

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

Also present for the meeting were: City Clerk Katie Subia, City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Planning Director Jared Darby, Police Chief Mike Riley, Public Works Director Gary McElhannon, Bobby Burton, Debra Williams, Henry Bailey, Joe Moss, Bob Ginn, Eddie Patterson, Kim Daly, Vance Daly, Ashley Haeusler, and Cherrie Jackson.

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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 Hobbs, and seconded by Alderman Higdon to approve the agenda as presented. A vote was taken with the following results:

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

Those voting "Nay": None.

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

Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

November 20, 2012

6:00pm

- 1) Call the meeting to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 96224 – 96379, less 96238, 96240, 96266 - 96279
- 5) Approve Docket of Claims No.'s (Lauderdale) 96238
- 6) Approve Docket of Claims No.'s (Bryant) 96266 - 96279
- 7) Approve Docket of Claims No.'s (Miller) 96240
- 8) Approve Minutes
- 9) Consent Agenda
  - A) Authorize Katie Subia to attend the IIMC Region IV meeting in Rogers, AR on December 6-8, 2012 and authorize to pay registration and travel expenses
  - B) Authorize Chief Hubert Jones and Deputy Chief Marshel Berry to attend the 2013 Mid-Winter Mississippi Fire Chiefs Conference in Jackson, MS on January 23-25, 2013. Also authorize to pay for registration and travel expenses
- 10) Planning Commission
  - A) Development Plan Amendment, Crossroads Planned Unit Development, Bob Ginn

- B) City of Hernando Zoning Ordinance Amendment, Article XV Required Off-street Parking and Loading
  - C) City of Hernando Zoning Ordinance Amendment, Article II Definitions, Article VII Commercial Districts, Article VIII Industrial Districts
  - D) Public Health, Safety, and Welfare Hearing, 2274 Fuhrer Drive, Abandoned house and debris
  - E) Public Health, Safety, and Welfare Hearing, Railroad Avenue Parcel #: 307418003 0000900, Abandoned house and debris
- 11) Request from Palmer Home to close Panola Street at 6 p.m. on Friday April 12, 2013 and reopen at 12 p.m. on Sunday April 14, 2013, for the Mudbug Bash
- 12) Request from Vance Daly to close Hill Street on November 22, 2012 from 8 a.m. until 3 p.m.
- 13) Approve the transfer of Tiffany Brown from Dispatch to Utility/Bookkeeper clerk, with pay of \$12.00 an hour
- 14) Consideration of approval of a workout policy for the Police Department
- 15) Authorize to accept the lowest and best bid for the Knuckleboom Trash Loader and Dump Bed
- 16) Authorize to accept the lowest and best quote from Bancorpsouth Equipment financing for the Knuckleboom Truck
- 17) 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)
- 18) Approval of recommended environmental and grants management consulting firm, Earthcon to conduct brownfield grant management, environmental assessments, remediation planning, and related activities
- 19) Street Overlay Discussion
- 20) Executive Session – Police Personnel
- 21) Adjourn

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**APPROVE DOCKET OF CLAIMS NO.'S 96224 – 96379, LESS 96238, 96240, 96266 - 96279**

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The Board of Aldermen were presented with a docket of claims No. 96224 - 96379, less 96238, 96240, 96266 - 96279 in the amount of \$1,146,657.25 for approval.

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

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

Those voting "Nay": None.

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

**APPROVE DOCKET OF CLAIMS NO. 96238 (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. 96238 in the amount of \$188,274.47 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 Miller, Alderman Higdon, Alderman Tipton, Alderman Hobbs, and Alderman Bryant.

Those voting "Nay": None.

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

**APPROVE DOCKET OF CLAIMS NO. 96266 - 96279 (BRYANT)**

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Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 96266 - 96279 in the amount of \$6,682.06 for approval.

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

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

Those voting "Nay": None.

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

**APPROVE DOCKET OF CLAIMS NO. 96240 (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. 96240 in the amount of \$38,145.60 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 Tipton, Alderman Hobbs, Alderman Lauderdale, Alderman Bryant, and Alderman Higdon.

Those voting "Nay": None.

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

**APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON NOVEMBER 6, 2012**

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Motion was duly made by Alderman Lauderdale and seconded by Alderman Hobbs to approve the Minutes from the regular Board Meeting on November 6, 2012. A vote was taken with the following results:

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

Those voting "Nay":

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

**CONSENT AGENDA**

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- A) Authorize Katie Subia to attend the IIMC Region IV meeting in Rogers, AR on December 6-8, 2012 and authorize to pay registration and travel expenses
- B) Authorize Chief Hubert Jones and Deputy Chief Marshal Berry to attend the 2013 Mid-Winter Mississippi Fire Chiefs Conference in Jackson, MS on January 23-25, 2013. Also authorize to pay for registration and travel expenses

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

Those voting "Nay": None.

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

**PLANNING COMMISSION**

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- C) Development Plan Amendment, Crossroads Planned Unit Development, Bob Ginn
- D) City of Hernando Zoning Ordinance Amendment, Article XV Required Off-street Parking and Loading
- E) City of Hernando Zoning Ordinance Amendment, Article II Definitions, Article VII Commercial Districts, Article VIII Industrial Districts
- F) Public Health, Safety, and Welfare Hearing, 2274 Fuhrer Drive, Abandoned house and debris
- G) Public Health, Safety, and Welfare Hearing, Railroad Avenue Parcel #: 307418003 0000900, Abandoned house and debris

**DEVELOPMENT PLAN AMENDMENT, CROSSROADS PLANNED UNIT DEVELOPMENT, BOB GINN**

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Alderman Tipton recused himself and left the room.

Jared Darby presented the information.

Bob Ginn was present. Mr. Ginn passed out a brochure showing what they are doing with the property. The selling of the equipment is helping to pay for maintenance of the property. It is putting it to use until it sells. We have starting marketing the property on a national scale.

Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to approve the Development Plan Amendment, for Crossroads Planned Unit Development, allowing the temporary sales of heavy equipment with a two year extension as presented following the recommendation of the Planning Commission. A vote was taken with the following results:

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

Those voting "Nay": None.

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

Alderman Manning arrived.

**CITY OF HERNANDO ZONING ORDINANCE AMENDMENT, ARTICLE XV  
REUIRED OFF – STREET PARKING AND LOADING**

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Jared Darby presented the information.

Mayor Johnson asked Kenney Stockton if we added the word ‘Driveways’, would it clear the ordinance up.

Kenny Stockton answered yes.

Alderman Miller mentioned a concern for owner operated rigs. He expressed how they have a lot of money invested in their trucks and we should check into the situation more. Alderman Miller also stated that Horn Lake had a similar situation.

Alderman Tipton asked Jared if he saw it as an issue, if we allowed rigs to be parked in the driveway. Jared Darby answered yes, and stated that was how this all got started.

Alderman Miller asked Jared if the ones we are getting complaints on were owner operated rigs or company ones, and if they were on the street or property. Jared Darby answered that they were on the property and he wasn’t sure if they were owner operated or a company truck.

Alderman Lauderdale suggested that we review Horn Lake’s Ordinance.

Alderman Higdon asked Kenny Stockton asked if we could legally do that, allow one type and not the other. Kenny Stockton answered that he didn’t think we could do that.

Alderman Miller stated that his concern was the money that the citizens put into their truck, and then wouldn’t be able to park on their property.

Alderman Higdon asked is we would then have to go back and review the ordinance and allow RV’s to be parked that way also. Jared Darby answered that was a possibility, and that there is no difference between an owner operated rig and a company one.

Alderman Tipton stated that other citizens have invested in their property also and wouldn’t want to look out to see a big Rig or RV parked across the street.

Motion was duly made by Alderman Manning, and seconded by Alderman Tipton to authorize to draft an Ordinance Amendment to add the word “driveways”. A vote was taken with the following results:

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

Those voting “Nay”: Alderman Miller

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

**CITY OF HERNANDO ZONING ORDINANCE AMENDMENT, ARTICLE II  
DEFINITIONS, ARTICLE VII COMMERCIAL DISTRICTS, ARTICLE VIII  
INDUSTRIAL DISTRICTS**

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Jared Darby presented.

Alderman Lauderdale wanted to know why it is a permitted use in industrial zone, and we made the decision to make it a conditional use in commercial zone, when the business is a commercial business. Alderman Lauderdale thinks it should be a permitted use in an industrial zone and a commercial zone. Jared Darby answered that these were used under the office designation, which is allowed in most zones except M1 and M2. With the bail bonds agency moving to the M1 area around the new jail, any new bail bond agency located next to shops, commercial centers, our square was thought to need a more conditional review by the Planning Commission.

Mayor Johnson stated that when we discussed we were talking about protecting the existing bail bond agencies and this is what that does.

Alderman Lauderdale expressed his concern about the conditional use in a commercial zone, he doesn't think we should restrict businesses.

The Board held a discussion about the different zoning, locations and businesses.

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Tipton to authorize to put in ordinance form the changing of the M2 and M1 zone to allow Bail Bond businesses to be a permitted use in those zones and in zone C3 it be allowed as a permitted use, with a further study of C2. 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 20<sup>th</sup> day of November, 2012.

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**PUBLIC HEALTH, SAFETY, AND WELFARE HEARING, 2274 FUHRER DRIVE,  
ABANDONED HOUSE AND DEBRIS**

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Mayor Johnson stated that he was informed about this house by a neighbor of the house. The house had burned a while back, and it is thought to be illegal things going on at the house

Jared Darby presented and showed a slide show of pictures.

Alderman Miller asked Jared Darby if he contacted the homeowner. Jared Darby answered that he did everything according to state law requirements to contact the owner, but he did not personally speak with them. Mayor Johnson stated that we never received a way to contact the homeowner, and the homeowner did not make any effort to contact us. Alderman Miller feels that we should do more to personally contact the homeowner.

Alderman Higdon asked if it was a safety issue to the public.

Alderman Hobbs asked how long ago the house burned.

Mayor Johnson answered that the neighbor to the house said that it had been two years, that is just hear say, I don't know for sure.

Mayor Johnson asked the homeowner what her plan was for the house. Mayor also asked the homeowner if she would want the house torn down if someone, a private party, paid for it.

Cherri Jackson, 2274 Fuhrer Dr, said she planned on cleaning it up and wants to save the house. She would want the house torn down if a private party was to pay for it.

Motion was duly made by Alderman Tipton, and seconded by Alderman Miller to give Cherrie Jackson a 90 day extension to review. 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 20<sup>th</sup> day of November, 2012.

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**PUBLIC HEALTH, SAFETY, AND WELFARE HEARING, RAILROAD AVENUE  
PARCEL #: 307418003 0000900, ABANDONED HOUSE AND DEBRIS**

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Mayor Johnson stated that he was informed about this house by a citizen who lives near this property. The citizen stated that there is a lot of illegal activity going on at this vacant house. Our Police Chief stated that they respond a lot to illegal activity going on at this location.

Jared Darby presented and showed a slide show of pictures.

Alderman Miller asked Jared Darby what makes this home unrepairable. Jared Darby stated that the materials it would take to repair the home would be the same materials to build a new home.

Mayor Johnson asked Mr. Patterson if he would like to tell us what his plans are for the property and how long it has been vacant.

Mr. Patterson, 2605 Railroad Avenue, stated that his intentions are to fix the home, but in the meantime he is going to board it up where no one can get in.

Alderman Tipton asked if he was not necessarily going to repair the house to where someone can live in it, but just going to board it up?

Mr. Patterson answered yes, just to board it up in the meantime.

Alderman Higdon asked what taken place on the property in the last year, has anything been done on the property?

Mr. Patterson answered not really.

Alderman Hobbs asked Jared about illegal activity going on at the property and that the police have been called multiple times, maybe at both properties. How long has this been going on? Jared Darby stated that he could only say what the officer told him. Police Chief Mike Riley answered about six to eight months. Alderman Hobbs stated a concern about not being proactive about all of this. That way we can start to look into it. Alderman Hobbs stated that we need our process to be reviewed.

Alderman Lauderdale asked Mr. Patterson how long it would take him to board the home up, if he could do it in 90 days.

Mr. Patterson answered maybe.

Mayor Johnson stated that our main goal is to make it safe, and to keep people out of it, then to make it look better. Mayor Johnson asked Mr. Patterson if he thinks he would need an extension to get the home boarded up and cleaned up.

Motion was duly made by Alderman Tipton, and seconded by Alderman Bryant to extend 150 days to get it boarded up, cleaned up and to come back to the Board with a plan to make it habitable. 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 20<sup>th</sup> day of November, 2012

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**REQUEST FROM PALMER HOME TO CLOSE PANOLA STREET AT 6 PM ON  
FRIDAY APRIL 12, 2013 AND REOPEN AT 12 PM ON SUNDAY APRIL 14, 2013, FOR  
THE MUDBUG BASH**

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Ashley Haeusler presented the request.

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Miller to approve the request from Palmer Home to close Panola Street at 6 pm on Friday April 12, 2013 and reopen at 12 pm on Sunday April 14, 2013, for the Mudbug Bash. 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 20<sup>th</sup> day of November, 2012

**REQUEST FROM VANCE DALY TO CLOSE HILL STREET ON NOVEMBER 22, 2012  
FROM 8 AM UNTIL 3 PM**

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Vance Daly presented his request.

Alderman Miller stated that he went around and spoke to the citizens in this area, and they are all ok with this request.

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to approve the request from Vance Daly to close Hill street on November 22, 2012 from 9 am until 3 pm to hold a Thanksgiving meal for the residents in that area. 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 20<sup>th</sup> day of November, 2012.

**APPROVE THE TRANSFER OF TIFFANY BROWN FROM DISPATCH TO  
UTILITY/BOOKKEEPER CLERK, WITH A PAY OF \$12.00 AN HOUR**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to approve the transfer of Tiffany Brown from Dispatch to Utility/Bookkeeping Clerk, with a pay of \$12.00 an hour, per the Personnel Committee's recommendation. 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 20<sup>th</sup> day of November, 2012.

**CONSIDERATION OF APPORVAL OF A WORKOUT POLICY FOR THE POLICE  
DEPARTMENT**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Bryant to approve the Workout Policy for the Police Department, per the Personnel Committee's recommendation, based on the recommendation of the Police Chief. 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 20<sup>th</sup> day of November, 2012.

**AUTHORIZE TO ACCEPT THE LOWEST AND BEST BID FOR THE  
KNUCKLEBOOM TRASH LOADER AND DUMP BED**

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Bobby Burton presented the following explanation sheet as to why River City had the best bid for the Knuckleboom Trash Loader and Dump Bed needed by the City of Hernando.

**Knuckleboom Trash Loader and Dump Bed**

6.01 "Trash bucket actuated by a single double-acting cylinder" – This single dual action cylinder is more durable and holds a load better than a grapple with two cylinders that work using a "bite force action". Approximately one month after purchasing a loader with two cylinders that works with a "bite force", a log that was being picked up slipped out and caved in the driver side cab post of truck # 415. What if an employee had been standing there? (picture)



6.03 "No hydraulic hoses below bucket rotator will be allowed" – When you have hydraulic hoses below the bucket rotator they will get hit, pulled on, and pinched by the guards when they become bent. This is an ongoing expense with the brush trucks we now have. By not having any hoses in this area you eliminate the risk of hoses being damaged.

21.01 "Hoist to be "scissor type" dual cylinder with 16 ton capacity" – The "scissor type" hoist lets you power up and also power down. Telescopic hoist power up to dump load and then the weight of the bed pushes them back down. Both trucks the City currently owns have telescopic hoist. They both get hung up at the dump unable to pull forward because the tires are spinning and unable to get the bed down because of load at the bottom. In order to get the bed down employees used the grapple and pushed down on the bed. Over time the front of the bed is bent, bowed, and weakened. This is the reason we need the "scissor type" hoist. (picture)

"Shop within 25 miles" – This allows us to get the truck to the shop for repairs in a more timely matter. Down time can be costly.

Exceptions to chassis bid spec's –

Pac Mac - Bidding a 2014 year model 4x2 Freightliner M2 medium duty 33,000 # GVWR chassis. All 2012 and 2013 build slots are full. Delivery to the body company will be in early March 2013. Then another 40 days to put bed on the chassis.

River City – Delivery date is immediately. The Truck is in Memphis and ready for delivery.

We have had both a Pac Mac and a Peterson truck. This is why we have the knowledge about both types of trucks and how we have determined what works best for the City of Hernando

The price for renting would be \$2,200.00 a week or \$6,000.00 a month

Michael's Tree and Loader Service charges \$350 per load to come pick up

Motion was duly made by Alderman Hobbs, and seconded by Alderman Higdon to authorize accept the best bid for the Knuckleboom Trash Loader and Dump Bed from River City Hydraulics in the amount of \$119,208.00, based on the City finding that this is the best bid, after reviewing factors from Public Works, and the recommendation of the Public Works Director. 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 20<sup>th</sup> day of November, 2012.

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**AUTHORIZE TO ACCEPT THE LOWEST AND BEST QUOTE FROM  
BANCORPSOUTH EQUIPMENT FINANCING FOR THE KNUCKLEBOOM TRASH  
LOADER AND DUMP BED**

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Motion was duly made by Alderman Tipton, and seconded by Alderman Miller authorize to accept the lowest and best quote from Bancorpsouth Equipment Financing for the financing of the Knuckleboom Trash Loader and Dump Bed, with terms of 5 years at an interest rate of 1.81%. 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 20<sup>th</sup> day of November, 2012.

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**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)**

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RESOLUTION OF NOVEMBER 20, 2012 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)

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WHEREAS, The Mayor and Board of Alderman of the City of Hernando, Mississippi have determined that it is necessary for the City of Hernando to borrow money to meet the current expenses of the City of Hernando; and

WHEREAS, The Mayor and Board of Alderman of the City of Hernando are authorized to borrow funds necessary to meet the current expenses of the City of Hernando in anticipation of the valorem taxes to be collected for the current fiscal year, being the year 2012-2013, and which authority is found at Section 21-33-325 of the Mississippi Code of 1972, as Amended; and

WHEREAS, The anticipated ad valorem tax revenue for the fiscal year 2012-2013 for the City of Hernando is anticipated to be **three million six hundred eighty-two thousand one hundred and twenty-four dollars (\$3,682,124.00)** as of September 30, 2012; and

WHEREAS, The Mayor and Board of Alderman resolve to borrow an amount of money not to exceed the sum of eight hundred thousand and no/100 dollars (\$800,000.00) which is less than the fifty percent (50%) maximum amount allowed pursuant to section 21-33-325 of the Mississippi Code of 1972, Annotated, as Amended; and

WHEREAS, The Mayor and Board of Alderman, resolve to repay such money on or before March 15, 2013 as prescribed by the aforementioned statutory authority.

***THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF HERNANDO, MISSISSIPPI AS FOLLOWS:***

1. That the City of Hernando, Mississippi shall borrow the sum of eight hundred thousand and no/100 dollars (\$ 80000.00) from FIRST TENNESSEE BANK for the purpose of paying the current expenses of the City of Hernando. That said loan is made in anticipation of ad valorem taxes to be collected for the current fiscal year. The money borrowed from First Tennessee Bank shall bear interest at the rate of .98% per annum and shall be paid in full on or before March 15, 2013. That said repayment shall be paid from the first of moneys collected by virtue of the tax levy and the anticipation of which the money is being borrowed. That said funds being borrowed shall be used for no other purpose than the payment of the current expenses of the City of Hernando and which

is authorized by Section 21-33-325 of the Mississippi Code of 1972 Annotated, as amended.

2. That the money being borrowed by the City of Hernando, Mississippi from First Tennessee Bank does not violate the interest rate cap as found in Section 75-17-105 of the Mississippi Code of 1972, Annotated, as Amended.

3. That the money borrowed, as set forth in paragraph number one (1) above shall be evidenced by a negotiable promissory Note of the City of Hernando, Mississippi in accordance with the following provisions and conditions:

- A. The money borrowed, shall be payable, principal and all accrued interest to First Tennessee Bank on or before March 15, 2013, in lawful money.
- B. That said repayment shall be payable without penalty on or before the maturity date.
- C. That the Note shall be executed by the Mayor of the City of Hernando who shall personally affix his signature to the same and witnessed by the City Clerk of the City of Hernando, Mississippi, under the official seal of the City of Hernando, Mississippi in substantially the form on the attached Exhibit "A", being the proposed Tax Anticipation Note.
- D. That said Note shall be issued in all respects and in conformity with the law, and the full faith, credit and resources of the City of Hernando, Mississippi, the same being irrevocably pledged to the payment of principal of eight hundred thousand and no/100 dollars (\$800,000.00), and the interest on, said Note as the same matures and becomes due, with said funds to be repaid out of the first money collected by virtue of the tax levy, the anticipation of which such money is to be borrowed.
- E. The amount of the Note does not exceed 50% of the anticipated, but uncollected, revenue to be produced by the current tax levy of the City of Hernando against which such money is borrowed.
- F. The Note is hereby designated as a Qualified Tax Exempt Obligation, within the meaning and for the purposes as set forth in Section 265(b) of the Internal

Revenue Code of 1986, as amended.

- G. That said money borrowed by the City of Hernando pursuant to this resolution shall not be applicable to any statutory limitation on indebtedness by a municipality as set forth in Section 21-33-325 of the Mississippi Code of 1972, Annotated, as Amended.
- H. That when said Note shall have been executed by the Mayor of the City of Hernando as provided, the Clerk of the City shall deliver said Note to First Tennessee Bank at its office in Hernando, Mississippi. That the City upon receipt of any note proceeds shall immediately deposit the same in the lawful depository bank for the City of Hernando and shall be placed in the "General Fund" account to be used for the purposes of paying the current expenses of the City of Hernando and for no other such purpose.

That the Motion to approve said Resolution was made as follows:

Alderman Sam Lauderdale (Introduced Motion)  
 Alderman Gary Higdon (Seconded Motion)

**Record Vote:**

	<u>YES</u>	<u>NO</u>
ALDERMAN LAUDERDALE	<u>X</u>	_____
ALDERMAN BRYANT	<u>X</u>	_____
ALDERMAN HIGDON	<u>X</u>	_____
ALDERMAN HOBBS	<u>X</u>	_____
ALDERMAN MANNING	<u>X</u>	_____
ALDERMAN MILLER	<u>X</u>	_____
ALDERMAN TIPTON	<u>X</u>	_____

  
 MAYOR CHIP JOHNSON

ATTEST:

  
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 CITY CLERK

(SEAL)

**APPROVAL OF RECOMMENDED ENVIRONMENTAL AND GRANTS  
 MANAGEMENT CONSULTING FIRM, EARTHCON TO CONDUCT BROWNSFIELD  
 GRANT MANAGEMENT, ENVIRONMENTAL ASSESSMENTS, REMEDIATION  
 PLANNING, AND RELATED ACTIVITIES**

Motion was duly made by Alderman Higdon, and seconded by Alderman Manning to approve the Recommended Environmental and Grants Management Consulting Firm, EarthCon to conduct Brownsfield Grant Management, Environmental Assessments, Remediation Planning, and Related Activities. 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 20<sup>th</sup> day of November, 2012

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**STREET OVERLAY DISCUSSION**

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Mayor Johnson advised that the letter requesting help with street overlays from the county was delivered to Harvey Lee, the county supervisor, last week. Harvey Lee advised that he hasn't seen the letter yet, but he will look for it.

Joe Frank Lauderdale presented a list of overlays needed, in ranking order.

Mayor Johnson asked Joe Frank for his professional Engineering opinion if we would want to go ahead and bid this out or wait until the spring.

Joe Frank Lauderdale responded that will need to bid this out after the first of the year, to get on some ones list.

Mayor Johnson stated that we would need to see an item the first or second meeting in January authorizing us to advertise for bids.

Joe Frank Lauderdale answered yes.

Alderman Lauderdale asked if we could wait on a response from the County before we move forward.

Mayor Johnson asked if there was any discussion about the list of streets. The Board had a discussion about some of the streets on the list. They spoke about the condition of some of the streets versus other streets and the ranking.

Mayor Johnson stated that we would bring this back to the Board at the second meeting in January, asking to authorize to advertise for bids on the overlays. We hope to have an answer from the county on if they will help at that meeting. At that time the Board can decide what streets they want to overlay.

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**GO INTO CLOSED SESSION**

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Motion was duly made by Alderman Manning, and seconded by Alderman Higdon to go into closed session to discuss going into executive session for police personnel. 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 20<sup>th</sup> day of November, 2012

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**GO INTO EXECUTIVE SESSION – POLICE PERSONNEL**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to go into executive session for police personnel. 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 20<sup>th</sup> day of November, 2012

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**COME OUT OF EXECUTIVE SESSION – POLICE PERSONNEL**

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Motion was duly made by Alderman Higdon, and seconded by Alderman Lauderdale to come out of executive session. 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 20<sup>th</sup> day of November, 2012

**POLICE PERSONNEL**

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Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to suspend Police Officer David Carpenter two days without pay, leaving the dates up to the Police Chiefs discretion. 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 20<sup>th</sup> day of November, 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".

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MAYOR CHIP JOHNSON

ATTEST:

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KATIE SUBIA, CITY CLERK