

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, March 20, 2012 at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Sam Lauderdale, Sonny Bryant, Alderman Miller, Gary Higdon, Jamie Tipton, and Jeff Hobbs. Marcus Manning was absent.

Also present for the meeting were: City Clerk Katie Subia, City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Fire Chief Hubert Jones, Public Works Director Gary McElhannon, Judge Tony Nowak, Leigh Pegram, Jeremy Hunley, Danny Phillips, Quincy Randle, Lanier Hurdle, Archie Phipps, Paula Phipps, Henry Bailey, and Rob Long.

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### INVOCATION

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Alderman Higdon gave the invocation.

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### APPROVAL OF AGENDA

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Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to approve the agenda as amended. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March 2012.

Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

March 20, 2012

6:00pm

- 1) Meeting called to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 93127 – 93292 less 93141 and 93143
- 5) Approve Docket of Claims No.'s (Lauderdale) 93141
- 6) Approve Docket of Claims No.'s (Miller) 93143
- 7) Approve Minutes
- 8) Consent Agenda

- A. Authorize Mayor Johnson and Shelly Johnstone to attend the Healthy Southern Cities Summit in Jackson, MS April 10-12, 2012. (There is no registration fee and hotel and gas expense will be reimbursed to the city)
  - B. Authorize Fire Chief Hubert Jones and Deputy Fire Chief Marshel Berry, to attend the FDIC in Indianapolis Indiana, April 19-20, 2012, and authorize to issue checks for travel expenses. No registration is required.
- 9) Update from Judge Nowak on City Court Amnesty program
  - 10) Request from the Hernando Optimist Club for the City of Hernando to help sponsor the A'Fair
  - 11) Request from Maddox Foundation to close streets for the Noah's Gift 5K
  - 12) Request from Cross Creek Homeowners Association to make their streets public and ask the City of Hernando to accept the streets as public
  - 13) Authorize Mayor Johnson to sign a Lease Agreement with Desoto County Drug Court
  - 14) Authorize Mayor Johnson to sign a Lease Agreement with Desoto County North Delta Planning and Development District
  - 15) Authorize Mayor Johnson to sign a Lease Agreement with Desoto County Election Commission
  - 16) Adopt the "SRF Resolution Naming Authorized Representative and Authorizing the Loan Application"
  - 17) Adopt the "City of Hernando User Charge Ordinance", an Ordinance to provide for the Collection of User Charges from Users of the Public Water & Sewer Works (no changes in the charges)
  - 18) Authorization to issue check to North American Electric, Inc. f/k/a Viking Industrial Products, Inc. for the balance of the reserve fund held pursuant to the Lease Agreement entered into on July 1, 1998 between the City of Hernando, Mississippi and Viking Industrial Products, Inc. in the amount of \$32,647.22
  - 19) Adoption of Resolution requesting a Local & Private Bill to Authorize the City of Hernando to contribute to Hernando Youth Sports, Inc. for the benefit of the Hernando Civic Center
  - 20) Approve the Audit FYE 2011
  - 21) Authorize to hire Jeremy Hunley, in the Public Works Department, at a rate of \$9.00 an hour (replacing Donald Wright)

- 22) Adopt proclamation proclaiming April 2, 2012 as World Autism Awareness day
- 23) Adjourn

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**APPROVE DOCKET OF CLAIMS NO.'S 93127 – 93292 LESS 93141 AND 93143**

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The Board of Aldermen were presented with a docket of claims No. 93127 – 93292 LESS 93141 and 93143 in the amount of \$994,801.81 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 Miller, Alderman Higdon, Alderman Tipton, Alderman Hobbs, Alderman Lauderdale, and Alderman Bryant.

Those voting “Nay”: None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

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**APPROVE DOCKET OF CLAIMS NO.'S 93141 (LAUDERDALE)**

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Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No.'s 93141 in the amount of \$196,606.46 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 Hobbs, Alderman Bryant, and Alderman Miller.

Those voting “Nay”: None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

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**APPROVE DOCKET OF CLAIMS NO.'S 93143 (MILLER)**

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Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No.'s 93143 in the amount of \$37,110.77 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 Lauderdale, Alderman Bryant, Alderman Higdon, Alderman Tipton, and Alderman Hobbs.

Those voting “Nay”: None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

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**APPROVE MINUTES FOR REGULAR MEETING MARCH 6, 2012**

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Motion was duly made by Alderman Higdon and seconded by Alderman Miller to approve the minutes of the regular meeting held on March 6, 2012. A vote was taken with the following results:

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

Those voting "Nay": None.

Alderman Tipton abstained from voting.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

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**CONSENT AGENDA**

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- A. Authorize Mayor Johnson and Shelly Johnstone to attend the Healthy Southern Cities Summit in Jackson, MS April 10-12, 2012. (There is no registration fee and hotel and gas expense will be reimbursed to the city)
- B. Authorize Fire Chief Hubert Jones and Deputy Fire Chief Marshel Berry, to attend the FDIC in Indianapolis Indiana, April 19-20, 2012, and authorize to issue checks for travel expenses. No registration is required.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

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**UPDATE FROM JUDGE NOWAK ON THE CITY COURT AMNESTY PROGRAM**

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Judge Tony Nowak gave an update on how the Amnesty program went. He stated that it was a success. They would like to try it again next year, maybe with more publicity and possibly working a late night.

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**REQUEST FROM THE HERNANDO OPTIMIST CLUB FOR THE CITY OF HERNANDO TO HELP SPONSOR THE A'FAIR**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to approve the request from the Hernando Optimist Club and sponsor the A'Fair, donating \$500.00, to come out of the tourism fund. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

**REQUEST FROM MADDOX FOUNDATION TO CLOSE STREETS FOR THE NOAH'S GIFT 5K**

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Lanier Hurdle spoke about the details on the 5K. He stated that it would be on October 13<sup>th</sup>. They were planning on using the regular race course, except they would extend the start line back closer to the Park, and take the difference off at the finish line so the finish line would end at the Maddox Foundation. They would only need to close Commerce Street in one area.

Motion was duly made by Alderman Tipton, and seconded by Alderman Bryant to approve the request from the Maddox Foundation to close the street for the Noah's Gift 5K. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

**REQUEST FROM CROSS CREEK HOMEOWNERS ASSOCIATION TO MAKE THEIR STREETS PUBLIC AND ASK THE CITY OF HERNANDO TO ACCEPT THE STREETS AS PUBLIC**

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Leigh Pegram, Board of Directors of Cross Creek Subdivision Homeowners Association, spoke about their request to the City to accept the currently Private streets of Cross Creek and Cross Winds and dedicate them to the City to become public.

Alderman Tipton – "It's my understanding that Mr. Lauderdale is doing a bore on the streets, is that correct Leigh?"

Leigh Pegram – "We have not proceeded with any bores on the streets just yet. Joe Frank has come to the subdivision and submitted a letter just as a general review of the streets. He listed out some different information about the streets and stated that they are 15 years old and they all have just wear and tear of the streets. I guess one of the requests is really to understand what is our next step as far as dedicating it to the City?"

Alderman Tipton – "I'd like to see the bores, to see exactly what kind of base is in the street."

Leigh Pegram – "That's the same type of thing that was from the engineering consultant, I have a sample of this."

Alderman Tipton – "Yes."

Leigh Pegram – "I think my next question would be once we get that, my understanding is, once we get the bores in the street, that we take several different bores and then there's an average. And that is compared to a standard for the City. Then Joe Frank, as the City Engineer, reviews and approves and does an average, right?"

Alderman Tipton – “Yes.”

Leigh Pegram – “I think the next question would be, what standards would we need to meet? I know the standards were updated recently, or do we go back to a certain period of time?”

Kenny Stockton – “I don’t think there is any doubt that they have to meet our current standards, because they are not existing City streets. It would be no different than if it was a new development. If it was a brand new development, they would have to meet City standards. If we accept new streets, ya’ll are going to apply the new rules that you have adopted, and these would be new streets to the City of Hernando.”

Alderman Miller – “We are talking a lot about bore, but that is also in relation to overlay and everything else, right?”

Kenny Stockton – “The entire street would have to meet the new standards.”

Alderman Miller – “But that is what I’m talking about, you are talking about overlay and everything. In my information that I received, I thought we were just talking about Cross Creek, not Cross Winds.”

Mayor Johnson – “Are they all one Homeowners Association?”

Leigh Pegram – “They are all one Homeowners Association. There are only 20 homes on Cross Winds section, but we are all one Homeowners Association.”

Alderman Miller – “I did not ride Cross Winds because I wasn’t aware that they were involved in this, but I did ride all of Cross Creek.”

Alderman Tipton – “Cross Winds is probably in better shape that Cross Creek.”

Alderman Miller – “They are terrible.”

Leigh Pegram – “I wanted to also mention that I have some other Homeowners here with me, Archie and Paula Phipps. Archie lives on Cross Creek.”

Alderman Tipton – “I think, didn’t you say Mayor, that we were waiting on two Attorney General Opinions?”

Mayor Johnson – “Kenny is going to ask for Attorney Opinions on that.”

Kenny Stockton – “There is one I’m preparing for them.”

Mayor Johnson – “It will be one specific to this subdivision. Because there are lots of them out there that reference things similar, but it made a lot of sense from their perspective and the City’s perspective to get one specific to this. So we know what we could do legally or not.”

Kenny Stockton – “Another thing too, is that subdivision is platted and recorded as a private and gated subdivision. Ya’ll will have to look at getting the plat revised. There is a lot more work to do than just the City accepting the streets.”

Leigh Pegram – “I don’t think the plat says private, it doesn’t say the word private.”

Kenny Stockton – “The streets are not available for public travel.”

Alderman Miller – “Cross Creek came in after and requested that it be turned into a private, after it was done, because that did go on the record that it was private.”

Alderman Tipton – “I think, just from what we have discussed here, I would like to table this and get the Attorney General’s opinion, the bores results, at ya’lls expense, get those together and then get back at some future point.”

Leigh Pegram – “That is exactly what I needed to know.”

Alderman Miller – “Wouldn’t that also have to follow with an official request from them?”

Kenny Stockton – “It would.”

Mayor Johnson – “On Homeowners letterhead.”

Kenny Stockton – “The other question I had, was if every homeowner..”

Alderman Miller – “That’s the reason I was saying...”

Leigh Pegram – “Sure..”

Kenny Stockton – “I don’t think this is something you can take a representative vote on, because if the people that bought in that development rely on the fact that it was a private gated community.”

Leigh Pegram – “Absolutely, I totally agree. We are coming here just as representatives of the board of directors, just to find out what our next steps are. Then once we get this information we want to send it out into the subdivision and take a vote. I think that is another step for us.”

Mayor Johnson – “So this is just more in depth information gathering?”

Leigh Pegram – “Exactly.”

Alderman Lauderdale – “Leigh, aren’t you trying to find out expense?”

Leigh Pegram – “We are.”

Alderman Lauderdale – “Alright, One other thing that came up and I thought about later, the description. Somebody gives the City something, is that subdivision plat an adequate description. Or will they have to go get a description to give the City?”

Kenny Stockton – “If we are going to be accepting it as right of ways, there will have to be some type of description that we can use. That information may be available from the plat.”

Alderman Lauderdale – “It could be an expense or could not be, I don’t know.”

Leigh Pegram – “Are you talking about information that needs to go on the plat and be replatted?”

Alderman Lauderdale – “No, if someone was going to give us park land, they gave us a description of what that park land was.”

Mayor Johnson – “With the meets and bounds and the survey.”

Alderman Lauderdale – “So you are basically giving the City something, and I was just wondering where the description was going to come from.”

Kenny Stockton – “If that happens, that will come later.”

Alderman Lauderdale – “Ok. But it could be an expense to them and it might not be, I don’t know, it depends on the plat. Is that what you are saying?”

Kenny Stockton – “Right, that information might be easily obtained. It’s a little bit different than Edgewood. On the Edgewood property, ya’ll are making them bring it up to the current standards. That’s what the law is in the City now, and even though those streets have been there, they will still have to bring them up to the current City standards. Which are new standards, different than the ones that were when that subdivision was originally developed. So when they are figuring costs, they need figure on the new standards.”

Leigh Pegram – “I have a copy of those.”

Alderman Lauderdale – “I assume that the Attorney General’s opinion will address the gates, because there are two gates. On the status of those two gates.”

Alderman Tipton – “There are three gates, there is one going into that subdivision on the south.”

Alderman Lauderdale – “Once they become public.”

Leigh Pegram – “Two of them are working, one is emergency only.”

Alderman Lauderdale – “Is the Attorney General’s opinion going to address that?”

Kenny Stockton – “We will be asking them to address that.”



Leigh Pegram – “As far as the description what are the cost related?”

Alderman Lauderdale – “I don’t know, I just know that we ran into that before on something else and we didn’t have a good description. And it might not be a big deal. A lawyer and engineer would have to answer that question. The plat might take care of that. It might not be any expense, but it could be a major expense if you had to re describe all of it.”

Kenny Stockton – “I think the plat will take care of all of that.”

Leigh Pegram – “No cost for a plat revision?”

Kenny Stockton – “There is a cost.”

Alderman Lauderdale – “Where would she go for a plat revision?”

Alderman Miller – “They would get a lawyer and find that out, that’s a legal question.”

Alderman Tipton – “Have ya’ll got an Attorney?”

Leigh Pegram – “Yes.”

Alderman Tipton – “Just go to him and he will understand.”

Mayor Johnson – “Yes, he will understand the plat revision process.”

Leigh Pegram – “So I’ve got, we will wait on the AG opinion to come back, we Cross Creek Homeowners Association will request from an engineering firm to bore the streets to get some samples of the streets, and I guess we can turn those over to Joe Frank and work with Joe Frank on the standards. And we will work on information related to revisions of the plat, and I think I see us coming back and reviewing again with the Board. Then we will still go back as a Board and discuss with the community and maybe make a final request.”

Archie Phipps – “I think that we have already decided that the gates would be the type that when you pull up they open.”

Leigh Pegram – “I think that may be addressed in our AG opinion.”

Alderman Tipton – “It’s probably going to say that they will have to stay open 24 hours a day, if the City takes it over.”

Archie Phipps – “They could be closed, but when you pull up they open.”

Alderman Tipton – “I don’t know.”

Kenny Stockton – “There have been some that have done that, it’s just the appearance that it is gated.”

Archie Phipps – “Paula and I spent the weekend with a friend in Madison, they live in a gated subdivision... they said all you have to do is pull up and it will open.”

Mayor Johnson – “They are open to everyone that pulls up.”

Archie Phipps – “Right, and the City maintains their streets. That might have been from the beginning, probably was.”

Alderman Tipton – “We will have all of that clear by the time we get back together again.”

Leigh Pegram – “Thank you.”

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**AUTHORIZE MAYOR JOHNSON TO SIGN A LEASE AGREEMENT WITH DESOTO COUNTY DRUG COURT**

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Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to authorize Mayor Johnson to sign a lease agreement with Desoto County for the Drug Court. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

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**AUTHORIZE MAYOR JOHNSON TO SIGN A LEASE WITH DESOTO COUNTY NORTH DELTA PLANNING AND DEVELOPMENT DISTRICT**

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Motion was duly made by Alderman Bryant, and seconded by Alderman Lauderdale to authorize Mayor Johnson to sign a lease with Desoto Count for North Delta Planning and Development District. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

**AUTHORIZE MAYOR JOHNSON TO SIGN A LEASE AGREEMENT WITH DESOTO COUNTY ELECTION COMMISSION**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to authorize Mayor Johnson to sign a lease agreement with Desoto County for the Election Commission. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

**ADOPT THE "SRF RESOLUTION NAMING AUTHORIZED REPRESENTATIVE AND AUTHORIZING THE LOAN APPLICATION"**

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**SRF RESOLUTION  
NAMING AUTHORIZED REPRESENTATIVE AND  
AUTHORIZING THE LOAN APPLICATION**

RESOLUTION AUTHORIZING THE MAYOR/EXECUTIVE DIRECTOR TO EXECUTE THOSE DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION WITH THE APPLICATION FOR THE WATER POLLUTION CONTROL REVOLVING FUND LOAN PROGRAM THROUGH THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY AND NAMING THE MAYOR/EXECUTIVE DIRECTOR AS THE AUTHORIZED REPRESENTATIVE FOR THE CITY OF HERNANDO.

WHEREAS, the City of Hernando is making application for Water Pollution Control Revolving Fund Loan from the Mississippi Department of Environmental Quality; and

WHEREAS, in order to apply for such a loan, the City of Hernando must submit a Water Pollution Control application package in compliance with Water Pollution Control Revolving Fund Loan Program Regulations; and

WHEREAS, such regulations require that the City of Hernando provide as part of such package a certified copy of a resolution which authorizes submission of the application and which designates an authorized representative to execute the application and to be the authorized representative for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HERNANDO:

SECTION 1. That the submission of a Water Pollution Control Revolving Fund Loan application package is hereby authorized, with the proceeds from such loan to be used to finance and implement Water Pollution Control Revolving fund Loan Program project SRF-C280 868-03.

SECTION 2. That the Mayor's office, being the chief executive office of the City of Hernando is authorized to execute and file an application for a State Revolving Fund Loan on behalf of The City of Hernando, with full authority to execute all documents pertaining to the project.

SECTION 3. That the Mayor's office is hereby authorized to be the authorized representative of the project.

### VALIDITY

- Section 1. All resolutions or parts of resolutions in conflict are hereby repealed.
- Section 2. The invalidity of any section, clause, sentence, or provision of this resolution shall not affect the validity of any other part or this resolution, which can be given effect without such invalid part or parts.
- Section 3. That upon final approval as provided by statute this resolution shall repeal a prior resolution adopted on August 7, 2001.

The above resolution was first reduced to writing and read and considered by Sections at the regular March 20, 2012 public meeting of the Mayor and Board of Aldermen and on motion duly made by Alderman Tipton, seconded by Alderman Hobbs, for the adoption of said resolution, a vote was taken as follows:

	<u>AYE</u>	<u>NAY</u>
Alderman Jeff Hobbs voted	X	
Alderman Jamie Tipton voted	X	
Alderman Marcus Manning voted	Absent	
Alderman Sam Lauderdale voted	X	
Alderman Sonny Bryant voted	X	
Alderman Andrew Miller voted	X	
Alderman Gary Higdon voted	X	

Thereupon the Mayor declared the resolution duly adopted this the 20<sup>th</sup> day of March, 2012, and declared the same to be full force and effect according to law.

Signed: \_\_\_\_\_  
CHIP JOHNSON, MAYOR

ATTEST:

\_\_\_\_\_  
KATIE SUBIA, CITY CLERK

**RESOLUTION IN FORCE**

- Section 1. This resolution shall be in full force and effect from after its passage, approval, recording, and publications as provided by law.
- Section 2. I, Katie Subia, City Clerk and official custodian of the records of The Board of Aldermen of the City of Hernando, do hereby certify that the foregoing Resolution Naming Authorized Representative and Authorizing the Loan Application was passed and adopted at a regular meeting of said Board and is further a matter of record in Minute Book No. 23.

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Hernando City Clerk

**ADOPT THE “CITY OF HERNANDO USER CHARGE ORDINANCE”, AN  
ORDINANCE TO PROVIDE FOR THE COLLECTION OF USER CHARGES FROM  
USERS OF THE PUBLIC WATER & SEWER WORKS (NO CHANGES IN THE  
CHARGES)**

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**CITY OF HERNANDO USER CHARGE ORDINANCE**

**AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF USER CHARGES  
FROM USERS OF THE PUBLIC WATER & SEWER WORKS.**

**BE IT ORDAINED BY THE CITY OF HERNANDO, COUNTY OF DESOTO, STATE  
OF MISSISSIPPI AS FOLLOWS:**

**ARTICLE I**

**DEFINITIONS**

The following words and terms when used in this ordinance are intended to mean and shall mean as follows, to wit:

**Superintendent** shall mean the general manager of the utilities of City of Hernando.

**Person** shall mean any person, firm or corporation, either as principal or as agent for another.

**Municipal Mains** shall mean any and all water-carrying and water-distributing pipes, mains and conduits owned and maintained by the City of Hernando.

**Water** shall mean the water service or water supply belonging to and furnished, or to be furnished, by the City of Hernando.

**ARTICLE II**

**USER CHARGES**

- Section 1. User charge shall be the charged levied on all users including, but not limited to, persons, firms, corporations or governmental entities that consume water from the public supply.
- Section 2. The user charge shall include an itemized budget reflecting the costs of operation and maintenance (including replacement) of the public water works, retirement of existing debt included herein, and repayment of any Drinking Water Systems and Water Pollution Control Revolving Fund Loans in accordance with the approved User Charge System, included herein by reference under Article III.

- Section 3. The Superintendent shall review not less often than every two years the contributions of users, the total costs of operation and maintenance (including replacement) of the water works, and the user charge system. The Superintendent shall recommend any necessary amendments to the user charge, if necessary, to generate sufficient revenue to pay the total operation and maintenance (including replacement) costs of the water works, retirement of existing debt included herein, and repayment of any Drinking Water Systems Loans and Water Pollution Control Revolving Fund Loans.
- Section 4. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and portion of the user charge, which is attributable to operation and maintenance of the water and works.
- Section 5. No free water shall be furnished to any user.
- Section 6. All private homes and residences, and all trailer parks and apartment complexes having two or more users to a water meter shall pay a straight minimum monthly charge of \$6.00 per 2000 gallons of water, with no quantity discount for residential customers outside the city a minimum monthly charge of \$10.00 per 2000 gallons of water. For commercial customers inside the city, a straight minimum monthly charge of \$9.00 per 2000 gallons of water, commercial customers outside the city a minimum monthly charge of \$13.00 per 2000 gallons of water. All usage over 2000 gallons will be billed \$1.65 per thousand gallons of water. Sewer charges shall be 50% of the water bill or a minimum of \$4.50. A wastewater fee of \$3.00 per customer shall be levied to offset debt service.
- Section 7. All current water customers or consumers who are supplied water beyond the corporate limits of the municipality will pay the applicable amounts shown herein.
- Section 8. Any and all future connections outside the corporate limits of the municipality will be evaluated on an individual basis to determine demand and supply capability, and any and all connections may or may not be approved if connection or connections are deemed to not be in the best interest of the municipality, and all connections, made will not constitute a guarantee of continuing service or supply (pressure) during the period of service.
- Section 9. Charges and bills for water furnished to business of commercial customers or consumers or any other persons furnished water shall mature on the date of the statement or bill. Such charges and bills shall be due and payable on the date of the statement and any such charges or bills not paid on or before 15 days from date of statement shall be in default.
- Section 10. Failure, neglect or refusal to pay any water bill on or before 15 days from date of statement shall subject the customer, consumer or user of the water to the loss and discontinuance of his water service and supply without notice. If any such water service and supply is lost or discontinued because of the nonpayment of any such statement on or before 15 days from date of statement, the service and supply

shall not be resumed until the bill or statement is paid in full, together with a recontinuance charge of \$40.00, this amount being determined as the reasonable cost to be incurred by the municipality in resuming such service.

Section 11. Meter Deposits-Any water customer or consumer shall not be entitled to any water service or supply, with the exception for irrigation meters, unless and until such person makes a meter deposit with the municipality as follows, to wit:

- A. All residences: \$75.00 per family unit.  
All rentals: \$125.00 per unit.  
All commercial property: \$150.00 per unit.
- B. For a 1-inch tap or larger, a meter deposit shall be required in advance, in such amount as shall be determined from time to time as reflected in the official minutes of the City.
- C. The size of the meter installed shall be determined by the superintendent, who shall give consideration to the estimated consumption and use of water by the respective customer and consumer. Any deposit made shall not bear interest but shall be refunded after termination of the water service and supply and after payment of all sums due for water theretofore furnished. The making of any such deposit shall not affect the right of the municipality to discontinue water service for non-payment of the charge and bill therefore. However, in the event of any such non-payment, the municipality may cut off and discontinue the services if the charges or statement remain in default for more than 15 days after the date of the statement.
- D. The municipality may, at its option, apply any such deposits toward payment of any amount due the municipality for water theretofore furnished.
- E. Any and all water meters installed by the municipality shall remain the exclusive property of the municipality.

Section 12. Irrigation Meters may be installed in the City of Hernando to those water customers serviced by the City of Hernando provided that they have a potable water meter and are currently being provided with potable water from the City of Hernando. Irrigation meters will be subject to the following:

- A. Irrigation Meters may be installed for those customers currently having potable water service and no deposit will be required for the irrigation meter.
- B. The City of Hernando will perform a standard installation of any such irrigation meter at a cost of \$450.00 plus applicable sales tax and which



shall be for a three-quarter (3/4) inch service line only and the installation of any such meter will be for a meter located immediately adjacent to the customer's existing meter subject to the exceptions as contained herein. The installation of any irrigation meter in any size in excess of a three-quarter (3/4) inch line shall be done at the actual cost of any such installation incurred by the City of Hernando.

- C. The installation cost of \$450.00, plus applicable sales tax, for a three-quarter (3/4) inch meter base only shall not include any of the following:
  - a. Line relocation.
  - b. Boring of any street, driveway, sidewalk or any other such obstacle.
  - c. Movement of existing meters.
  - d. Removal of any obstructions, including but not limited to sidewalks, driveways, landscaping, utility/service lines of any kind other than water or any other such obstruction.
  - e. Any other cost that would require additional services, equipment or manpower other than the typical installation of an irrigation meter in ground covered only by grass or like vegetation.
  
- D. The failure of any customer to pay the irrigation water bill each month shall be subject to both the "cut off" of services by the City of Hernando for both potable water and irrigation water.
  
- E. The City of Hernando shall not be responsible for any damage incurred by the customer as a result of the installation of an irrigation meter including but not limited to damage to landscaping, lawns or any other improvements located on the property. That additionally, the City of Hernando shall not be responsible for any loss of water pressure to any customer as a result of the installation an irrigation meter.
  
- F. The City of Hernando shall have a separate application for Irrigation Meter installation and each application must be signed by the property owner and shall contain a waiver of damages.

### **ARTICLE III**

#### **WATER RATE SCHEDULE**

The following rate system shall apply to each user of the water works. This system includes the user charge as established herein and the charge for debt service and recovery of other costs, each based on volume of flow.

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**Water Rate Schedule**


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	O.M & R	Debt Service	Total
Initial Increment	\$5.10 / 2000 gal.	\$0.90/3000 gal.	\$6.00/2000 gal.
Second Increment	\$1.20 / 1000 gal.	\$0.45/1000 gal.	\$1.65/1000 gal.

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**Sewer Rate Schedule**


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**INSIDE WITH CITY WATER**


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**OUTSIDE WITH CITY WATER**


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<i>RESIDENTIAL</i>	<i>COMMERCIAL</i>	<i>RESIDENTIAL</i>	<i>COMMERCIAL</i>
50% OF WATER BILL MINIMUM \$4.50	50% OF WATER BILL MINIMUM \$4.50	50% OF WATER BILL MINIMUM \$12.00	50% OF WATER BILL MINIMUM \$12.00

RESIDENTIAL CUSTOMERS INSIDE CITY OF HERNANDO WITHOUT CITY WATER SHALL BE CHARGED A MINIMUM SEWER CHARGE OF \$9.00.

RESIDENTIAL CUSTOMERS OUTSIDE THE CITY OF HERNANDO WITHOUT CITY WATER SHALL BE CHARGED A MINIMUM SEWER CHARGE OF \$15.00.

ALL SEWER CUSTOMERS WILL BE CHARGED A \$3.00 WASTE WATER CHARGE WHICH WILL BE APPLIED TO BONDED DEBT.

COMMERCIAL AND INDUSTRIAL CUSTOMERS WITHOUT CITY OF HERNANDO WATER SHALL BE REVIEWED ON AN INDIVIDUAL BASIS TO DETERMINE THE CHARGE WITH THE MINIMUM CHARGE TO BE \$15, OR THE INDUSTRY MAY BE REQUIRED TO INSTALL A METER FOR DETERMINING SEWAGE USAGE. IF SEWAGE IS METERED IT WILL BE CHARGED AT THE SAME RATE OF WATER USAGE.

## ARTICLE IV

### TRANSFERS

No person shall be entitled to transfer his water service from one location to another, except as hereinafter set forth. When premises are vacated, or the use thereof discontinued by a water customer, he shall pay his bill in full for the old location and make all necessary arrangements for the new cut-in before being entitled to any further water service, and the customer shall pay a fee of \$15.00 for transfer of water service from one location to another. Relocation, at the request of an owner or customer, of a water meter, connection or tap on the same property shall require payment of a charge determined from time to time as reflected on the official minutes of the city.

No person shall be entitled to a water cut-in or to water service at any location if he is in arrears for water service rendered at that or any other location.

#### **ARTICLE V**

#### **TAMPERING WITH METERS**

If any person tampers with or in anywise makes or attempts to make any improper use or adjustment of any water meter, stopcock, or service pipe, or attempts in any way to avoid payment of the proper amount due or to become due for the water obtained or to be obtained or used by such person or for his benefit, then in any said events the superintendent shall have the right, without notice, to immediately discontinue the water service of such person and/or charges for all resulting damages and costs to be reflected on the following month's water bill.

#### **ARTICLE VI**

#### **PENALTIES**

Any person willfully violating any of the prohibitions or provisions of this ordinance shall be guilty of a misdemeanor and shall, on conviction, be fined in a sum not to exceed \$500.00 or imprisoned for not more than 30 days or both.

#### **ARTICLE VII**

#### **AMENDMENTS**

This Ordinance shall be amended, as necessary, to comply with Federal or State Regulations.

#### **ARTICLE VIII**

#### **VALIDITY**

- Section 1. All ordinances or parts of ordinances in conflict are hereby repealed.
- Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.
- Section 3. That upon final approval as provided by statute this Ordinance shall repeal the prior ordinance adopted on April 1, 2008

The above Ordinance was first reduced to writing and read and considered by Sections at the regular March 20, 2012, public meeting of the Mayor and Board of

Aldermen and on motion duly made by Alderman Miller, seconded by Alderman Higdon, for the adoption of said Ordinance and seconded, a vote was taken as follows:

	<u>AYE</u>	<u>NAY</u>
Alderman-at-Large - Sam Lauderdale voted	"Aye"	
Alderman – Ward I Sonny Bryant voted	"Aye"	
Alderman – Ward II Andrew Miller voted	"Aye"	
Alderman – Ward III Gary Higdon voted	"Aye"	
Alderman – Ward IV Jamie Tipton voted	"Aye"	
Alderman – Ward V Marcus Manning	Absent	
Alderman – Ward VI Jeff Hobbs voted	"Aye"	

Thereupon the Mayor declared the Ordinance duly adopted this the 20th day of March, 2012, and declared the same to be full force and effect according to law.

\_\_\_\_\_  
CHIP JOHNSON, MAYOR

ATTEST:

\_\_\_\_\_  
KATIE SUBIA, CITY CLERK

### ARTICLE IX

#### **ORDINANCE IN FORCE**

- Section 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law.
- Section 2. I, Katie Subia, City Clerk and official custodian of the records of The Board of Alderman of the Town/City of Hernando, do hereby certify that the foregoing User Charge Ordinance was passed and adopted at a regular meeting of said Board and is further a matter of record in Minute Book No. 23.

\_\_\_\_\_  
Hernando City Clerk

**AUTHORIZATION TO ISSUE CHECK TO NORTH AMERICAN ELECTRIC, INC.  
F/K/A VIKING INDUSTRIAL PRODUCTS, INC. FOR THE BALANCE OF THE  
RESERVE FUND HELD PURSUANT TO THE LEASE AGREEMENT ENTERED INTO  
ON JULY 1, 1998 BETWEEN THE CITY OF HERNANDO, MISSISSIPPI AND VIKING  
INDUSTRIAL PRODUCTS, INC. IN THE AMOUNT OF \$32,647.22**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to authorize to issue a check to North American Electric, Inc. F/K/A Viking Industrial Products, Inc. for the balance of the reserve fund held pursuant to the lease agreement entered into on July 1, 1998 between the City of Hernando, Mississippi and Viking Industrial Products, Inc. in the amount of \$32,647.22. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

**ADOPTION OF RESOLUTION REQUESTING A LOCAL & PRIVATE BILL TO  
AUTHORIZE THE CITY OF HERNANDO TO CONTRIBUTE TO HERNANDO  
YOUTH SPORTS, INC. FOR THE BENEFIT OF THE HERNANDO CIVIC CENTER**

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RESOLUTION OF THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF HERNANDO, MISSISSIPPI REQUESTING LOCAL AND PRIVATE LEGISLATION TO DONATE FUNDS TO THE HERNANDO CIVIC CENTER ASSOCIATION, INC. AND/OR HERNANDO YOUTH SPORTS, INC.

*IT IS HEREBY RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF HERNANDO, MISSISSIPPI AS FOLLOWS:*

WHEREAS, the City of Hernando, Mississippi by and through its Mayor and Board of Aldermen do hereby desire to assist the Hernando Civic Center Association, Inc., hereinafter referred to as ("Civic Center") and Hernando Youth Sports, Inc. a non-profit Mississippi corporation by contributing funds to paid nonprofit organization from any available funds for the purposes of funding the operation and maintenance of the property commonly known as the Hernando Civic Center and which property is located immediately adjacent to the city limits of Hernando, Mississippi. That said property is a community park that is managed by the entity known as Hernando Youth Sports, Inc. The City of Hernando believes that contributing to

Hernando Youth Sports, Inc. will benefit the Citizens of Hernando by providing quality public park space and recreational opportunities for its citizens; and

WHEREAS, the Civic Center property is in need of ongoing maintenance and improvements and Hernando Youth Sports, Inc. requires financial assistance in order to properly manage, maintain, operate and improve the Hernando Civic Center park; all of which helps to make available, promote, improve and foster recreational opportunities for the citizens of Hernando, Mississippi; and

WHEREAS, absent local and private legislation the City of Hernando, Mississippi would have no authority to contribute funds to Hernando Youth Sports, Inc. as the manager of the Civic Center property for the operation, maintenance and management of the Hernando Civic Center; and

WHEREAS, the City of Hernando currently does not have a baseball and softball facility, roller hockey facility and equine facility available to its citizens and which recreational activities are available at the Hernando Civic Center; and

WHEREAS, past records of Hernando Youth Sports, Inc. and Hernando Civic Center, Inc., have consistently revealed that well over fifty (50%) percent of the children (boys and girls) that participate in the baseball and softball programs at the Civic Center are residents of the City of Hernando, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen of Hernando, Mississippi find that it is in the best interest of the citizens of Hernando, Mississippi to have authority to make direct contributions Hernando Youth Sports, Inc. for the benefit of the Hernando Civic Center and the recreational activities that occur at said park. The City of Hernando desires to have the authority to make such contributions, as long as the Hernando Civic Center remains open to the public for

use as a park to residents of Hernando, Mississippi, in an amount not to exceed Twelve Thousand and No/100 Dollars (\$12,000.00) each calendar year, through the calendar year 2016.

THEREFORE, BE IT RESOLVED, that the City of Hernando through its Mayor and Board of Aldermen request that the Mississippi legislature enact local and private legislation authorizing the City of Hernando, Mississippi to make contributions to Hernando Youth Sports, Inc., for the benefit of the Hernando Civic Center park in such sums as it deems appropriate but collectively not to exceed Twelve Thousand and No/100 Dollars (\$12,000.00) each calendar year, beginning with this year through the calendar year 2016.

BE IT RESOLVED, on this the 20<sup>th</sup> day of March, 2012, with the duly elected Mayor of the City of Hernando, Mississippi, Honorable Chip Johnson, having called for a Motion on the Resolution and accordingly, upon motion made by Alderman Tipton in favor of the Resolution and seconded by Alderman Lauderdale, and the following vote having occurred:

	<u>Yea</u>	<u>Nay</u>
Alderman Lauderdale	X	
Alderman Bryant	X	
Alderman Higdon	X	
Alderman Hobbs	X	
Alderman Miller	X	
Alderman Tipton	X	

Alderman Manning was absent from the meeting.

I, Katie Subia, City Clerk, do hereby certify that the foregoing is a true copy of the Resolution as adopted in the regular meeting of the Mayor and Board of Aldermen of the City of Hernando, Mississippi on the 20<sup>th</sup> day of March, 2012.

ATTESTED TO:

\_\_\_\_\_  
KATIE SUBIA, CITY CLERK

(SEAL)

Motion was duly made by Alderman Tipton, and seconded by Alderman Lauderdale to adopt the Resolution requesting a Local & Private Bill to authorize the City of Hernando to contribute to Hernando Youth Sports, Inc. for the benefit of the Hernando Civic Center. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

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**APPROVE THE AUDIT FYE 2011**

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Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to approve the Audit FYE 2011. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.



**AUTHORIZE TO HIRE JEREMY HUNLEY, IN THE PUBLIC WORKS  
DEPARTMENT, AT A RATE OF \$9.00 AN HOUR (REPLACING DONALD WRIGHT)**

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Motion was duly made by Alderman Miller, and seconded by Alderman Bryant that the Personnel Committee recommends hiring Jeremy Hunley in the Public Works Department, at a rate of \$9.00 an hour, based on the Public Works Directors recommendation. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

**ADOPT PROCLAMATION PROCLAIMING APRIL 2, 2012 AS WORLD AUTISM  
AWARENESS DAY**

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Motion was duly made by Alderman Miller, and seconded by Alderman Lauderdale to adopt Proclamation Proclaiming April 2, 2012 as World Autism Awareness Day. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of March, 2012.

**ADJOURN**

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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