendon asked it that could be done, to change to industrial.

Kenny Stockton answered that it could be done.

Alderman Hobbs asked how long of a time frame.

Jared Darby answered that amending the ordinance, and zoning map amendment, maybe 12 weeks.

Alderman McLendon asked if we could put stipulations on how long trucks can sit there.

Jared Darby answered no. Mr. Darby stated that the parking structure is still the same. You can store vehicles on lime stone, but have no access for vehicles.

Alderman McLendon asked if a trailer is considered equipment.

Kenny Stockton answered yes.

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to table this item until the April 4, 2017 Board Meeting for further review from a committee including Alderman Hobbs, Alderman Lauderdale, Alderman McLendon and Jared Darby will get together for a recommendation to possibly change the design guidelines ordinance. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderwoman Brooks.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

**REQUEST FROM THE HERNANDO OPTIMIST CLUB TO TEMPORARILY CLOSE
STREETS FOR THE A'FAIR**

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to approve the request from the Hernando Optimist Club to temporarily close streets for the A'Fair. A vote was taken with the following results:

Those voting "Aye": Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

**REQUEST FROM THE HERNANDO OPTIMIST CLUB FOR SPONSORSHIP OF THE
A'FAIR**

Motion was duly made by Alderwoman Brooks and seconded by Alderman Miller to approve the request from the Hernando Optimist Club for sponsorship of the A'Fair in the amount of \$750.00. A vote was taken with the following results:

Those voting "Aye": Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

**REQUEST FROM ANGELA LASHLEE TO TEMPORARILY CLOSE PANOLA STREET
ON OCTOBER 14, 2017 FROM 10AM TO 10PM FOR THE HAMM/DAKOTA DOOLEY
WEDDING RECEPTION**

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to approve the request from Angela Lashlee to temporarily close Panola Street on October 14, 2017 from 10am to 10pm for the Hamm/Dakota Dooley wedding reception, after receiving the signatures of approval from businesses on that street. A vote was taken with the following results:

Those voting "Aye": Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

Alderman Miller asked Mr. Stockton to look into the legality of the City charging a fee for people to rent the street.

**AUTHORIZE TO GIVE MARK FOSTER IN THE FIRE DEPARTMENT A RAISE OF \$0.20
PER HOUR FOR EMT-B CERTIFICATION**

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize to give Mark Foster in the Fire Department a raise of \$0.20 per hour for EMT-B certification, based on the Personnel Committee's recommendation, following the recommendation if the Fire Chief. A vote was taken with the following results:

Those voting "Aye": Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

AUTHORIZE TO HIRE HOSIE PATRICK PORTER AS AN UNCERTIFIED POLICE OFFICER WITH A RATE OF \$15.72 PER HOUR

Motion was duly made by Alderman Higdon and seconded by Alderman McLendon to authorize to hire Hosie Patrick Porter as an uncertified Police Officer with a rate of \$15.72 per hour, based on the recommendation of the Personnel Committee, following the recommendation of the Police Chief. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderwoman Brooks.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

Police Chief Worsham spoke about how Mr. Porter has given a lot for his City, has helped and volunteered without pay, and has given up a lot to be here.

AUTHORIZE TO GIVE NEIL WALDROP A \$2.68 PER HOUR RAISE FOR BECOMING A CERTIFIED WATER OPERATOR

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to give Neil Waldrop a \$2.68 per hour raise for becoming a Certified Water Operator, based on the Personnel Committee's recommendation, following the recommendation of the Public Works Director. A vote was taken with the following results:

Those voting "Aye": Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

APPOINT ROBERT QUIMBY AS JUDGE FOR CITY COURT

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to appoint Robert Quimby as Judge for City Court. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Lauderdale.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

AUTHORIZE MAYOR JOHNSON TO SIGN THE CONTRACT WITH SYSCON FOR COURT SOFTWARE

Alderman Miller asked if they were happy with this choice.

Cassandra Perry stated that from what she has seen when visiting another City using the software, and demos with the Company, she is impressed with the software and think it will work out great.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize Mayor Johnson to sign the contract with Syscon for Court Software. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of February, 2017

APPROVE BUDGET AMENDMENTS FYE 2017

**ORDER AMENDING BUDGET FOR FISCAL YEAR ENDING
SEPTEMBER 30, 2017**

Pursuant to Section 21-35-25 of the Mississippi Code 1972, Annotated, it is hereby ordered by the Mayor and Board of Aldermen of the City of Hernando, DeSoto County, State of Mississippi, that the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2017, be amended and approved to wit:

<u>UTILITY FUND</u>	<u>PRIOR BUDGET</u>	<u>AMENDMENT</u>	<u>NEW BUDGET</u>
REVENUE			
LOAN PROCEEDS	\$0.00	\$135,000.00	\$135,000.00
EXPENDITURES			
OTHER SERVICES AND CHARGES	\$2,984,469.00	\$10,347.00	\$2,974,122.00
CAPITAL IMPROVEMENT	\$279,000.00	\$10,347.00	\$289,347.00
DEBT SERVICE	\$27,274.00	\$114,553.00	\$141,827.00
CONTINGENCY	\$8,658.00	\$114,553.00	\$105,895.00

BE IT ORDERED, that the Budget of Estimated Revenues and Expenditures for the Fiscal Year Ending September 30, 2017, for the City of Hernando, Mississippi be amended in the following respects:

BE IT FURTHER ORDERED that these amendments are necessary in the following funds:

Utility Fund – We increased revenues due to a loan for a knuckleboom truck, and expenses due to the loan payment for a knuckleboom truck, expenses for training, and equipment.

IT IS FURTHER ORDERED by the Mayor and Board of Aldermen that the foregoing budget amendments shall be published one (1) time as required by law in the DeSoto Times Tribune, a newspaper of general circulation in said city, fully qualified under the provisions of Chapter 497, General Laws of Mississippi, if amendment meets the requirements to be published.

Each amendment having been presented separately and as a whole, motion was duly made by Alderman Higdon, seconded by Alderman Hobbs, to adopt the foregoing resolution amending the budget of the City of Hernando. A roll call vote was taken with the following results:

Those voting “Aye”: Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, and Alderman Miller.

Those voting “Nay”: None.

ORDERED AND DONE this the 7th day of March, 2017.

Chip Johnson, Mayor

Attest:

Katie Harbin, City Clerk

DISCUSSTION OF FEASIBILITY STUDY IN CONGER PARK (BY ALDERMAN MCLENDON)

Alderman McLendon stated that Conger Park is sentimental to him and his family. In 2000, the kids and the community got together and helped with the park. Over 17 years the park has gone down from wear and tear. There are torn and missing pieces, it is becoming a liability. A group has come to me and wants to pay for a feasibility study to be done. This is a group that does Parks nationwide. It needs to be restored. There are grants now that could help. Conger Park is something that is special to a lot of people.

Mayor Johnson asked if someone was going to bring the information to him so his office can handle it?

Alderman McLendon said yes.

GO INTO CLOSED SESSION TO DISCUSS GOING INTO EXECUTIVE SESSION FOR WATER NEGOTIATIONS

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to authorize to go into closed session to discuss going into executive session for water negotiations. A vote was taken with the following results:

Those voting "Aye": Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

GO INTO EXECUTIVE SESSION FOR WATER NEGOTIATIONS

Motion was duly made by Alderman Higdon and seconded by Alderman McLendon to go into executive session for water negotiations. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderwoman Brooks.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

COME OUT OF EXECUTVIE SESSION FOR WATER NEGOTIATIONS

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to come out of executive session for water negotiations. A vote was taken with the following results:

Those voting "Aye": Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of March, 2017

AUTHORIZE MAYOR JOHNSON TO SIGN A PURCHASE AGREEMENT WITH NORTH MISSISSIPPI WATER ASSOCIATION FOR THE THEIR WATER SYSTEM

Alderman Miller sated that he cannot support this because he doesn't have the revenue numbers in front of him.

Motion was duly made by Alderman Higdon and seconded by Alderman McLendon to come out of executive session for water negotiations. A vote was taken with the following results:

Those voting "Aye": Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, and Alderman Bryant.

Those voting "Nay": Alderman Miller.

ORDERED AND DONE this the 7th day of March, 2017

ADJOURN

There being no further business at this time a motion was duly made by Alderman Lauderdale, seconded by Alderman Bryant to adjourn.

Motion passed with a unanimous vote of "Aye".

MAYOR CHIP JOHNSON

ATTEST:

KATIE HARBIN, CITY CLERK