

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, December 18, 2012 at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Sam Lauderdale, Sonny Bryant, Andrew Miller, Gary Higdon, Jamie Tipton, Marcus Manning, and Jeff Hobbs.

Also present for the meeting were: City Clerk Katie Subia, City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Planning Director Jared Darby, Fire Chief Hubert Jones, Public Works Director Gary McElhannon, Assistant Public Works Director Bobby Burton, Parks Director Dewayne Williams, Assistant Parks Director Melissa Zizmann, Athletic Coordinator Yashiva Edwards, Police Officer Bramlett, Stan Shepherd, Tiffany Heard, Henry Bailey, Rob Long, and Carl S. Dhority.

INVOCATION

Alderman Miller gave the invocation.

APPROVAL OF AGENDA

Motion was duly made by Alderman Tipton, 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 Tipton, Alderman Manning, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December 2012.

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

December 18, 2012

6:00pm

- 1) Call the meeting to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 96519 – 96740, less 96525 – 96527 (these are duplicates, corrected after printing) 96528, and 96529
- 5) Approve Docket of Claims No.'s (Lauderdale) 96528
- 6) Approve Docket of Claims No.'s (Miller) 96529
- 7) Approve Minutes

8) Consent Agenda

- A) Authorize Mayor Johnson to attend the 2013 Washington Congressional Briefing on March 6-8, 2013 and to pay registration and travel expenses
- B) Authorize Katie Subia, Julie Harris, Denise Stringfellow and Dot Hughes to attend the 2013 Mississippi Municipal Clerks Spring Conference on March 20 – 22, 2013 in Natchez, MS, and authorize to pay registration and travel expenses

9) Planning Department

- A) Ordinance of the City of Hernando, Mississippi The Hernando Zoning Ordinance Amending Article XV Required Off-Street Parking and Loading
- B) Ordinance of the City of Hernando, Mississippi The Hernando Zoning Ordinance Amending Article II – Definitions and Article VIII Industrial Districts
- C) Preliminary- Final Plat, Charleston Rowe Subdivision Section E, Charleston Group, LLC

10) Discussion of the City of Hernando Amnesty Program by the City Attorney

11) Discussion on North and South Lagoon Closure project with Tiffany Heard from SSR

12) Authorize to call the Vaiden Ridge Bond

13) Authorize to Promote Stan Shepherd from part-time paramedic to full time EMS Supervisor

14) Authorize the Planning Department to purchase vehicle on state contract for the Building Official / Code Inspector

15) Discussion on water and sewer rates for the Nesbit Water Association customers area

16) Discussion on Baseball Uniform package options and League fees

17) Authorize the Mayor to sign the Annual Software Maintenance Agreement with BBI

18) Executive Session

19) Adjourn

APPROVE DOCKET OF CLAIMS NO.'S 96519 – 96740, LESS 96525 – 96527 (THESE ARE DUPLICATES, CORRECTED AFTER PRINTING), 96528, AND 96529

The Board of Aldermen were presented with a docket of claims No. 96519 – 96740, less 96525 – 96527 (these are duplicates, corrected after printing) in the amount of \$413,426.92 for approval.

Motion was duly made by Alderman Higdon, and seconded by Alderman Miller 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 Tipton, Alderman Manning, Alderman Hobbs, and Alderman Lauderdale.

Those voting “Nay”: None.

ORDERED AND DONE this the 18th day of December, 2012.

APPROVE DOCKET OF CLAIMS NO. 96528 (LAUDERDALE)

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 96528 in the amount of \$199,388.06 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 Tipton, Alderman Manning, Alderman Hobbs, and Alderman Bryant.

Those voting “Nay”: None.

ORDERED AND DONE this the 18th day of December, 2012

APPROVE DOCKET OF CLAIMS NO. 96529 (MILLER)

Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 96529 in the amount of \$37,733.71 for approval.

Motion was duly made by Alderman Manning, 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 Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Lauderdale, and Alderman Bryant.

Those voting “Nay”: None.

ORDERED AND DONE this the 18th day of December, 2012

APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON DECEMBER 4, 2012

Motion was duly made by Alderman Higdon and seconded by Alderman Manning to approve the Minutes from the regular Board Meeting on December 4, 2012. A vote was taken with the following results:

Those voting "Aye": Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay":

ORDERED AND DONE this the 18th day of December, 2012.

CONSENT AGENDA

- A) Authorize Mayor Johnson to attend the 2013 Washington Congressional Briefing on March 6-8, 2013 and to pay registration and travel expenses
- B) Authorize Katie Subia, Julie Harris, Denise Stringfellow and Dot Hughes to attend the 2013 Mississippi Municipal Clerks Spring Conference on March 20 – 22, 2013 in Natchez, MS, and authorize to pay registration and travel expenses

Motion was duly made by Alderman Miller and seconded by Alderman Manning to approve the Consent Agenda. A vote was taken with the following results:

Those voting "Aye": Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman Tipton.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012.

PLANNING COMMISSION

- A) Ordinance of the City of Hernando, Mississippi The Hernando Zoning Ordinance Amending Article XV Required Off-Street Parking and Loading
- B) Ordinance of the City of Hernando, Mississippi The Hernando Zoning Ordinance Amending Article II – Definitions and Article VIII Industrial Districts
- C) Preliminary- Final Plat, Charleston Rowe Subdivision Section E, Charleston Group, LLC

ORDINANCE OF THE CITY OF HERNANDO, MISSISSIPPI, THE HERNANDO ZONING ORDINANCE AMENDING ARTICLE XV REQUIRED OFF-STREET PARKING AND LOADING

**ORDINANCE OF THE CITY OF HERNANDO, MISSISSIPPI
THE HERNANDO ZONING ORDINANCE
AMENDING ARTICLE XV. REQUIRED OFF-STREET PARKING and LOADING**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF HERNANDO, STATE OF MISSISSIPPI:

THE PURPOSE OF THIS ORDINANCE AMENDMENT IS TO AMEND THE LANGUAGE IN THE FOLLOWING SECTION TO READ AS FOLLOWS.

Article XV, Paragraph (b), Section (iv):

No truck rated more than one (1) ton, trailer (low-boy, flat bed or any other trailer of any kind or character), tractor or other machines or heavy equipment shall be parked upon any residential property in the yard, driveway or on the adjacent street, other than for service and delivery purposes.

That in the event any part of this ordinance may be found to be invalid or unconstitutional by any court of competent jurisdiction then in such event the remaining ordinance provisions shall remain valid and enforceable. Any finding of any such invalidity or unconstitutional of any provision of this ordinance shall not render the whole ordinance void or invalid.

The effective date of this ordinance amending Article XV entitled Required Off-Street Parking and Loading and which amend specifically amends Paragraph (b), Section (iv) of the aforesaid Article XV shall become effective one month after its passage.

SO ADOPTED, on this the _____ day of December 2012.

MAYOR

Attested by:

City Clerk

(Seal)

VOTE:

<u>ALDERMEN</u>	<u>YEA</u>	<u>NO</u>
SAM LAUDERDALE	<u> X </u>	<u> </u>
SONNY BRYANT	<u> X </u>	<u> </u>
GARY HIGDON	<u> X </u>	<u> </u>
JEFF HOBBS	<u> X </u>	<u> </u>
MARCUS MANNING	<u> X </u>	<u> </u>
ANDREW MILLER	<u> </u>	<u> X </u>
JAMIE TIPTON	<u> X </u>	<u> </u>

ORDINANCE OF THE CITY OF HERNANDO, MISSISSIPPI, THE HERNANDO ZONING ORDINANCE AMENDING ARTICLE II – DEFINITIONS AND ARTICLE VIII INDUSTRIAL DISTRICTS

**ORDINANCE OF THE CITY OF HERNANDO, MISSISSIPPI
THE HERNANDO ZONING ORDINANCE
AMENDING ARTICLE II - DEFINITIONS, ARTICLE VII - PERMITTED USES
and
ARTICLE VIII INDUSTRIAL DISTRICTS**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF HERNANDO, STATE OF MISSISSIPPI:

THE PURPOSE OF THIS ORDINANCE AMENDMENT IS TO INCLUDE THE FOLLOWING DEFINITION AND WHICH SHALL READ AND BE FOUND AS FOLLOWS.

Article II, Paragraph (b), Section (iii):

Bail Bond Agency: A facility that houses the operations of licensed bail bond agents as defined by the Mississippi Code of 1972, Annotated, as Amended.

THAT FURTHER THE PURPOSE OF THIS ORDINANCE AMENDMENT IS TO INCLUDE THE FOLLOWING PERMITTED USE.

Article VII, Paragraph (c), Section (ii):

(31) Bail Bond Agency

THAT FURTHER THE PURPOSE OF THIS ORDINANCE AMENDMENT IS TO INCLUDE THE FOLLOWING USE:

Article VIII, Paragraph (a), Section (ii):

(23) Bail Bond Agency

That in the event any part of this ordinance may be found to be invalid or unconstitutional by any court of competent jurisdiction then in such event the remaining ordinance provisions shall remain valid and enforceable. Any finding of any such invalidity or unconstitutional of any provision of this ordinance shall not render the whole ordinance void or invalid.

That except to the extent as amended herein this Ordinance Amendment shall in no way affect the existing ordinance.

The effective date of this ordinance amending Article II, Paragraph (b) Section (iii) and Article VIII, Paragraph (a) Section (ii) and which amends those Articles and subsections as set out and which shall become effective one month after its passage.

SO ADOPTED, on this the 18th day of December 2012.

MAYOR

Attested by:

City Clerk

(Seal)

VOTE:

<u>ALDERMEN</u>	<u>YEA</u>	<u>NO</u>
SAM LAUDERDALE	<u>X</u>	___
SONNY BRYANT	<u>X</u>	___
GARY HIGDON	<u>X</u>	___
JEFF HOBBS	<u>X</u>	___
MARCUS MANNING	<u>X</u>	___
ANDREW MILLER	<u>X</u>	___
JAMIE TIPTON	<u>X</u>	___

**PRELIMINARY – FINAL PLAT, CHARLESTON ROWE SUBDIVISION SECTION E,
CHARLESTON GROUP, LLC**

Jared Darby presented the information.

Motion was duly made by Alderman Tipton, and seconded by Alderman Manning to approve the Preliminary Final Plat, Charleston Row Subdivision Section E, Charleston Group, LLC. A vote was taken with the following results:

Those voting “Aye”: Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, and Alderman Lauderdale.

Those voting “Nay”: None.

ORDERED AND DONE this the 18th day of December, 2012.

**DISCUSSION OF THE CITY OF HERNANDO AMNESTY PROGRAM BY THE CITY
ATTORNEY**

Kenny Stockton, City Attorney, presented the information on the Amnesty Program that the Court Department will be doing again this year. Mr. Stockton informed the Board that the program is basically the same as last year; they just want to start it a little earlier in the hopes of bringing in more revenue.

**DISCUSSION ON NORTH AND SOUTH LAGOON CLOSURE PROJECT WITH
TIFFANY HEARD FROM SSR**

Tiffany Heard, SSR, presented the Board with diagrams of the Lagoons and a cost sheet. Mrs. Heard went over the process of the Lagoon Closure. Mrs. Heard also handed out a document with a schedule of deadlines to meet throughout the project. Those dates are listed below. Mrs. Heard also informed the Board that they will hold a Pre-Construction Conference, with the date to be announced at a later time.

July 12, 2012 – submit a complete set of plans, specifications and contract documents on each construction contract, limited site certificates from the Loan Recipient and title counsel for all real property (eligible and ineligible), and other submittals if required.

October 10, 2012 – secure approval of plans, specifications and contract documents on each construction contract by the Department.

January 8, 2012 – by, but prior to advertisement for bids on each construction contract, submit clear site certificates from the Loan Recipient and title counsel for all real property (eligible and ineligible), secure necessary local funds for the project and submit proof of such funds, and submit any other required permits or clearances.

January 8, 2012 – advertise each construction contract for bids.

February 22, 2013 – by, but no later than 45 days after advertisement for construction bids on each construction contract, receive bids.

March 8, 2013 – by, but no later than 14 days after receipt of bids on each construction contract, submit the bid package, a loan amendment request, and all necessary executed professional services contracts.

March 15, 2013 – by, but no later than 21 days after receipt of bids on each construction contract, submit the bid package, a loan amendment request, and all necessary executed professional services contracts.

April 23, 2013 – by, but no later than 60 days after receipt of bids on each construction contract, execute and submit construction contract documents and issue and submit a copy of the notice to proceed.

August 6, 2013 – by, but no later than the contract completion date on each construction contract, complete construction (date may change due to approved change orders).

August 16, 2013 – by, but no later than 10 days after completion on each construction contract, notify the Department of construction completion.

September 5, 2013 – by, but no later than 30 days after the contract completion date on each construction contract, submit all change orders which include time extensions, or a request and justification for delaying Department's final construction observation.

September 5, 2013 – by, but no later than 30 days after the contract completion date on each construction contract, the Department will perform a final construction observation.

October 5, 2013 – by, but no later than 30 days after the Department’s final construction observation on each construction contract, the Loan Recipient must submit the final loan payment requests; approvable summary change order; record drawings for the entire project funded in whole or in part with WPCRLF funds; the engineer’s certification of compliance with plans, specifications, and contract documents; final professional services contract amendments, if any; and all other administrative forms and documents required.

AUTHORIZE TO CALL THE VAIDEN RIDGE BOND

Joe Frank Lauderdale spoke on the Vaiden Ridge Bond. Mr. Lauderdale stated that the bond is due on January 26th.

Michael Hawks was present.

Alderman Miller asked if the Bond money would cover the needed repairs.

Joe Frank Lauderdale answered yes, it should cover the streets, but was not sure about the sidewalks.

Michael Hawks stated that he received a quote of \$90,000.00 to repair the streets. He wanted to break the repair down in sections but instead he worked out a deal with the bank. The bank agreed to pay the letter of credit to the City, in the amount of \$100,000.00, and Mr. Hawks will pay the bank back. Therefore Mr. Hawks requested that the City to go ahead and call the letter of credit.

Motion was duly made by Alderman Tipton, and seconded by Alderman Miller to authorize the City to call the letter of credit for the bond on Vaiden Ridge. A vote was taken with the following results:

Those voting “Aye”: Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon.

Those voting “Nay”: None.

ORDERED AND DONE this the 18th day of December, 2012

AUTHORIZE TO PROMOTE STAN SHEPARD

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to authorize to promote Stan Shepherd from part time Paramedic to full time EMS Supervisor, per the Personnel Committee’s recommendation, following the Fire/EMS Chief’s recommendation. A vote was taken with the following results:

Those voting “Aye”: Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman Tipton.

Those voting “Nay”: None.

ORDERED AND DONE this the 18th day of December, 2012

AUTHORIZE THE PLANNING DEPARTMENT TO PURCHASE A VEHICLE ON STATE CONTRACT FOR THE BUILDING OFFICIAL / CODE INSPECTOR

Mayor Johnson stated that this is a State contract price. This is a better deal than the Nissan we were trying to get and it gets better mileage.

Motion was duly made by Alderman Tipton, and seconded by Alderman Higdon to authorize the Planning Department to purchase a 2013 Ford F150 in the amount of \$15,736.00. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Manning.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012

DISCUSSION ON WATER AND SEWER RATES FOR THE NESBIT WATER ASSOCIATION CUSTOMERS AREA

Mayor Johnson stated that Nesbit Water Association will start giving us their water usage readings for the customers that have their water and our sewer, so we can accurately charge them for their sewer usage. We wanted to inform the public that this will be going into effect.

Rob Long asked how many residents would this affect.

Bobby Burton answered about 450 residents.

DISCUSSION ON BASEBALL UNIFORM PACKAGE OPTIONS AND LEAGUE FEES

Alderman Miller asked if the rates are going up, and inquired about the no late registration after player evaluations.

Mayor Johnson answered yes, for non-residence it went up. Also stated that we have to have deadlines and stick to them, there absolutely has to be deadlines in a ball program, we will have to be pretty firm on that, we are a government and we can't make special rules for special people.

Alderman Miller stated that would not be right. If someone that just moved here wants their child to play ball and it's after the evaluations, which means their child just can't play.

Mayor Johnson stated that was a good point, we could make an exception for brand new residents.

Melissa Zizmann answered that they can handle a few that are after the cut off, if they can prove they just moved here. They just don't want people taking advantage of the system, or trying to get on certain teams.

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton approved the fee's presented, as recommended by the Parks Committee. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Lauderdale, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012

AUTHORIZE THE MAYOR TO SIGN THE ANNUAL SOFTWARE MAINTENANCE AGREEMENT WITH BBI

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to authorize the Mayor to sign the annual Software Maintenance agreement with BBI. A vote was taken with the following results:

Those voting "Aye": Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012

CLOSED SESSION

Motion was duly made by Alderman Tipton, and seconded by Alderman Higdon to go into closed session to discuss going into executive session to discuss project cloud. A vote was taken with the following results:

Those voting "Aye": Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012

COME OUT OF CLOSED SESSION

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to come out of closed session. A vote was taken with the following results:

Those voting "Aye": Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman Tipton.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012

GO INTO EXECUTIVE SESSION

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to go into executive session to discuss project cloud. A vote was taken with the following results:

Those voting "Aye": Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman Tipton.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012

COME OUT OF EXECUTIVE SESSION

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

Those voting "Aye": Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, and Alderman Manning.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012

EXECUTIVE SESSION

Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to authorize Mayor Johnson to sign a contract with Schulz Xtruded Products and Advantage Companies to purchase and resell this property in question after a contract is approved by our City Attorney that is advantageous to the City. A vote was taken with the following results:

Those voting "Aye": Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 18th day of December, 2012

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 SUBIA, CITY CLERK