

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, December 20, 2011 at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Sam Lauderdale, Sonny Bryant, Alderman 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, Fire Chief Hubert Jones, Police Chief Mike Riley, Deputy Police Chief Shane Ellis, Public Works Director Gary McElhannon, Henry Bailey, and Robert Long.

INVOCATION

Alderman Manning gave the invocation.

APPROVAL OF AGENDA

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to approve the agenda 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 20th day of December 2011.

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

December 20, 2011

6:00pm

- 1) Meeting called to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 92184 – 92339 less 92196, and `92198
- 5) Approve Docket of Claims No.'s (Lauderdale) 92196
- 6) Approve Docket of Claims No.'s (Miller) 92198
- 7) Approve Minutes
- 8) Consent Agenda

- A) Authorize Julie Harris and Gary McElhannon to attend LPA certification class in Jackson, MS on January 24th, 2012, and also authorize to reimburse for travel expenses.(this will include one night of hotel stay and no registration fee)
- 9) Discussion with the Edgewood Home Owners Association about Private Drive
- 10) NRCS / Thousand Oaks Drainage pipe repair approval
- 11) Authorize to approve the low and best quote for the Sewer Connection for Milam Subdivision to be paid for out of bond money
- 12) Authorize Fire Chief to remove 25 sections of 2 ½ rubber hose from the inventory and donate to the Sardis Fire Department
- 13) Authorize to hire full time Certified Firefighter Michael Heath Miller, at a rate of \$9.96 an hour
- 14) Authorize to hire full time non Certified Firefighter Justin Everette McFarlin, at a rate of \$8.06 an hour
- 15) Authorize to hire part time EMS Driver James Mark Kendrick, at a rate of \$9.25an hour
- 16) Authorize to hire part time EMS Driver Charlton Dale Crocker, at a rate of \$9.25 an hour
- 17) Authorize to hire full time certified police officer James Bradley Williams, at a rate of \$14.67 an hour
- 18) Adopt the Resolution of the City of Hernando Mississippi for approval and authorization to enter into a Tax Anticipation loan in the total amount of Eight Hundred Thousand Dollars (\$800,000.00)
- 19) Authorize Mayor Johnson to sign deed in favor of North American Electric once all lease payments are paid in full
- 20) Authorize to advertise for Request for Qualifications for parks Engineer/Designer
- 21) Adjourn

APPROVE DOCKET OF CLAIMS NO.'S 92184 – 92339 LESS 92196 AND 92198

The Board of Aldermen were presented with a docket of claims No. 92184 – 92339 less 92196 and 92198 in the amount of \$812,834.92 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 20th day of December, 2011.

APPROVE DOCKET OF CLAIMS NO.'S 92196 (LAUDERDALE)

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No.'s 92196 in the amount of \$186,980.65 for approval.

Motion was duly made by Alderman Tipton, and seconded by Alderman Manning 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 Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 20th day of December, 2011.

APPROVE DOCKET OF CLAIMS NO.'S 92198 (MILLER)

Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 92198 in the amount of \$35,227.42 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 20th day of December, 2011.

APPROVE MINUTES FOR REGULAR MEETING DECEMBER 6, 2011

Motion was duly made by Alderman Higdon and seconded by Alderman Tipton to approve the minutes of the regular meeting held on December 6, 2011. 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 20th day of December, 2011.

CONSENT AGENDA

- A) Authorize Julie Harris and Gary McElhannon to attend LPA certification class in Jackson, MS on January 24th, 2012, and also authorize to reimburse for travel expenses.(this will include one night of hotel stay and no registration fee)

Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to approve the consent agenda. 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 20th day of December 2011.

DISCUSSION WITH THE EDGEWOOD HOME OWNERS ASSOCIATION ABOUT PRIVATE DRIVE

Mayor Johnson - "The Home Owners Association wanted a more definite motion from the City about taking the road over. They are ready to move forward and they are about to make a monetary commitment. They are requesting that we change the motion from saying tentatively commit to taking the road, to read something like, if the criteria is met, the City will take the road."

Alderman Miller - "We had a long discussion on this before. We decided that we were not going to give approval until after, because we didn't want to commit before the work is done."

Alderman Tipton - "The problem is they don't trust the Board."

Alderman Miller - "we can't help that."

Alderman Tipton - "That is what I was told, that they don't trust we will take the road over when it is finished."

Alderman Manning - "That it is with that vague wording, it's not a matter of trust as long as the wording is correct. It's just a matter that the wording is vague. When people see vague wording they think that is just a loop hole to get out of responsibility."

Alderman Miller - "That we don't have responsibility to take that over."

Manning - "That it looks like with that vague language we are trying to get them to make improvements but not follow our promise to them. Many of the Home Owners have complained about the vague wording. I believe we sincerely voted on that with the sincere intent to take over that road as soon as they meet the criteria."

Alderman Higdon - "Does anyone have the exact wording in front of them?"

Mayor Johnson – “Kenny has it.”

Alderman Miller – “The intent was all along that we were not going to give approval prior to it happening.”

Alderman Tipton – “Kenny, what the motion said?”

Kenny Stockton – “It said, “The City would tentatively commit to accepting Sam Taylor Drive as a City Street provided that the title has been reviewed by the City Attorney, a report has been prepared by the City Attorney with a clear title, the street is brought up to the specifications provided, the Home Owners Association receives a majority vote to give the street to the City.””

Alderman Tipton - “Why don’t we just move that tentative sentence to the bottom, and say if all the above conditions are met the City will take over the street or the City will assume the street, however we want to word it just move that sentence to the bottom.”

Mayor Johnson – “take the word tentative out.”

Alderman Miller – “Kenny, was that a commitment or not, if you change it around?”

Kenny Stockton – “yes, if we just changed it around it would be.”

Alderman Miller – “that is the whole thing.”

Alderman Hobbs – “Why we wouldn’t commit to it if we are saying we are going to take it over if they meet the obligations.”

Alderman Miller – “You might have other situations too. Are you going to make a prior commitment that you are going to do it? We are talking about Private Drive, we aren’t talking about a street that was a City street.”

Alderman Manning – “They are outlaying the money. They are raising, doubling, their Home Owners Association dues. We are protecting all of the citizens of Hernando by not taking this on and paying for it entirely ourselves, yet they are on their own paying for the entire project to bring it up to City standards.”

Alderman Miller – “Was that or was that not a Private Drive, on their request, not our request? Wasn’t that their request that they have a Private Drive?”

Alderman Manning – “No it was not the Home Owners request.”

Alderman Miller – “They bought into it knowing it was a Private Drive.”

Alderman Manning – “I suspect that they had no idea, especially home owners that don’t have property facing Private Drive. I suspect that one developer and the county planning department built this the way they did, and probably most home owners bought their homes without any idea of that type of agreement.”

Alderman Tipton – “Other than those four or five on that drive.”

Alderman Higdon – “that Drive was originally in the County and then annexed by the City.”

Alderman Lauderdale – “Kenny, will you read the street specifications and see if that is definitive enough that we are comfortable with? To me it seems a little broad, that it could catch us.”

Kenny Stockton – “The phrase said that “the street is brought up to the specifications provided”. I think that night, we had the City standard there and we provided them with a copy.”

Alderman Higdon – “We did give them a copy but we waived curb and gutter.”

Mayor Johnson – “Because that isn’t a standard over there.”

Kenny Stockton – “But they will have to do some soil.”

Alderman Higdon – “I think we could make a much better motion than that, and tie it down really tight.”

Alderman Lauderdale – “Yes, I think that needs to be tighten down more because it could be taken over below City specifications except for that one waiver on the curb and gutter, which there is no mention of.”

Mayor Johnson – “I think what the Board is trying to say is to bring it up to today’s current City Street Standards, which we have adopted recently. With the exception of curb and gutter, and the width of the street doesn’t have to be quite as wide, because it doesn’t need to be as wide. Joe Frank, do you have the width?”

Joe Frank Lauderdale – “I think there was some mention of us having a right of way. I think the street is 18 or 20 feet wide, it is on the plat.”

Mayor Johnson – “That is plenty wide, just to service those few homes.”

Alderman Tipton – “It sounds like we will need a copy of exactly what we approved, because I think that had Joe Frank’s specifications on there.”

Alderman Lauderdale – “We may need them to present those specifications to the Board before the work is done, and the Board sign off on what those specifications are. Because I can see where we could get through it and they think they have done what the Board asked and when we read it, it’s not what our regulations are. We need it in writing a little bit tighter.”

Alderman Manning – “I don’t disagree with that. Our discussion is exactly the same as the one their Home Owners Association has. They have an insecurity of the Boards tentative motion and here we are now with insecurity with the Home Owners Associations actions on paving that

street, to what level. So it does sound like if we are each going to have these concerns then they need to be addressed up front.”

Alderman Lauderdale – “I think that would clear up conflict.”

Kenny Stockton – “We could table it, until we get it written.”

Alderman Lauderdale – “We need to get it to them and let them look at it.”

Kenny Stockton – “They have to vote anyway, they haven’t voted with their Home Owners Association.”

Mayor Johnson – “In the mean time you, Kenny, could come back to us with Joe Frank’s specifications on the road, but what you deem the proper wording for the motion to cover us from all angles, the Home Owners and the City.”

Alderman Lauderdale – “I don’t have a conflict with it; I just want it a little tighter in writing. So in the future if this came up again then this doesn’t catch us.”

Kenny Stockton – “I want to make sure, going back to the original motion, that the street is brought up to our current specifications the Mayor just said, with the exceptions of the curb and gutter and the width, and the right of way, what about that.”

Joe Frank Lauderdale – “They will have to come up with some kind of document that describes what the right of way is.”

Kenny Stockton – “I did get a copy of the title report and the legal description is vague at best. I think that if we are going to accept the deed to it, we need a good legal description of what we are going to own.”

Alderman Lauderdale – “We usually get the packets on Friday’s, can we get this probably a week in advance?”

Mayor Johnson – “As soon and Kenny and Joe Frank have this ready I will get it emailed and/or hand delivered to everyone.”

Alderman Lauderdale – “When we get it, there could be some more questions that we have.”

Kenny Stockton – “I will just prepare the draft, then let the Board say if it is correct or not.”

NRCS / THOUSAND OAKS DRAINAGE PIPE REPAIR APPROVAL

Joe Frank Lauderdale presented the information.

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Higdon to authorize the Mayor to enter in a contract with NRCS for Thousand Oaks Drainage pipe repair. 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 20th day of December 2011.

AUTHORIZE TO APPROVE THE LOW AND BEST QUOTE FOR THE SEWER CONNECTION FOR MILAM SUBDIVISION TO BE PAID FOR OUT OF BOND MONEY

Joe Frank Lauderdale presented the information.

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to authorize to approve the low and best quote from Cleveland Construction, at a price of \$20,375.00, for the sewer connection for Milam Subdivision, to be paid for out of bond money. 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 20th day of December 2011.

AUTHORIZE FIRE CHIEF TO REMOVE 25 SECTIONS OF 2 ¼ RUBBER HOSE FROM THE INVENTORY AND DONATE TO THE SARDIS FIRE DEPARTMENT

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to authorize Fire Chief to remove 25 sections of 2 ¼ rubber hose from the inventory and donate to the Sardis Fire Department. 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 20th day of December 2011.

AUTHORIZE TO HIRE FULL TIME CERTIFIED FIREFIGHTER MICHAEL HEATH MILLER, AT A RATE OF \$9.96 AN HOUR

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon that the personnel committee recommends to hire full time certified Firefighter Michael Heath Miller, with a pay of \$9.96 an hour, per the recommendation of the Fire Chief. 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 20th day of December 2011.

AUTHORIZE TO HIRE FULL TIME NON CERTIFIED FIREFIGHTER JUSTIN EVERETTE MCFARLIN, AT A RATE OF \$8.06 AN HOUR

Motion was duly made by Alderman Higdon, and seconded by Alderman Bryant that the personnel committee recommends hire full time non certified Firefighter Justin Everette McFarlin, with a pay of \$8.06 an hour, per the recommendation of the Fire Chief. 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 20th day of December 2011.

AUTHORIZE TO HIRE PART TIME EMS DRIVER JAMES MARK KENDRICK, AT A RATE OF \$9.25 AN HOUR

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon that the personnel committee recommends hiring part time EMS Driver James Mark Kendrick, at pay of \$9.25 an hour, per the recommendation of the Fire Chief. 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 20th day of December 2011.

**AUTHORIZE TO HIRE PART TIME EMS DRIVER CHARLTON DALE CROCKER,
AT A RATE OF \$9.25 AN HOUR**

Motion was duly made by Alderman Higdon, and seconded by Alderman Bryant that the personnel committee recommends to hire part time EMS Driver Charlton Dale Crocker, at a pay of \$9.25 an hour, per the recommendation of the Fire Chief. 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 20th day of December 2011.

**AUTHORIZE TO HIRE FULL TIME CERTIFIED POLICE OFFICER JAMES
BRADLEY WILLIAMS, AT A RATE OF \$14.67 AN HOUR**

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon that the personnel committee recommends to hire full time Certified Police Officer James Bradley Williams, at a rate of \$14.67 an hour, per the recommendation of the Police Chief. 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 20th day of December 2011.

**ADOPT THE RESOLUTION OF THE CITY OF HERNANDO MISSISSIPPI FOR
APPROVAL AND AUTHORIZATION TO ENTER INTO A TAX ANTICIPATION
LOAN IN THE TOTAL AMOUNT OF EIGHT HUNDRED THOUSAND DOLLARS
(\$800,000.00)**

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to adopt the Resolution of the City of Hernando Mississippi for approval and authorization to enter into a Tax Anticipation Loan in the total amount of Eight Hundred Thousand dollars (\$800,000.00) with Trustmark Bank at an interest rate of 1.07%. 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 20th day of December 2011.

**AUTHORIZE MAYOR JOHNSON TO SIGN DEED IN FAVOR OF NORTH
AMERICAN ELECTRIC ONCE ALL LEASE PAYMENTS ARE PAID IN FULL**

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to authorize Mayor Johnson to sign Deed in favor of North American Electric once all lease payments are paid in full. 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 20th day of December 2011.

**AUTHORIZE TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS FOR PARKS
ENGINEER/DESIGNER**

Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to authorize to advertise for request for qualifications for Parks Engineer / Designer. 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 20th day of December 2011.

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