

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, November 17, 2015, at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Alderman Lauderdale, Alderman Bryant, Alderman Miller, Alderwoman Brooks, Alderman McLendon, and Alderman Hobbs. Also present for the meeting were: City Clerk Katie Harbin, City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Fire Chief Hubert Jones, Police Chief Scott Worsham, Assistant Police Chief Shane Ellis, Planning Director Jared Darby, Public Works Director Gary McElhannon, Human Resources Manager Julie Harris, Community Director Gia Matheny, Emily Harris, Henry Bailey, Timoth Marsh, Dale Wilson, Bobby McRee, Derick Biglane, and Sandra McElhannon.

INVOCATION

Alderwoman Brooks gave the invocation.

APPROVAL OF AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

November 17, 2015

6:00pm

- 1) Call the meeting to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 110346 – 110602 less 110361, 110362, 110398 – 110403 and 110511
- 5) Approve Docket of Claims No.'s (Lauderdale) 110362 and 110511
- 6) Approve Docket of Claims No.'s (Bryant) 110398 - 110403
- 7) Approve Docket of Claims No.'s (Miller) 110361
- 8) Approve Minutes
- 9) Consent Agenda
 - A) Authorization for the City of Hernando to declare Friday November 27, 2015 in further observance of the Thanksgiving holiday, Thursday December 24, 2015 in further observance of Christmas, and Thursday December 31, 2015 in further observance of New Year's day as holidays in accordance with the Governor's Proclamation dated November 6, 2015
 - B) Authorize DW Gilbert to attend the 2015 Building Official Association of Mississippi Winter Conference in Tunica, MS on December 7 – 9, 2015 and authorize to pay registration.
 - C) Approve step pay increase for Police Officer Michael Hansbro from P3 to P4 (budgeted item)
 - D) Approve step pay increase for Police Officer Dexter Gates from P3 to P4 (budgeted item)
 - E) Authorize Police Officer Cody Smith to attend the State Certification in Tupelo, MS on November 19 – 20, 2015, also authorize to pay registration (reimbursed by the State) and travel expenses

- 10) Request from Love Works to close streets for Thanksgiving meal on Hill Street
- 11) Authorize to hire Trenna Powell as a full time receptionist in the Parks Department at a rate of \$10.00 per hour
- 12) Authorize Freeport Warehouse tax exemption for GPM-US, LLC (Randy Pirtle)
- 13) Authorize Chief LPA Officer Chip Johnson to sign a preliminary engineering services contract with Waggoner Engineering, Inc. regarding new traffic signals at W Robinson St and Highway 51 and Nesbit Road and Highway 51
- 14) Application for a **Zoning Map Amendment**, submitted by **Dale Wilson**. He is requesting a zoning amendment for 0.15 acres from C-2, highway commercial to C-3, general commercial. The subject property is known as parcel: 3086130010011200, and is located at the intersection of West Valley Street and Highway 51; situated in Section 13, Township 3 South, and Range 8 West.
- 15) Authorize Mayor to sign a Special Service Arrangement Agreement with AT&T for county wide computer software
- 16) Authorize Mayor Johnson to sign an agreement with Universal Premium Fleet for fuel purchasing
- 17) Authorize to advertise and accept bids for loan quotes for purchasing radios and radars
- 18) Discussion of amending the police pay scale
- 19) Donation of \$2,000.00 to Hernando Youth Football Association (Alderman McLendon's request)
- 20) Bond extension for Robertson Place
- 21) Executive Session for Police Personnel
- 22) Adjourn

Motion was duly made by Alderman Miller, and seconded by Alderman McLendon to approve the agenda as presented after adding an item for Bond extension for Robertson Place. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015.

**APPROVE DOCKET OF CLAIMS NO.'S 110346 – 110602 LESS 110361, 110362, 110398
– 110403 AND 110511**

The Board of Aldermen were presented with a docket of claims No. 110346 – 110602 less 110361, 110362, 110398 – 110403 and 110511 in the amount of \$620,035.98 for approval.

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant 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 McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Lauderdale.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

APPROVE DOCKET OF CLAIMS NO.'S 110362 AND 110511 (LAUDERDALE)

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 110362 and 110511 in the amount of \$204,846.45 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

APPROVE DOCKET OF CLAIMS NO.'S 110398 - 110403 (BRYANT)

Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 110398 - 110403 in the amount of \$3,312.30 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

APPROVE DOCKET OF CLAIMS NO.'S 110361 (MILLER)

Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 110361 in the amount of \$32,783.78 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": Alderwoman Brooks, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON NOVEMBER 3, 2015

Motion was duly made by Alderman Hobbs, and seconded by Alderman Miller to approve the Minutes from the regular Board Meeting on November 3, 2015 as presented. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

CONSTENT AGENDA

- A) Authorization for the City of Hernando to declare Friday November 27, 2015 in further observance of the Thanksgiving holiday, Thursday December 24, 2015 in further observance of Christmas, and Thursday December 31, 2015 in further observance of New Year's day as holidays in accordance with the Governor's Proclamation dated November 6, 2015
- B) Authorize DW Gilbert to attend the 2015 Building Official Association of Mississippi Winter Conference in Tunica, MS on December 7 – 9, 2015 and authorize to pay registration.
- C) Approve step pay increase for Police Officer Michael Hansbro from P3 to P4 (budgeted item)
- D) Approve step pay increase for Police Officer Dexter Gates from P3 to P4 (budgeted item)
- E) Authorize Police Officer Cody Smith to attend the State Certification in Tupelo, MS on November 19 – 20, 2015, also authorize to pay registration (reimbursed by the State) and travel expenses

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

REQUEST FROM LOVE WORKS TO CLOSE STREETS FOR THANKSGIVING MEAL ON HILL STREET

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to approve the request from Love Works to close streets for their Thanksgiving meal on Hill St, with the requirement of the neighbors being notified. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

AUTHORIZE TO HIRE TRENNA POWELL AS A FULL TIME RECEPTIONIST IN THE PARKS DEPARTMENT AT A RATE OF \$10.00 PER HOUR

Motion was duly made by Alderman Miller, and seconded by Alderman Lauderdale to authorize to hire Trenna Powell as a full time receptionist in the Parks Department at a rate of \$10.00 per hour, based on the personnel committee's recommendation, following the recommendation of the Parks Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

**AUTHORIZE FREEPORT WAREHOUSE TAX EXEMPTION FOR GPM-US, LLC
(RANDY PIRTLE)**

GRANTING EXEMPTION FROM FREE PORT WAREHOUSE TAXES

The Mayor and Board of Aldermen took up for consideration the matter of granting tax exemption from free port warehouse taxes for GPM-US, LLC., the following Resolution having first been reduced to writing, was introduced:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN FOR THE CITY OF HERNANDO, MISSISSIPPI, GRANTING TAX EXEMPTION FROM FREE PORT WAREHOUSE TAXES FOR GPM-US, LLC AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE OF 1972, AS AMENDED.

WHEREAS, GPM-US, LLC., filed in triplicate with this Board its Application for exemption from free port warehouse taxation; and

WHEREAS, GPM-US, LLC, has produced written verification and documentation to this Board as to the authenticity and correctness of its Application in regard to the true value of the prayed for exemption and the completion date of said enterprise: and

WHEREAS, this Board finds as a fact that the property described in the aforesaid Application constitutes an industrial enterprise of public utility and that said Company is entitled to the exemption sought for free port warehouse beginning on the 18th day of November, 2015, subject to approval and certification by the Mississippi State Tax Commission.

NOW, THEREFORE, BE IT RESOLVED BY The Mayor and Board of Aldermen of the City of Hernando, DeSoto County, Mississippi, as follows:

1. That the Application for free port warehouse exemption by GPM-US, LLC., beginning November 18, 2015 on the property described in the Application filed by said Company for tax exemption, be and the same is hereby approved, subject to approval and certification by the Mississippi State Tax Commission.

2. That the Clerk of this Board is hereby directed to spread a copy of this Order on the minutes of this Board; and that said Clerk shall forward the original and three (3) certified copies of the Application and a certified copy of the transcript of this Order approving said Application to the Mississippi State Tax Commission for its approval and certification: and said Clerk shall also forward one certified copy to the Tax Assessor of DeSoto County and obtain the Certificate of said Tax Assessor stating that the property as itemized in the Application has been placed on the appropriate tax roll as Free Port Warehouse tax exempt, for the duration of the exemption period only and the Position Statement of Tax Assessor.

Motion was duly made by Alderman Lauderdale, seconded by Alderman Bryant to adopt the foregoing Resolution Granting Tax Exemption from Free Port Warehouse taxes. A roll call vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015.

Chip Johnson, Mayor
City of Hernando

SEAL
ATTEST:

Katie Harbin, City Clerk

AUTHORIZE CHIEF LPA OFFICER CHIP JOHNSON TO SIGN A PRELIMINARY ENGINEERING SERVICES CONTRACT WITH WAGGONER ENGINEERING, INC. REGARDING NEW TRAFFIC SIGNALS AT W ROBINSON ST AND HIGHWAY 51 AND NESBIT ROAD AND HIGHWAY 51

Motion was duly made by Alderman Hobbs, and seconded by Alderwoman Brooks to authorize Chief LPA Officer Chip Johnson to sign a preliminary engineering services contract with Waggoner Engineering, Inc. regarding new traffic signals at W Robinson St and Highway 51 and Nesbit Road and Highway 51. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

APPLICATION FOR A ZONING MAP AMENDMENT, SUBMITTED BY DALE WILSON, IS REQUESTING A ZONING AMENDMENT FOR 0.15 ACRES FROM C-2, HIGHWAY COMMERCIAL TO C-3, GENERAL COMMERCIAL. THE SUBJECT PROPERTY IS BETTER KNOWN AS PARCEL:3086130010011200, AND IS LOCATED AT THE INTERSECTION OF WEST VALLEY STREET AND HIGHWAY 51; SITUATED IN SECTION 13, TOWNSHIP 3 SOUTH, AND RANGE 8 WEST

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Miller to approve the application for a Zoning Map Amendment, submitted by Dale Wilson, is requesting a zoning amendment for 0.15 acres from C-2, highway commercial to C-3, general commercial. The subject property is better known as parcel: 3086130010011200, and is located at the intersection of West Valley Street and Highway 51; situated in Section 13, Township 3 South, and Range 8 West, per the recommendation of the Planning Commission. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

AUTHORIZE MAYOR JOHNSON TO SIGN A SPECIAL SERVICE ARRANGEMENT AGREEMENT WITH AT&T FOR COUNTY WIDE COMPUTER SOFTWARE

Motion was duly made by Alderman Miller, and seconded by Alderman Lauderdale to authorize Mayor Johnson to sign a Special Service Arrangement Agreement with AT&T for county wide computer software. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

AUTHORIZE MAYOR JOHNSON TO SIGN AN AGREEMENT WITH UNIVERSAL PREMIUM FLEET FOR FUEL PURCHASING

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to authorize Mayor Johnson to sign an agreement with Universal Premium Fleet for fuel purchasing. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

AUTHORIZE TO ADVERTISE FOR LOAN QUOTES TO PURCHASE RADIOS AND RADARS

Motion was duly made by Alderman Lauderdale and seconded by Alderman Bryant to authorize to advertise for loan quotes for up to \$500,000 for five years, for items to include radios, radars, and other items to be determined. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

DISCUSSION OF AMENDING THE POLICE PAY SCALE

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to increase the Captain's salary to \$60,000.00 annually, the Assistant Chief's salary to \$62,000.00 annually and the Chief's salary to \$64,000.00 annually. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

**DONATION OF \$2,000.00 TO HERNANDO YOUTH FOOTBALL ASSOCIATION
(ALDERMAN MCLENDON)**

The Board held a discussion on the item, Kenny Stockton advised the Board that they could not legally donate money to the Hernando Youth Football association. They can pay money to advertise, but not donate. Alderman McLendon requested that Kenny's letter to the Board be placed in the minutes.

Kenneth E. Stockton
Attorney at Law

449 West Commerce St.
Hernando, Mississippi 38632

(662) 429-3469
Fax (662) 429-8545

November 17, 2015

Mayor Chip Johnson
City of Hernando
475 West Commerce St.
Hernando, MS 38632

HAND DELIVERED AND VIA E-MAIL

*Re: November 17, 2015
Board of Alderman Meeting
Donation Request - Agenda Item*

Dear Mayor Johnson:

I received my meeting Agenda for tonight's meeting and in reviewing the same I noted Item No. 19 entitled "Donation of \$2,000.00 to Hernando Youth Football Association" and which I reviewed in light of the Mississippi Code of 1972, Annotated, as Amended. Municipalities in the state of Mississippi are authorized and allowed to make donations to certain organizations and which are set in Section 21-19-45, et seq of the Mississippi Code of 1972 Annotated, as Amended.

As you know this matter was previously reviewed by the board and I advised the board at that time that I could find no authority for the City of Hernando to make a donation to an organization such the Hernando Youth Football Association as it simply does not fall into one of the designated organizations or causes in the statutes. I am sure all would agree that Hernando Youth Football Association provides a great service for the community however, there is no legal authority for the City to make such a donation.

Also, in an abundance of caution, I called the office of the State Auditor and spoke with Honorable Eddie Smith in detail about this request. Mr. Smith advised that there is no statutory authority for the city to make a donation to the association as requested. Quite frankly, we reviewed all of the applicable statutes in an effort to make sure nothing was missed. I would add that this a topic to which I have been advised they receive a lot of calls about.

Mr. Smith and I discussed that it is possible for a city under certain circumstances to make expenditures that promote the city and which may in turn assist an organization as well. This is pursuant to statute. I advised Mr. Smith that the city had discussed previously the possibility of purchasing ad space to promote Hernando but that no request had been made to make such a purchase by Hernando Youth Football Association.

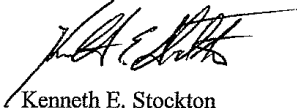
November 17, 2015

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I would ask that you please provide a copy of this letter to the board members, and please note that I know the good work that the football league provides however, the city simply does not have the authority to make this particular donation. As we know the city must operate pursuant to the statutes and regulations of the State of Mississippi.

Thank you and please feel free to call my office if you have any questions.

Sincerely,



Kenneth E. Stockton
City Attorney

BOND EXTENSION FOR ROBERTSON PLACE

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Bryant to extend the current letter of credit on Robertson Place until January 5, 2016. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

GO INTO CLOSED SESSION TO DISCUSS GOING INTO EXECUTIVE SESSION FOR POLICE PERSONNEL

Motion was duly made by Alderman Hobbs and seconded by Alderman McLendon to authorize to go into closed session for police personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

GO INTO EXECUTIVE SESSION FOR POLICE PERSONNEL

Motion was duly made by Alderwoman Brooks and seconded by Alderman Hobbs to authorize go into executive session for police personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

COME OUT OF EXECUTIVE SESSION FOR POLICE PERSONNEL

Motion was duly made by Alderman Miller and seconded by Alderman McLendon to authorize to come out of executive session for police personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

POLICE PERSONNEL

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to approve to give Stacey Bethay an \$0.85 per hour raise, per the Police Chief's recommendation. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of November, 2015

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