

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, October 16, 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.

Also present for the meeting were: City Clerk Katie Subia, City Attorney Kenny Stockton, City Engineer Joe Frank Lauderdale, Planning Director Jared Darby, Fire Chief Hubert Jones, Police Chief Mike Riley, Public Works Director Gary McElhannon, Fire Inspector Matt Massey, Assistant Public Works Director Bobby Burton, Henry Bailey, Yashiva Edwards, Anthony Johnson, Doug Thornton and Brent Barnhart.

INVOCATION

Alderman Miller gave the invocation.

APPROVAL OF AGENDA

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October 2012.

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

October 16, 2012

6:00pm

- 1) Call the meeting to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 95763 – 95942, less 95774, 95775, 95801 and 95802
- 5) Approve Docket of Claims No.'s (Lauderdale) 95775
- 6) Approve Docket of Claims No.'s (Bryant) 95801 and 95802
- 7) Approve Docket of Claims No.'s (Miller) 95774
- 8) Approve Minutes from the regular meeting of 10/2/12
- 9) Approve Minutes from the regular meeting of 10/9/12
- 10) Consent Agenda
 - A) Authorize Charlie Barnette to attend the MS State Fire Academy for Fire Fighter 1001 I-II in Jackson, MS. Also authorize to pay for registration and travel expenses. The date is not set, but is expected to be at the end of October
 - B) Authorize Patricia Ray and Jacob Hisaw, Animal Control, to attend the Training Academy in Pearl, MS on November 5-8, 2012, and authorize to pay registration and travel expenses.
 - C) Application for a **Development Plan Amendment, submitted by Bob Ginn**, on behalf of Mr. Cal Wilkins. The proposed amendment would allow the continuation of an amended use list that allows heavy equipment sales. The

property is currently zoned **Planned Unit Development, "PUD"**. Subject property is located on the south side of Green T Road and between Highway 51 and Interstate 55; in Section 1 Township 3, Range 8. *Set public hearing for November 20, 2012.*

- D) Application for a **Zoning Amendment**, Article XV Required Off-street Parking and Loading. *Set public hearing for November 20, 2012*
- E) Application for a **Zoning Amendment**, Article II Definitions, Article VII Commercial Districts, Article VIII Industrial Districts. *Set public hearing for November 20, 2012*

11) Planning Commission

Application for a **Development Plan Amendment, submitted by Brent Barnheart**, on behalf of First Security Bank. The proposed amendment is to allow for a different type of residential window design and materials. The property is currently zoned **Planned Unit Development, "PUD"**. Subject property is located on the north side of Nesbit Road and west of Highway 51; in Section 25, Township 2, Range 8

- 12) Site Plan Review Committee discussion (per Alderman Lauderdale's request)
- 13) Robertson Place, Improvement Bond Renewal
- 14) Authorize to advertise to accept bids for a Knuckleboom Trash Loader and Dump Bed
- 15) Approve the Municipal Compliance Questionnaire
- 16) Adopt Master Parks Plan
- 17) Amend User Charge Ordinance, for Garbage only customer deposits
- 18) Approve a speed limit change on Broady Road to 25mph
- 19) Authorize to hire Yashiva Edwards as the Athletic Coordinator, with a salary of \$34,000 yearly
- 20) Authorize to pay Ron McCreary for 10K race finish services, in the amount of \$400, from the Tourism fund. This invoice did not make it on the docket.
- 21) Executive session for public works personnel
- 22) Adjourn

APPROVE DOCKET OF CLAIMS NO.'S 95763 – 95942, LESS 95774, 95775, 95801 AND 95802

The Board of Aldermen were presented with a docket of claims No. 95763 – 95942, less 95774, 95775, 95801 and 95802 in the amount of \$1,086,891.51 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012.

APPROVE DOCKET OF CLAIMS NO. 95539 AND 95609 (LAUDERDALE)

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 95775 in the amount of \$184,729.21 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 Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012.

APPROVE DOCKET OF CLAIMS NO. 95801 AND 95802 (BRYANT)

Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 95801 and 95802 in the amount of \$129.95 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012

APPROVE DOCKET OF CLAIMS NO. 95774 (MILLER)

Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 95774 in the amount of \$39,901.41 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012.

APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON OCTOBER 2, 2012

Motion was duly made by Alderman Higdon and seconded by Alderman Manning to approve the Minutes from the regular Board Meeting on October 2, 2012. A vote was taken with the following results:

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

Those voting "Nay":

Alderman Lauderdale abstained from voting.

ORDERED AND DONE this the 16th day of October, 2012.

APPROVE MINUTES FROM THE SPECIAL BOARD MEETING ON OCTOBER 9, 2012

Motion was duly made by Alderman Higdon and seconded by Alderman Tipton to approve the Minutes from the special Board Meeting on October 9, 2012. A vote was taken with the following results:

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

Those voting "Nay":

Alderman Lauderdale and Alderman Manning abstained from voting.

ORDERED AND DONE this the 16th day of October, 2012

CONSENT AGENDA

- A) Authorize Charlie Barnette to attend the MS State Fire Academy for Fire Fighter 1001 I-II in Jackson, MS. Also authorize to pay for registration and travel expenses. The date is not set, but is expected to be at the end of October
- B) Authorize Patricia Ray and Jacob Hisaw, Animal Control, to attend the Training Academy in Pearl, MS on November 5-8, 2012, and authorize to pay registration and travel expenses.
- C) Application for a **Development Plan Amendment, submitted by Bob Ginn**, on behalf of Mr. Cal Wilkins. The proposed amendment would allow the continuation of an amended use list that allows heavy equipment sales. The property is currently zoned **Planned Unit Development, "PUD"**. Subject property is located on the south side of Green T Road and between Highway 51 and Interstate 55; in Section 1 Township 3, Range 8. *Set public hearing for November 20, 2012.*
- D) Application for a **Zoning Amendment**, Article XV Required Off-street Parking and Loading. *Set public hearing for November 20, 2012*
- E) Application for a **Zoning Amendment**, Article II Definitions, Article VII Commercial Districts, Article VIII Industrial Districts. *Set public hearing for November 20, 2012*

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012.

PLANNING COMMISSION

APPLICATION FOR DEVELOPMENT PLAN AMENDMENT, SUBMITTED BY BRENT BARNHEART, ON BEHALF OF FIRST SECURITY BANK. THE PROPOSED AMENDMENT IS TO ALLOW FOR A DIFFERENT TYPE OF RESIDENTIAL WINDOW DESIGN AND MATERIALS. THE PROPERTY IS CURRENTLY ZONED PLANNED UNIT DEVELOPMENT, "PUD". SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF NESBIT ROAD AND WEST OF HIGHWAY 51; IN SECTION 25, TOWNSHIP 2, RANGE 8

Jared Darby, Planning Director, presented the information on the application. Mr. Barnheart was present for questions.

Motion was duly made by Alderman Tipton, and seconded by Alderman Hobbs to approve application for development plan amendment, as presented. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012.

SITE PLAN REVIEW COMMITTEE DISCUSSION

Alderman Lauderdale spoke about the Design guidelines. He stated that he wanted steps for appealing, in writing, presented to any businesses affected. Alderman Lauderdale also wants an Alderman to be an active member of this Committee. Mr. Lauderdale's concern was that it is too costly for a business to have to bring vacant buildings up to code in order to re occupy them, and he thinks that it is turning businesses away.

Jared Darby showed a slide show of pictures of current vacant buildings.

There was a discussion of what might have to be done for some of the buildings on the slide show to become occupiable. Jared Darby informed the Board that if someone wanted to occupy a building that had been vacant for a year or more, they could do so, but it would have to be up to current standards before opening. Mayor Johnson referenced the former HQ building and asked if it would have to have any work done to be occupied. Jared Darby answered that it would not need to have anything done; it was up to current zoning standards as it sits. Mayor Johnson asked if it would have to have anything done to reopen if it sits for three years, again Mr. Darby answered no; assuming that fire and building codes do not change.

Alderman Tipton requested that the City Clerk be taken off of this committee.

Kenny Stockton was asked to look to see if it is legal and in the best interest of the City, to have an Alderman on the Committee. Also, Jared Darby will make the appeal process instructions a part of the application.

ROBERTSON PLACE, IMPROVEMENT BOND RENEWAL

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to authorize to call the bond if it is not received by 10am Friday, October 19th, 2012. 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 16th day of October, 2012.

AUTHORIZE TO ADVERTISE TO ACCEPT BIDS FOR A KNUCKLEBOOM TRASH LOADER AND DUMP BED

Motion was duly made by Alderman Tipton, and seconded by Alderman Manning to authorize to advertise to accept bids for a Knuckleboom Trash Loader and Dump Bed. 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 16th day of October, 2012.

APPROVE THE MUNICIPAL COMPLIANCE QUESTIONNAIRE

Municipal Compliance Questionnaire

As part of the municipality's audit, the governing authorities of the municipality must make certain assertions with regard to legal compliance. The municipal compliance questionnaire was developed for this purpose.

The following questionnaire and related certification must be completed at the end of the municipality's fiscal year and entered into the official minutes of the governing authorities at their next regular meeting.

The governing authorities should take care to answer these questions accurately. Incorrect answers could reduce the auditor's reliance on the questionnaire responses, resulting in the need to perform additional audit procedures at added cost.

Information

Note: Due to the size of some municipalities, some of the questions may not be applicable. If so, mark N/A in answer blanks. Answers to other questions may require more than "yes" or "no," and, as a result, more information on this questionnaire may be required and/or separate work papers may be needed.

- 1. Name and address of municipality:
City of Hernando
475 W Commerce St Hernando, MS 38632
- 2. List the date and population of the latest official U.S. Census or most recent official census:
2011 - 14090
- 3. Names, addresses and telephone numbers of officials (include elected officials, chief administrative officer, and attorney).
See attached
- 4. Period of time covered by this questionnaire:
 From: 10-1-11 To: 9-30-12
- 5. Expiration date of current elected officials' term: 6-30-13

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MUNICIPAL COMPLIANCE QUESTIONNAIRE
 Year Ended September 30, 20__

Answer All Questions: Y - YES, N - NO, N/A - NOT APPLICABLE

PART I - General

- 1. Have all ordinances been entered into the ordinance book and included in the minutes? (Section 21-13-13) Y
- 2. Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27) Y
- 3. Are municipal records open to the public? (Section 25-61-5) Y
- 4. Are meetings of the board open to the public? (Section 25-41-5) Y
- 5. Are notices of special or recess meetings posted? (Section 25-41-13) Y
- 5. Are all required personnel covered by appropriate surety bonds?
 - Board or council members (Sec. 21-17-5) Y
 - Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter) Y
 - Municipal clerk (Section 21-15-38) Y
 - Deputy clerk (Section 21-15-23) Y
 - Chief of police (Section 21-21-1) Y
 - Deputy police (Section 45-5-9) (if hired under this law) Y
- 7. Are minutes of board meetings prepared to properly reflect the actions of the board? (Sections 21-15-17 and 21-15-19) Y
- 8. Are minutes of board meetings signed by the mayor or majority of the board within 30 days of the meeting? (Section 21-15-33) Y
- 9. Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53) Y
- 10. Did all officers, employees of the municipality, or their relatives avoid any personal interest in any contracts with the municipality during their term or within one year after their terms of office or employment? (Section 25-4-105) Y
- 11. Does the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31) Y

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12. Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance?
(Section 21-35-31 or 21-17-19)

Y

PART II - Cash and Related Records

1. Where required, is a claims docket maintained?
(Section 21-39-7)
2. Are all claims paid in the order of their entry in the claims docket? (Section 21-39-9)
3. Does the claims docket identify the claimant, claim number, amount and fund from which each warrant will be issued?
(Section 21-39-7)
4. Are all warrants approved by the board, signed by the mayor or majority of the board, attested to by the clerk, and bearing the municipal seal? (Section 21-39-13)
5. Are warrants for approved claims held until sufficient cash is available in the fund from which it is drawn?
(Section 21-39-13)
6. Has the municipality adopted and entered on its minutes a budget in the format prescribed by the Office of the State Auditor? (Sections 21-35-5, 21-35-7 and 21-35-9)
7. Does the municipality operate on a cash basis budget, except for expenditures paid within 30 days of fiscal year end or for construction in progress? (Section 21-35-23)
8. Has the municipality held a public hearing and published its adopted budget? (Sections 21-35-5, 27-39-203, & 27-39-205)
9. Has the municipality complied with legal publication requirements when budgetary changes of 10% or more are made to a department's budget? (Section 21-35-25)
10. If revenues are less than estimated and a deficit is anticipated, did the board revise the budget by its regular July meeting? (Section 21-35-25)

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

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11. Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11) Y
12. Does the municipal clerk submit to the board a monthly report of expenditures against each budget item for the preceding month and fiscal year to date and the unexpended balances of each budget item? (Section 21-35-13) Y
13. Does the board avoid approving claims and the city clerk not issue any warrants which would be in excess of budgeted amounts, except for court-ordered or emergency expenditures? (Section 21-35-17) Y
14. Has the municipality commissioned municipal depositories? (Sections 27-105-353 and 27-105-363) Y
15. Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323) Y
16. Are donations restricted to those specifically authorized by law? [Section 21-17-5 (Section 66, Miss. Constitution) -- Sections 21-19-45 through 21-19-59, etc.] Y
17. Are fixed assets properly tagged and accounted for? (Section II - Municipal Audit and Accounting Guide) Y
18. Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41? Y
19. Are all travel advances made in accordance with the State Auditor's regulations? (Section 25-3-41) Y
- PART III - Purchasing and Receiving**
1. Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(b) and (c)] Y
2. Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)] Y
3. Are all one-source item and emergency purchases documented on the board's minutes? [Section 31-7-13(m) and (k)] Y
4. Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23) Y

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PART IV - Bonds and Other Debt

- | | | |
|----|--|--------------|
| 1. | Has the municipality complied with the percentage of taxable property limitation on bonds and other debt issued during the year? (Section 21-33-303) | Y
_____ |
| 2. | Has the municipality levied and collected taxes, in a sufficient amount for the retirement of general obligation debt principal and interest? (Section 21-33-87) | Y
_____ |
| 3. | Have the required trust funds been established for utility revenue bonds? (Section 21-27-65) | N/A
_____ |
| 4. | Have expenditures of bond proceeds been strictly limited to the purposes for which the bonds were issued? (Section 21-33-317) | Y
_____ |
| 5. | Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5) | Y
_____ |

PART V - Taxes and Other Receipts

- | | | |
|----|--|--------------|
| 1. | Has the municipality adopted the county ad valorem tax rolls? (Section 27-35-167) | Y
_____ |
| 2. | Are interest and penalties being collected on delinquent ad valorem taxes? (Section 21-33-53) | Y
_____ |
| 3. | Has the municipality conducted an annual land sale for delinquent ad valorem taxes? (Section 21-33-63) | N/A
_____ |
| 4. | Have the various ad valorem tax collections been deposited into the appropriate funds? (Separate Funds for Each Tax Levy) (Section 21-33-53) | Y
_____ |
| 5. | Has the increase in ad valorem taxes, if any, been limited to amounts allowed by law? (Sections 27-39-320 and 27-39-321) | Y
_____ |
| 6. | Are local privilege taxes collected from all businesses located within the municipality, except those exempted? (Section 27-17-5) | Y
_____ |
| 7. | Are transient vendor taxes collected from all transient vendors within the municipality, except those exempted? (Section 75-85-1) | Y
_____ |
| 8. | Is money received from the state's "Municipal Fire Protection Fund" spent only to improve municipal fire departments? (Section 83-1-37) | Y
_____ |
| 9. | Has the municipality levied or appropriated not less than 1/4 | |

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- mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax? (Sections 83-1-37 and 83-1-39) y
- 10. Are state-imposed court assessments collected and settled monthly? (Section 99-19-73, 83-39-31, etc.) y
- 11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-15-21) y
- 12. Are bids solicited by advertisement or, under special circumstances, three appraisals obtained when real property is sold? (Section 21-17-1) y
- 13. Has the municipality determined the full and complete cost for solid waste for the previous fiscal year? (Section 17-17-347) y
- 14. Has the municipality published an itemized report of all revenues, costs and expenses incurred by the municipality during the immediately preceding fiscal year in operating the garbage or rubbish collection or disposal system? (Section 17-17-348) y
- 15. Has the municipality conducted an annual inventory of its assets in accordance with guidelines established by the Office of the State Auditor? (MMAAG) y

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<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Phone Number</u>
Chip Johnson	Mayor	2671 School Street Hernando, MS 38632	901-371-7743
Sam Lauderdale	Alderman at Large	2275 Mt. Pleasant Rd Hernando, MS 38632	901-833-5472
Sonny Bryant	Alderman - Ward 1	1909 West Oak Grove Rd Hernando, MS 38632	901-604-3818
Andrew Miller	Alderman - Ward 2	3030 Caffey St. Hernando, MS 38632	901-827-5651
Gary Higdon	Alderman - Ward 3	575 Augusta Dr Hernando, MS 38632	901-262-7212
Jamie Tipton	Alderman - Ward 4	248 West Robinson St Hernando, MS 38632	901-619-4246
Marcus Manning	Alderman - Ward 5	202 East Robinson St Hernando, MS 38632	662-429-0907
Jeff Hobbs	Alderman - Ward 6	1055 Wooten Rd Hernando, MS 38632	901-233-3751
Kenny Stockton	City Attorney	449 West Commerce St Hernando, MS 38632	662-429-3469

City of Hernando
Certification to Municipal Compliance Questionnaire
Year Ended September 30, 2012

We have reviewed all questions and responses as contained in this Municipal Compliance Questionnaire for the Municipality of Hernando, and, to the best of our knowledge and belief, all responses are accurate.

Katie Subia, City Clerk

Chip Johnson, Mayor

Date

Date

Minute Book References:

Book Number _____

Page _____

(Clerk is to enter minute book references when questionnaire is accepted by board.)

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Motion was duly made by Alderman Tipton, and seconded by Alderman Higdon to approve the Municipal Compliance Questionnaire. 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 16th day of October, 2012.

ADOPT MASTER PARKS PLAN

Doug Thornton was present to answer any questions. Mr. Thornton stated that the phases could be broken down to be more affordable.

Alderman Miller stated that he does not want lights in the residential areas, like what is around the outdoor basketball court.

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to adopt the Master Parks plan with the changes made taking out the lights in residential areas. 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 16th day of October, 2012.

AMEND THE USER CHARGE ORDINANCE, FOR GARBAGE ONLY CUSTOMER DEPOSITS

ORDINANCE OF THE CITY OF HERNANDO, MISSISSIPPI AMENDING THE ORDINANCE ADOPTING SANITATION RATES WITHIN and WITHOUT THE CITY OF HERNANDO, MISSISSIPPI AS ADOPTED ON OCTOBER 19, 1999

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF HERNANDO, STATE OF MISSISSIPPI:

THE PURPOSE OF THIS ORDINANCE AMENDMENT IS TO ADD THE FOLLOWING SECTION TO THE EXISTING ORDINANCE SECTION II - AND SHALL BE ENTITLED DEPOSITS.

Section II - DEPOSITS

The purpose of this Section is to establish deposit rates for those City of Hernando customers, who due to their location within the City of Hernando, receive garbage service only. There has previously no deposit rates set specifically for such customers and the board has determined that it would be in the best interest of the City of Hernando and those such customers that this Amendment be so made.

That the deposit rates for such customers shall be as follows:

Single Family Residential \$50.00
All Commercial Property \$150.00

That all such customers shall be required to place such deposit with the City of Hernando, Mississippi prior to receiving such service. That said deposit shall remain with the City of Hernando until such time as the customer terminates garbage service and/or such service is terminated by the City of Hernando.

The City of Hernando may, at its option, apply such deposit(s) toward payment of any amount due the municipality for garbage service provided.

That this provision, shall apply to new subscribing customers only and any existing customers shall remain under the previous guidelines of the City of Hernando.

That this Ordinance Amendment is limited to this provision only and does not in any manner amend any other provision of the existing Ordinance as adopted by City of Hernando on or about October 19, 1999. This new Section entitled Deposits, shall apply to those customers receiving garbage service only and in the event a customer is receiving other utility service from the City of Hernando then the existing deposit requirements shall apply.

That in the event any part of this ordinance amendment may be found to be invalid or unconstitutional by any court of competent jurisdiction then in such event the remaining ordinance amendment provision(s) shall remain valid and enforceable. Any finding of any such invalidity or unconstitutional of any provision of this ordinance amendment shall not render the whole ordinance amendment void or invalid.

The effective date of this ordinance amending the Ordinance Adopting Sanitation Rates Within and Without the City of Hernando, Mississippi as adopted on October 19, 1999 shall become effective one month after its passage.

That the City Clerk of for the City of Hernando shall cause a copy of this amendment to be published one time in the DeSoto Times Tribune in the manner and form required by Section 21-19-25 of the Mississippi Code of 1972 Annotated, as Amended.

That the Hernando City Clerk shall cause a copy of this amendment to be filed in the Code of General Ordinance of the City of Hernando on or before its effective date, being November 16, 2012 and that the same be referenced to the existing ordinance.

SO ADOPTED at a regular meeting of the Mayor and Board of Alderman of the City of Hernando, Mississippi on this the 16th day of October 2012.

MAYOR- CHIP JOHNSON

Attested by:

City Clerk
(Seal)

VOTE:

ALDERMEN	YEA	NO
SAM LAUDERDALE	X	
SONNY BRYANT	X	
GARY HIGDON	X	
JEFF HOBBS	X	
MARCUS MANNING	X	
ANDREW MILLER	X	
JAMIE TIPTON	X	

Motion was duly made by Alderman Tipton, and seconded by Alderman Hobbs to adopt the Ordinance of the City of Hernando, Mississippi amending the Ordinance adopting sanitation rates within and without the City of Hernando, Mississippi as adopted on October 19, 1999. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012.

APPROVE A SPEED LIMIT CHANGE ON BROADY ROAD TO 25 MPH

Mayor Johnson stated that Jared Darby would be getting a map of all of the streets with speed limits to Police Chief Mike Riley to review.

Motion was duly made by Alderman Hobbs, and seconded by Alderman Lauderdale to approve changing the speed limit to Broady Road to be 25 mph, following the recommendation of the Police Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012

**AUTHORIZE TO HIRE YASHIVA EDWARDS AS THE ATHLETIC COORDINATOR,
WITH A SALARY OF \$34,000 YEARLY**

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to authorize to hire Yashiva Edwards at the Athletic Coordinator with a salary of \$34,000 yearly, 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 Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Lauderdale, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012

**AUTHORIZE TO PAY RON MCCREARY FOR 10K FINISH SERVICES, IN THE
AMOUNT OF \$400.00 FROM THE TOURISM FUND**

Motion was duly made by Alderman Tipton, and seconded by Alderman Higdon to authorize pay Ron McCreary for 10K finish services in the amount of \$400.00, to come out of the tourism fund, for promoting the City of Hernando. 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 16th day of October, 2012

GO INTO CLOSED SESSION

Motion was duly made by Alderman Manning, and seconded by Alderman Higdon to go into closed session to discuss going into executive session for Public Works personnel. 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 16th day of October, 2012

Alderman Bryant and Alderman Tipton left the meeting.

GO INTO EXECUTIVE SESSION FOR PUBLIC WORKS PERSONNEL

Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to go into executive session for Public Works Personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012

COME OUT OF EXECUTIVE SESSION FOR PUBLIC WORKS PERSONNEL

Motion was duly made by Alderman Manning, and seconded by Alderman Higdon to come out of executive session for Public Works Personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012

PUBLIC WORKS PERSONNEL

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to terminate Jeremy Hunley based on non-return to work. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of October, 2012

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR CHIP JOHNSON

ATTEST:

KATIE SUBIA, CITY CLERK