

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, June 19, 2012 at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Sam Lauderdale, Alderman Miller, Gary Higdon, Jamie Tipton, Marcus Manning, and Jeff Hobbs. Alderman Bryant was absent.

Also present for the meeting were: City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Fire Chief Hubert Jones, Jim Seay, Henry Bailey, Lindsee Gentry, Jerry Keff Couch Jr, Sadler McLendon, Chris Burford, Mark Anglia, Michael McLendon, and Jane Pennington.

INVOCATION

Alderman Manning gave the invocation.

APPROVAL OF AGENDA

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to approve the agenda as presented, after removing item 9 A. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June 2012.

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

June 19, 2012

6:00pm

- 1) Meeting called to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 94259-94265, 94267-94296, 94298-94372, 94375-94446
- 5) Approve Docket of Claims No.'s (Lauderdale) 94373-94374
- 6) Approve Docket of Claims No.'s (Bryant) 94297
- 7) Approve Docket of Claims No.'s (Miller) 94266
- 8) Approve Minutes
- 9) Consent Agenda
 - A) Authorize to advertise and set public hearing for July 3rd for TIF project
 - B) Authorize Dot Hughes to attend the 35th Annual Mississippi Employment Law Seminar in Biloxi, MS on August 8 – 10, 2012. Also authorize to pay for registration and travel expenses

10) Planning Commission Items:

- i. **5-12-SD2 – Nesbit Industrial Park Phase 1–**
Application is for final subdivision approval of one lot located south of Nesbit Road and west of Highway 51. The property is zoned M-1.
- ii. **6-12-SD5 – Lees Summit 2nd addition –**
Application is for final subdivision approval of one lot located in Lee’s Summit Subdivision. The property is zoned PUD.
- iii. **6-12-SD4 – South Central Subdivision Section B –**
Application is for final subdivision approval of one lot located in South Central Subdivision Section B. The property is zoned C-2.
- iii. **6-12-SD3 – Charleston Rowe Section D–**
Application is for final subdivision approval of one lot located in Charleston Rowe Subdivision. The property is zoned PUD R-12
- iv. **6-12-RZ2 – Wadsworth House –**
Application is to allow the rezoning of one lot located at 2220 Hwy 51 N from Office to C-2 Highway Commercial.

11) Authorize to hire Charlie Wayne Barnett as a non-certified Firefighter

12) Authorize to hire Donna Roach as Paramedic

13) Authorize to declare fire department recliners as surplus and dispose

14) Authorize to declare DuraPatcher truck as surplus and offer for sale

15) Change order request DWSI Project Cleveland Construction Company

16) Request to install fire hydrants on the Nesbit Water system and pay for from bond money

17) Executive Session - Negotiations

18) Adjourn

APPROVE DOCKET OF CLAIMS NO.’S 94259 – 94446, LESS 94266, 94268, 94297, 94373, AND 94374

The Board of Aldermen were presented with a docket of claims No. 94259 – 94446, less 94266, 94268, 94297, 94373, and 94374 in the amount of \$628,985.43 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 Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, and Alderman Lauderdale.

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of June, 2012.

APPROVE DOCKET OF CLAIMS NO.'S 94268, 94373, AND 94374 (LAUDERDALE)

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No.'s 94268, 94373, and 94374 in the amount of \$194,869.53 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June, 2012.

APPROVE DOCKET OF CLAIMS NO.'S 94297 (BRYANT)

Alderman Bryant was not present for the meeting.

The Board of Aldermen were presented with a docket of claims No.'s 94297 in the amount of \$380.00 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June, 2012.

APPROVE DOCKET OF CLAIMS NO.'S 94266 (MILLER)

Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No.'s 94266 the amount of \$37,000.67 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 Manning, Alderman Hobbs, Alderman Lauderdale, Alderman Higdon, and Alderman Tipton.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June, 2012.

APPROVE MINUTES FOR REGULAR MEETING JUNE 5, 2012

Motion was duly made by Alderman Tipton and seconded by Alderman Higdon to approve the minutes of the regular meeting held on June 5, 2012. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June, 2012.

CONSENT AGENDA

- A) Authorize Dot Hughes to attend the 35th Annual Mississippi Employment Law Seminar in Biloxi, MS on August 8 – 10, 2012. Also authorize to pay for registration and travel expenses

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

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of June, 2012.

PLANNING COMMISSION

- A) **5-12-SD2 – Nesbit Industrial Park Phase 1**–
Application is for final subdivision approval of one lot located south of Nesbit Road and west of Highway 51. The property is zoned M-1.
- B) **6-12-SD5 – Lees Summit 2nd addition** –
Application is for final subdivision approval of one lot located in Lee’s Summit Subdivision. The property is zoned PUD.
- C) **6-12-SD4 – South Central Subdivision Section B** – Application is for final subdivision approval of one lot located in South Central Subdivision Section B. The property is zoned C-2.
- D) **6-12-SD3 – Charleston Rowe Section D**–
Application is for final subdivision approval of one lot located in Charleston Rowe Subdivision. The property is zoned PUD R-12
- E) **6-12-RZ2 – Wadsworth House** – Application is to allow the rezoning of one lot located at 2220 Hwy 51 N from Office to C-2 Highway Commercial.

5-12-SD2 – NESBIT INDUSTRIAL PARK PHASE 1

Application is for final subdivision approval of one lot located south of Nesbit Road and west of Highway 51. The property is zoned M-1

Planning Director, Jared Darby, presented the information to the Board and advised that the Planning Commission had approved the request for the one lot located south of Nesbit Road and west of Highway 51, subject to the conditions listed on the report. Mr. Darby advised that Mr. Wages was present at the Planning Commission meeting on June 12th.

Alderman Miller asked if a representative was present at this time.

Jared Darby answered that there was no representative present.

The Board noted that this was the second time this had occurred on this matter.

Alderman Miller suggested that the matter be tabled.

Motion was duly made by Alderman Miller, and seconded by Alderman Hobbs to table this matter. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of June, 2012.

6-12-SD5 – LEES SUMMIT 2ND ADDITION

Planning Director, Jared Darby, presented the information to the Board for the addition. The request was for a one lot subdivision to cover a parcel that was left out of the original plats (a mistake by the engineer). Jared advised that the Planning Commission had approved the addition subject to standard conditions and conditions that were noted in the report.

Mark Anglin, representative and owner of the property, advised that the engineer simply left this lot on Phase 1 and Phase 2 of Lee's Summit.

Motion was duly made by Alderman Miller, seconded by Alderman Lauderdale to accept the Planning Commission's recommendation subject to the conditions as set forth in the report presented by Mr. Darby. A roll call vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June, 2012.

SOUTH CENTRAL SUBDIVISION SECTION B

Mayor Johnson recused himself and left the room.

Mayor Pro Tem, Sam Lauderdale, presided over this item.

Jared Darby, Planning Director, advised that the Planning Commission recommended the approval of the subdivision application with the conditions listed on the staff report and that the standard conditions to the subdivision would be applicable. Mr. Darby informed the Board that the lot to be subdivided was approximately 25,000 square feet with 114.9 feet of road frontage.

There was a discussion regarding the road standards and the area being bonded. It was also asked why the other lots were not being subdivided at this time.

Jim Seay, the applicant, indicated that at this time there was a specific tenant in mind for this lot.

Motion was duly made by Alderman Higdon, seconded by Alderman Tipton to approve the Subdivision application subject to the Planning Commission Recommendation and the conditions set out in the recommendation and that the existing street standards are applicable to the street for this subdivision. A roll call vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June, 2012.

CHARLESTON ROWE SECTION D

Jared Darby, Planning Director, advised that the Planning Commission recommended approving the application with the conditions noted on the report.

Motion was duly made by Alderman Miller, seconded by Alderman Manning to approve the application for section D, based on the Planning Commission's recommendation and subject to the conditions. A roll call 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 19th day of June, 2012.

WADSWORTH HOUSE

Alderman Tipton recused himself and left the room.

Jared Darby, Planning Director, presented the Planning Commission report. The Planning Commission found that there was an abundance of C-2 located in the vicinity of this subject property. Mr. Darby advised the Board that the Planning Commission voted 5 to 2 to approve the zoning change to C-1 "Neighborhood Commercial".

Alderman Higdon expressed concern about the lack of change in the neighborhood to warrant the change in zoning, and also that the restrictions that were placed on the Hardin property that had been previously approved by the Board.

Mr. Darby stated that the City's comprehensive plan provides C-1 under a traditional neighborhood mixed use. Mr. Darby also advised that he was not aware of the restrictions and zoning classification that was used on the Hardin property.

Mayor Johnson asked if anyone would like to speak on the matter.

Mike McLendon, 2245 Memphis St, expressed concern for the age of the existing house on the property and the rezoning and conditions placed on the Hardin property. Mr. McLendon also stated that he did not want to live across from a gas station type store. He spoke about the appearance it would have, the noise and the hours. Mr. McLendon has no objection to a rezoning to office.

Alderman Higdon had concerns about the restrictions to be placed on the property as related to the Hardin property.

Alderman Lauderdale questioned about a C-4 zoning. He also questioned about the office use.

Mr. Darby answered about the difference in the two zoning classifications.

Mr. Keff Couch spoke about the current lot divisions and noted that the Wadsworth house is separate from the clinic property.

Alderman Manning noted the rezoning and development that has taken place for the new bank at McIngvale and Byhalia roads.

Mike McLendon spoke again, on behalf of other residents on Memphis Street. He expressed that their concerns were: twenty four hour operation, the type of business, lighting issues (including headlights), restaurant for the service of alcohol, and property values. Mr. McLendon advised that the residents would not be opposed to a C-4 zoning with controls.

Jerry Couch, of Olive Branch, stated that he was the spokesperson for the Wadsworth family. Mr. Couch advised that C-1 is consistent with what is adjacent to the subject property, which is C-2. He advised that they are not looking to put in a convenience store or a "mom & pop" pizza place.

Alderman Manning stated that he appreciated Keff coming to speak on their behalf. He thought C-4 sounded reasonable and asked if he might consider C-4.

Mr. Couch responded that all is C-2 already.

Alderman Higdon stated that he was concerned about the existing neighbors.

Motion was duly made by Alderman Higdon, seconded by Alderman Hobbs to table the application to review the information on the Hardin rezoning since it is very near this property. A roll call vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June, 2012.

**AUTHORIZE TO HIRE CHARLIE WAYNE BARNETT AS A NON CERTIFIED
FIREFIGHTER**

Motion was duly made by Alderman Higdon, and seconded by Alderman Lauderdale to authorize to hire Charlie Wayne Barnett as a non certified firefighter based on the Personnel Committee's recommendation, following the Fire Chief's recommendation. 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 19th day of June, 2012.

AUTHORIZE TO HIRE DONNA ROACH AS A PARAMEDIC

Motion was duly made by Alderman Miller, and seconded by Alderman Hobbs to authorize to hire Donna Roach as a Paramedic based on the Personnel Committee's recommendation, following the Fire Chief's recommendation. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of June, 2012.

**AUTHORIZE TO DECLARE FIRE DEPARTMENT RECLINERS AS SURPLUS AND
DISPOSE**

Motion was duly made by Alderman Higdon, and seconded by Alderman Lauderdale to authorize to declare the recliners as surplus and be disposed of. 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 19th day of June, 2012.

**AUTHORIZE TO DELCARE THE DURAPATCHER TRUCK AS SURPLUS AND
OFFER FOR SALE**

Mayor Johnson explained why the DuraPatcher truck was not very useful and that it had rarely been used. Mayor Johnson also stated that the County could do the road patching for the City.

Alderman Miller expressed his concern about the cost of the equipment. Alderman Miller also asked why we don't use it. Miller stated that the county had not fixed any holes in his ward, and that they trained the City in the use of this equipment.

Alderman Tipton asked if the City workers had been properly trained to run the equipment.

Alderman Hobbs asked about the cost to run the equipment.

Gary McElhannon, Public Works Director, advised that the equipment had only been used four times since he has been Director. He stated that the equipment does not work well and needs to be used more often to be worth keeping. Gary advised that if the machine isn't used more often, the mix will set up in the machine, and that the company that sold us the truck would only offer us \$40,000 for it now.

Alderman Tipton suggested that if we sell the truck we place it on the government website to be sold, at a price of \$75,000 to \$80,000.

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Higdon to authorize to declare the equipment surplus and to place for sale on the website for the price of \$75,000 to \$80,000. 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": Alderman Miller.

ORDERED AND DONE this the 19th day of June, 2012.

CHANGE ORDER REQUEST DWSI PROJECT CLEVELAND CONSTRUCTION COMPANY

Alderman Lauderdale advised that an extension was needed on this project. An extension to October 1, 2012 was requested.

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Manning to authorize the Mayor to sign the Change Order Request DWSI project with Cleveland Construction Company. 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 19th day of June, 2012.

REQUEST TO INSTALL FIRE HYDRANTS ON THE NESBIT WATER SYSTEM AND PAY FROM BOND MONEY

Joe Frank Lauderdale presented the information on this item. Mr. Lauderdale advised that the City was replacing the water lines along Hwy 51 due to Highway work. The change order was for the purpose of allowing the installation of fire hydrants in this area.

Alderman Higdon asked about the size of the line.

Joe Frank Lauderdale answered that the lines were being upgraded to a twelve inch line, and that six hydrants were needed.

Mayor Johnson stated that it would be more economical to do it at this time.

Fire Chief Hubert Jones advised that the new hydrants would help with the fire ratings.

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to table this matter for more information regarding costs. 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 19th day of June, 2012.

GO INTO CLOSED SESSION

Motion was duly made by Alderman Manning, and seconded by Alderman Tipton to go into closed session to discuss going into Executive Session for negotiations. 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 19th day of June, 2012.

After having the closed session, the Mayor announced that the Board would be going into executive session.

After returning from executive session, the Board took no action.

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR CHIP JOHNSON

ATTEST:

KATIE SUBIA, CITY CLERK