

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, August 21, 2012 at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: Sam Lauderdale, Sonny Bryant, Andrew Miller, Gary Higdon, Alderman Tipton, Marcus Manning, and Jeff Hobbs.

Also present for the meeting were: City Clerk Katie Subia, City Attorney Kenny Stockton, Fire Chief Hubert Jones, Robert Rayborn, Parks Director Dewayne Williams, Planning Director Jared Darby, City Engineer Joe Frank Lauderdale, Public Works Director Gary McElhannon, Brian Couch, Michael McLennon, Jane Henderson, Donna Vecellio, Henry Bailey, Felicia Wicker, Joe Kelly, Chas Emerson, Denny Burt, Steven Pittman, Pat and Prentiss Turman, Ashley Hawkins, Jacob Threadgill, Eric Sappenfield, Rick Sayger, Robbie Tom, Todd Steele, Donna Sularin, and Kay Steward.

INVOCATION

Alderman Miller gave the invocation.

APPROVAL OF AGENDA

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to approve the agenda as presented after adding an item, #25 Approve transfer of Tina Ray from the Ambulance Department to the Dispatch Department. 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 21st day of August 2012.

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

August 21, 2012

6:00pm

- 1) Meeting called to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 95029 – 95217, less 95041, 95043, 95149
- 5) Approve Docket of Claims No.'s (Lauderdale) 95041 and 95149

- 6) Approve Docket of Claims No. (Miller) 95043
- 7) Approve Minutes
- 8) Consent Agenda
 - A) Authorize Rex Gatlin, Public Works, to attend the 37th Annual South Mississippi SCACTS, in Biloxi on September 10 – 14, 2012 and authorize to pay registration and travel expenses. (he will be taking the test to become a certified water operator)
- 9) Planning Commission
 - A) Zoning Amendment, “O” to “C-4”, 2220 Highway 51 North
 - B) Development Plan Amendment, Lee’s Summit Planned Unit Development, Jones-Davis & Associates
- 10) Request from Hernando High School Football Team for sponsorship (to come out of Tourism fund)
- 11) Request from Hernando High School to close streets Thursday, September 13, 2012, for homecoming parade
- 12) Request from Hernando Middle School’s National Junior Honor Society to close streets Saturday, November 2, 2012 for Caleb’s Courage 5K
- 13) Authorize to give Jackie Edwards, Parks and Recreation Receptionist, a \$0.50 per hour raise, for completion of her 90 day probationary period
- 14) Authorize to hire Marvin Clolinger in the Streets Department, at a rate of \$14.50 per hour
- 15) Authorize to hire Carl Johnson, in the Water Department, at a rate of \$14.00 per hour
- 16) Approve the Health Insurance Carrier for the City of Hernando for the coming fiscal year
- 17) Authorize to pave Los Lomas and pay out of bond money
- 18) Adopt “Resolution Finally Granting Ashland Inc. Exemption from Ad Valorem Taxation”
- 19) Discussion and possible adoption of the Tax Increment Financing plan for the Hampton Inn Project.
- 20) Authorize Governmental Consultants to work on refunding debt (we will have a resolution to adopt by board meeting night from Demery Grubbs)

- 21) Authorize to declare truck #54, a Ford F150 4 wheel drive extended cab as surplus and offer for sale
- 22) Authorize to purchase a Nissan Frontier extended cab, 4 cylinder 2 wheel drive on state contract and issue check
- 23) Authorize the Mayor to execute all necessary documents for the assumption and/or transfer of the note and deed of trust for the property located at 678 Timber Lane East Hernando, MS. Subject to approval of the City Attorney, Planning Director and Community Development Partners, LLC
- 24) Approve budget amendments FYE 2012
- 25) Executive Session for Negotiations
- 26) Adjourn

APPROVE DOCKET OF CLAIMS NO.'S 95029 – 95217, LESS 95041, 95043, AND 95149

The Board of Aldermen were presented with a docket of claims No. 95029 – 95217, less 95041, 95043, and 95149 in the amount of \$998,250.55 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 Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, and Alderman Lauderdale.

Those voting “Nay”: None.

ORDERED AND DONE this the 21st day of August, 2012.

APPROVE DOCKET OF CLAIMS NO. 95041 AND 95149 (LAUDERDALE)

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 95041 and 95149 in the amount of \$208,052.83 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 Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, Alderman Bryant, and Alderman Lauderdale.

Those voting “Nay”: None.

ORDERED AND DONE this the 21st day of August, 2012.

APPROVE DOCKET OF CLAIMS NO. 95043 (MILLER)

Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 95043 in the amount of \$39,656.89 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of August, 2012.

APPROVE MINUTES FROM THE REGULAR BOARD MEETING ON AUGUST 7, 2012

Motion was duly made by Alderman Higdon and seconded by Alderman Tipton to approve the Minutes from the regular Board Meeting on August 7, 2012. 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":

ORDERED AND DONE this the 21st day of August, 2012.

CONSENT AGENDA

- A) Authorize Rex Gatlin, Public Works, to attend the 37th Annual South Mississippi SCACTS, in Biloxi on September 10 – 14, 2012 and authorize to pay registration and travel expenses. (he will be taking the test to become a certified water operator)

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of August, 2012.

PLANNING COMMISSION

B) Zoning Amendment, "O" to "C-4", 2220 Highway 51 North

C) Development Plan Amendment, Lee's Summit Planned Unit Development, Jones-Davis & Associates

ZONING AMENDMENT, "O" TO "C-4", 2220 HIGHWAY 51 NORTH

Alderman Tipton recused himself and left the room.

Jared Darby, Planning Director, presented the information on the zoning amendment.

Alderman Miller stated he did not want live bands and speakers being allowed outside.

Brian Couch spoke and stated that he has spoken with the neighbors, and feels that they have done a very good job of addressing every concern was brought to them. The only sticking point that they still have is a 24 hour zoning on it. No one else has this. He just wants the same time restraints that everyone else has.

Felicia Walker, of 2141 Paris Cove, stated her concerns for a business at that location, which were safety for the neighborhood children, how it would add to the existing water problems, how it would change their neighborhood atmosphere, and the small town feel they current have.

Donna Sularin, of 2089 Gale Cove, spoke about how the Hardin property was handled. That the Board wouldn't allow certain things there, and it had a 7 o'clock time limit. Mrs. Sularin was also concerned with the small town atmosphere and wanted the business traffic to be limited to entering and exiting onto the Highway.

Mayor Johnson asked Kenny to address the time limit issue.

Kenny Stockton, City Attorney, advised that the City does not have anything in our ordinance that can set a time limit.

Kay Stewart, of 120 W Valley, stated that she did not want a 24 hour business there.

Michael McLendon, of 2245 Memphis Street, spoke about how he just wants what is best for the neighborhood. He asked why we couldn't make the C2's be a C4. Mr. McLendon also asked if it is a 3 to 4 lot sale, if the C4 would take precedence over C2. He stated that he wants to keep the 24 hour businesses out of there.

Steven Pittman, of 230 Northern Street West, stated his concern of the 24 hour business. He thinks we should be able to set a time limit.

Alderman Higdon – stated that when this first came before us it came as a C1, and we asked the family to consider a C4. He thinks the Couch family has bent over backwards for us. Alderman Higdon stated that the only thing left for discussion here is the hours of operation, and we have been told by our Attorney that we can't tell a business when they can operate. Until that is researched and made more clearly, I think that the C4 is the best option that we can come up with.

Alderman Miller – stated that was why he wanted to address the loud music properly addressed. I feel that we have tried to address every concern.

Motion was duly made by Alderman Higdon, seconded by Alderman Manning to approve the zoning amendment after including 'no outside bands or music', following the recommendation of the Planning Commission. A roll call vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of August, 2012.

**DEVELOPMENT PLAN AMENDMENT, LEE'S SUMMIT PLANNED UNIT
DEVELOPMENT, JONES-DAVIS & ASSOCIATES**

Jared Darby, Planning Director, presented the information on the development plan amendment.

Alderman Miller asked if there would have to be any road improvements done.

Jared Darby – Answered no.

Joe Frank Lauderdale – I would ask that the original drainage, sewer/water and road plan not be changed.

Jared Darby – Advised that none of those would be changed.

There was a discussion amongst the Board about the location of the cross walk leading to the Park, and the Bike lanes. Alderman Lauderdale had concern about having bike lanes there. Mayor Johnson stated that our Complete Streets policy included the bike lanes.

Mr. Sappenfield – Stated that they were the owner of only the 18 acres, we were not the ones that did the PUD. Mr. Sappenfield was concerned the item not allowing 'gas pumps as an accessory use'. He felt that if they changed all of the uses listed, that it might punish others in the PUD, and that was not what they wanted to do. He was willing to just have those applied to his area, not everyone. Mr. Sappenfield also didn't agree with having to put in bike lines on an already finished street, that didn't have anything to do with their property or plans. He also asked to wait on completing the sidewalks until the development is done. Mr. Sappenfield

advised that they did not have problem with the cross walk. He asked that Mr. Steinbach's letter be made a part of the public record.

There was a discussion about the 'gas pumps as an accessory use' item. Alderman Lauderdale didn't understand why it was suggested to be removed from the original PUD.

Joe Kelly, Pastor of Colonial Hills, spoke about their plans. That they are excited to be coming to Hernando, and they are ready to get started. Alderman Higdon asked if their kids would use the Park across the street. Mr. Kelly answered that yes they would. They are willing to do their part to help.

There was some discussion about the PUD. It was asked if this change was just for this property or the whole thing. Mayor Johnson stated that this was an Development Plan Amendment for Lee Summit.

Mr. Sappenfield - We respectfully disagree with the Planning Commission. We have no issue with the items listed on the planning Commission recommendation, with the exception of the 'gas pumps as an accessory use'. We suggest that you make them just for our property, not to the rest of the C-4 users on the PUD.

Kenny Stockton recommended to table this issue so he can look further into the PUD, he wants to make sure we can make restrictions to just one piece of property in the PUD.

STEINBACH **C**ONSULTING

URBAN PLANNING

REAL ESTATE COUNSEL

August 17, 2012

City of Hernando, Mississippi
ATTN: Mr. Jared Darby
Director of Planning
475 W. Commerce Street
Hernando, MS 38632

RE: Development Plan Amendment – Lee’s Summit Planned Unit Development (PUD) –
Appeal of Planning Commission Conditions of Approval

Dear Mr. Darby:

Please accept this correspondence as official notification of my client’s (Summit Park, LLC) intent to appeal certain conditions levied by the Planning Commission as part of its approval of the referenced project at its August 14, 2012 meeting.

It is my client’s contention that several of the conditions adopted by the Planning Commission as part of its recommendation to the Mayor and Board of Aldermen either infringe upon the vested development rights of those who have already made permanent improvements as part of the Lee’s Summit PUD and have secured certificates of occupancy – by removing rights already granted them (e.g. eliminating uses previously permitted), or that such recommended conditions constitute “off-site” improvements with no demonstrated rational nexus/connection to the planned use that would otherwise necessitate their installation. The Courts (i.e. local, regional, national tribunals) have long held that there must be a valid and direct connection between the condition imposed and the impact anticipated to occur as a result of the requested entitlement.

Accordingly, my client would respectfully ask that the Mayor and Board of Aldermen repeal/amend the following conditions of approval recommended by the Planning Commission:

1. *Conditions #1 -7 (Repeal of Permitted Uses)*. As noted above, repealing previously approved permitted uses as part of the original PUD may, in fact, infringe upon the vested development rights of those who may have already secured vested development rights bestowed by the City upon securing a certificate of occupancy. Case in point would be the developer of the strip shopping center to the south of Wal-Mart who has vacant space to rent and who may be marketing the property to users of businesses that are recommended for elimination. The more equitable and legally defensible action would be to limit the uses recommended for elimination to just the proposed new commercial area – Phase 5B. My client would agree to all of the recommended eliminated uses with the exception of “gas pumps” as an accessory use to a convenience store. The two are intricately related, and the possibility of a c-store/w gas would be consistent with similar uses along the McIngvale commercial corridor.

107 Cottonwood Circle Collierville, TN 38017 ■ Phone 901-606-8920 ■ Fax 901-854-0548

2. *Condition #8 (Installation of bike lanes on both sides of Monteith Drive within 18 months).* This is an off-site improvement condition with no relationship to the requested amendment petition. There is no legal basis for either compelling the installation of bike lanes prior to development occurring, or being applicable to any other property other than that property proposed for development.
3. *Condition #10 (Installation of sidewalks on both sides of Monteith Drive at the time of development).* Again, this is an off-site improvement condition with absolutely no relationship to the requested amendment petition. Though this condition at least acknowledges the installation of the required improvement at the time of development, as opposed to pre-development installation per Condition 8, it is still suspect, and fraught with inequity. Why should my client be compelled to install sidewalks along some other private (or public for that matter) owner's "undeveloped" frontage as the price of securing a straight forward PUD amendment request? This condition is analogous to compelling one builder to install sidewalks on his competitor's lot across the street in order to secure a building permit. My client acknowledges its responsibility to install sidewalks at the time of development along its applicable frontage.
4. *Conditions #11 – 12 (Installation of crosswalk/traffic retard device/element to Lee Summit Park, and pedestrian path/crosswalk from southeast corner to Phase 2).* While my client would maintain that these conditions too, rise to the level of suspect off-site improvements, my client would not object to their imposition, to the extent that these respective improvements are not compelled until the time of development of either Phase, and that their scope is limited to just "painting" the existing pavement. A more equitable option that I've seen successfully employed elsewhere is to collect a fee-in-lieu of on a pro rata share basis from applicable properties contributing an impact to the improvement requested.

I would ask that this correspondence of appeal be introduced into the record of the Mayor and Board of Aldermen's August 21, 2012 meeting, in part, or in its entirety, as necessary to refute any applicable condition of approval recommended by the Planning Commission that has survived in its original form from Staff's August 14, 2012 staff report.

Best Regards,



Stephen Steinbach, AICP

CC: Summit Park, LLC
Robbie Jones, RLS

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Higdon to approve the Development Plan amendment to Lee's Summit Planned Unit Development, after changing the conditions of approval by removing items 1 through 5, and amending item 7 to only require one bike lane to be installed on the southern portion of Monteith Drive for the entire length of the amended property. 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 21st day of August, 2012.

**REQUEST FROM HERNANDO HIGH SCHOOL FOOTBALL TEAM FOR
SPONSORSHIP (TO COME OUT OF TOURISM FUND)**

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Higdon to approve the request from the Hernando High School Football team for sponsorship, in the amount of \$200.00 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 Bryant, Alderman Miller, Alderman Higdon, Alderman Tipton, Alderman Manning, Alderman Hobbs, and Alderman Lauderdale.

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of August, 2012.

**REQUEST FROM HERNANDO HIGH SCHOOL TO CLOSE STREETS THURSDAY,
SEPTEMBER 13, 2012, FOR THE HOMECOMING PARADE**

Ashley Hawkins with Hernando High School was presented the request to close the streets on Thursday, September 13, 2012 for the Homecoming Parade. They will use the same route as the Christmas Parade. The line up will start at 6 pm, with the parade starting at 630 pm.

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Hobbs to approve the request from Hernando High School to close the streets Thursday, September 13, 2012 for the Homecoming Parade. 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 21st day of August, 2012.

REQUEST FROM HERNANDO MIDDLE SCHOOL'S NATIONAL JUNIOR HONOR SOCIETY TO CLOSE STREETS SATURDAY, NOVEMBER 2, 2012 FOR CALEB'S COURAGE 5K

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to approve the request from Hernando Middle School's National Junior Honor Society to close the streets Saturday, November 2, 2012 for Caleb's Courage 5K. 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 21st day of August, 2012.

AUTHORIZE TO GIVE JACKIE EDWARDS, PARKS AND RECREATION RECEPTIONIST, A \$0.50 PER HOUR RAISE, FOR COMPLETION OF HER 90 DAY PROBATIONARY PERIOD

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to authorize to give Jackie Edwards, Parks and Recreation Receptionist, a \$0.50 per hour raise, for completion of her 90 day probationary period per the Personnel Committee's recommendation, following the Parks Director's recommendation. 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 21st day of August, 2012.

AUTHORIZE TO HIRE MARVIN CLOLINGER IN THE STREETS DEPARTMENT, AT A RATE OF \$14.50 PER HOUR

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to authorize to hire Marvin Clolinger in the Streets Department, at a rate of \$14.50 per hour, based on the Personnel Committee's recommendation, following the Public Works Director's recommendation. 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 21st day of August, 2012.

AUTHORIZE TO HIRE CARL JOHNSON, IN THE WATER DEPARTMENT, AT A RATE OF \$14.00 PER HOUR

Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to authorize to hire Carl Johnson, in the Water Department, at a rate of \$14.00 per hour, based on the Personnel Committee's recommendation, following the Public Works Director'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 21st day of August, 2012.

APPROVE THE HEALTH INSURANCE CARRIER FOR THE CITY OF HERNANDO FOR THE COMING FISCAL YEAR

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to approve Blue Cross Blue Shield and Guardian as the Insurance carrier for the City of Hernando for the upcoming fiscal year. 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 21st day of August, 2012.

AUTHORIZE TO PAVE LOS LOMAS AND PAY OUT OF BOND MONEY

Joe Frank Lauderdale advised that this would cost about \$20K, if the City could do some of the work.

Motion was duly made by Alderman Tipton, and seconded by Alderman Hobbs to authorize to pave Los Lomas and pay out of Bond money. A vote was taken with the following results:

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

Those voting "Nay": Alderman Miller.

ORDERED AND DONE this the 21st day of August, 2012.

**ADOPT "RESOLUTION FINALLY GRANTING ASHLAND INC. EXEMPTION FROM
AD VALOREM TAXATION"**

**A RESOLUTION FINALLY GRANTING
ASHLAND INC.
EXEMPTION FROM AD VALOREM TAXATION**

WHEREAS, heretofore ASHLAND INC., filed in triplicate its application for exemption from ad valorem taxation as provided by Section 27-31-101, et seq. Mississippi Code of 1972, Annotated; and

WHEREAS, by resolution adopted at the May 1, 2012 meeting of this Board, the application was approved for a period of five (5) years for personal property beginning on January 1, 2012, for exemption from ad valorem taxation for Application, except Library Fund, Park Fund, G O Bond Fund, State, School District and Road and Bridge ad valorem taxation. That the Application and a certified copy of the resolution was forwarded to the Mississippi State Tax Commission all property described in said application; and

WHEREAS, on June 10, 2012, the Mississippi State Tax Commission approved the application for exemption for a period of five (5) years for personal property in the amount of \$1,877,618 beginning the date of completion as stated on the application beginning January 1, 2012.

WHEREAS, a certified copy of the aforesaid State Tax Commission's approval has been received by the City of Hernando Board of Aldermen, DeSoto County, Mississippi and is attached to this resolution and made a part of this resolution by reference thereto:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That ASHLAND INC., is hereby granted an exemption from Ad Valorem taxation for a period of five (5) years for personal property in the amount of \$1,877,618. Total amount of property exempted is \$1,877,618 as described in said Application except Library Fund, Park Fund, G O Bond Fund, State, School District and Road and Bridge ad valorem taxation, for a period beginning on January 1, 2012, which are used in, or necessary to, the operation of applicants factory in the City of Hernando, DeSoto County, Mississippi.

Section 2. That a copy of the approval of the Mississippi State Tax Commission shall be recorded in the Minutes of this Board following the resolution.

Section 3. That the Clerk shall transmit a copy of the application together with a certified copy of the resolution adopted at the May 1, 2012 meeting of this Board and a certified copy of this resolution granting the exemption to the State Audit of Public Accounts of the State of Mississippi and the Chairman of the State Tax Commission.

Section 4. That a certified copy of this Order and a copy of the application shall be recorded in the office of the Clerk in a book kept in the Clerk's office for that purpose.

Motion was duly made by Alderman Lauderdale, seconded by Alderman Higdon to adopt the foregoing Resolution. The following vote was taken on this action.

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 21st day of August, 2012.

Chip Johnson, Mayor
City of Hernando

Attest:

Katie Subia, City Clerk
City of Hernando

**DISCUSSION AND POSSIBLE ADOPTION OF THE TAX INCREMENT FINANCING
PLAN FOR THE HAMPTON INN PROJECT**

Mayor Johnson presented the information about the 'TIF', for the Hampton Inn project. Any future tax increase would pay for this project and it would create about 30 jobs. Mayor Johnson stated that right now this would be a good thing to do.

AUTHORIZE GOVERNMENTAL CONSULTANTS TO WORK ON REFUNDING DEBT

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF HERNANDO, MISSISSIPPI, AUTHORIZING THE EMPLOYMENT OF PROFESSIONALS IN CONNECTION WITH THE ISSUANCE OF REFUNDING BONDS.

WHEREAS, the Mayor and Board of Aldermen of the City of Hernando, Mississippi herein referred to as the "Governing Body" of the "City", hereby find, determine, adjudicate and declare as follows:

1. The Governing Body has determined that the City can realize financial benefits by refunding certain outstanding maturities of the City's outstanding being identified as follows: (a) General Obligation Bonds, Series 2003, dated October 1, 2003, issued in the original principal amount of \$3,500,000; (b) General Obligation Bonds, Series 2003, dated April 1, 2003, issued in the original principal amount of \$2,000,000; (c) State of Mississippi – DWSIRLF Loan, dated February 10, 2002, issued in the original principal amount of \$752,086; (d) State of Mississippi – DWSIRLF Loan, dated February 10, 2003, issued in the original principal amount of \$391,232; and (e) State of Mississippi – DWSIRLF Loan, dated May 1, 2006, issued in the original principal amount of \$233,505.

2. That the Governing Body finds that it is necessary and in the public interest for the City to negotiate for the sale of refunding bonds, in one or more series.

3. That in order to prepare the necessary offering documents it is in the best interest of the City to authorize the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Ridgeland, Mississippi, as Bond Counsel, Kenneth Stockton, Esquire, Hernando, Mississippi, as Counsel to the City, Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor, and Duncan-Williams, Inc., Memphis, Tennessee, as Underwriter, to prepare and distribute all necessary documents and to do all things required in order to negotiate the sale of the refunding bonds, in one or more series, and effectuate the issuance of such refunding bonds, in one or more series, at a subsequent date subject to the approval of the Governing Body of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

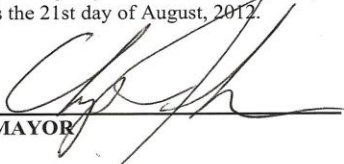
SECTION 1. The Governing Body hereby declares its intention to issue refunding bonds of the City, in one or more series, to raise money for the purpose of providing funds for (i) refunding certain outstanding maturities of the City's outstanding being identified as follows: (a) General Obligation Bonds, Series 2003, dated October 1, 2003, issued in the original principal amount of \$3,500,000; (b) General Obligation Bonds, Series 2003, dated April 1, 2003, issued in the original principal amount of \$2,000,000; (c) State of Mississippi – DWSIRLF Loan, dated February 10, 2002, issued in the original principal amount of \$752,086; (d) State of Mississippi – DWSIRLF Loan, dated February 10, 2003, issued in the original principal amount of \$391,232; and (e) State of Mississippi – DWSIRLF Loan, dated May 1, 2006, issued in the original principal amount of \$233,505; and (ii) paying the cost of issuance for such refunding bonds, in one or more series.

SECTION 2. The Governing Body herein agrees to employ the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Ridgeland, Mississippi, as Bond Counsel; Kenneth Stockton, Esquire, Hernando, Mississippi, as Counsel to the City; Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor; and Duncan-Williams, Inc., Memphis, Tennessee, as Underwriter, and authorizes them to prepare and distribute all necessary documents and to do all things required in order to negotiate the sale of the refunding bonds, in one or more series, and to effectuate the issuance of such refunding bonds, in one or more series, subject to the approval of the Governing Body of the City.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Alderman Miller, seconded by Alderman Higdon and the question being put to a roll call vote, the result was as follows:

	VOTE:	
	YES	NO
Alderman Sam Lauderdale	<input checked="" type="checkbox"/>	_____
Alderman Sonny Bryant	<input checked="" type="checkbox"/>	_____
Alderman Andrew Miller	<input checked="" type="checkbox"/>	_____
Alderman Gary Higdon	<input checked="" type="checkbox"/>	_____
Alderman Jamie Tipton	<input checked="" type="checkbox"/>	_____
Alderman Marcus Manning	<input checked="" type="checkbox"/>	_____
Alderman Jeff Hobbs	<input checked="" type="checkbox"/>	_____

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted this the 21st day of August, 2012.



 MAYOR

ATTEST:



 KATIE SUBIA, CITY CLERK

(SEAL)

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to adopt the "Resolution of the Mayor and Board of Aldermen of the City of Hernando, Mississippi, Authorizing the Employment of Professionals in connection with the issuance of refunding Bonds". 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 21st day of August, 2012.

**AUTHORIZE TO DECLARE TRUCK #54, A FORD F150 4 WHEEL DRIVE
EXTENDED CAB AS SURPLUS AND OFFER FOR SALE**

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to authorize to declare Truck # 54, a Ford F150 4 wheel drive extended cab as surplus and offer for sale. 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 21st day of August, 2012.

**AUTHORIZE TO PURCHASE A NISSAN FRONTIER EXTENDED CAB 4 CYLINDER
2 WHEEL DRIVE ON STATE CONTRACT AND ISSUE CHECK**

Motion was duly made by Alderman Tipton, and seconded by Alderman Hobbs to authorize to purchase a Nissan Frontier extended cab 4 cylinder 2 wheel drive on state contract and issue check. 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 21st day of August, 2012.

**AUTHORIZE THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS FOR
THE ASSUMPTION AND/OR TRANSFER OF THE NOTE AND DEED OF TRUST FOR
THE PROPERTY LOCATED AT 678 TIMBER LAND EAST HERNANDO, MS.
SUBJECT TO APPROVAL OF THE CITY ATTORNEY, PLANNING DIRECTOR, AND
COMMUNITY DEVELOPMENT PARTNERS, LLC**

Motion was duly made by Alderman Tipton, and seconded by Alderman Manning to authorize the Mayor to execute all necessary documents for the assumption and/or transfer of the note and deed of trust for the property located at 678 Timber Lane East Hernando, MS. Subject to approval of the City Attorney, Planning Director, and Community Development Partners, LLC. 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 21st day of August, 2012.

APPROVE BUDGET AMENDMENTS FYE 2012

**ORDER AMENDING BUDGET FOR FISCAL YEAR ENDING
SEPTEMBER 30, 2012**

Pursuant to Section 21-35-25 of the Mississippi Code 1972, Annotated, it is hereby ordered by the Mayor and Board of Aldermen of the City of Hernando, DeSoto County, State of Mississippi, that the budget for the fiscal year beginning October 1, 2011 and ending September 30, 2012, be amended and approved to wit:

BE IT ORDERED, that the Budget of Estimated Revenues and Expenditures for the Fiscal Year Ending September 30, 2012, for the City of Hernando, Mississippi be amended in the following respects:

UTILITY / PUBLIC WORKS FUND BUDGET AMENDMENTS

	<u>Prior Budget</u>	<u>Amendment</u>	<u>New Budget</u>
EXPENDITURES			
OTHER SERVICES & CHARGES	\$1,750,778.00	\$15,900.00	\$1,734,878.00
CAPITAL OUTLAY	\$1,271,850.00	\$32,550.00	\$1,304,400.00
CONTINGENCY	\$360,243.00	\$16,650.00	\$343,593.00

BE IT FURTHER ORDERED that these amendments are necessary in the following funds:

Utility / Public Works Fund – Decreased the utilities line item because we have become more energy efficient and saved money in that account. Increased the Utility Capital Improvements for Vehicles account to purchase a more fuel and cost efficient truck. Also decreased the contingency fund and increased the NRCS drainage fund to cover for expenses on that project.

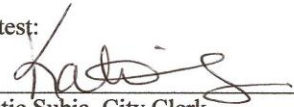
IT IS FURTHER ORDERED by the Mayor and Board of Aldermen that the foregoing budget amendments shall be published one (1) time as required by law in the DeSoto Times Tribune, a newspaper of general circulation in said city, fully qualified under the provisions of Chapter 497, General Laws of Mississippi, if amendment meets the requirements to be published.

Each amendment having been presented separately and as a whole, motion was duly made by Alderman Lauderdale, seconded by Alderman Tipton, to adopt the foregoing resolution amending the budget of the City of Hernando. A roll call 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 21st day of August, 2012.

Attest:


Katie Subia, City Clerk


Chip Johnson, Mayor

**APPROVE TRANSFER OF TINA RAY FROM THE AMBULANCE DEPARTMENT TO
THE DISPATCH DEPARTMENT**

Motion was duly made by Alderman Miller, and seconded by Alderman Higdon to approve the transfer of Tina Ray from the Ambulance Department to the Dispatch Department, per the recommendation of the Personnel Committee, following the recommendation of the Fire and Police Chief's. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 21st day of August, 2012.

GO INTO CLOSED SESSION

Motion was duly made by Alderman Manning, and seconded by Alderman Hobbs to go into closed session for the discussion of going into executive session for negotiations. 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 21st day of August, 2012.

GO INTO EXECUTIVE SESSION – NEGOTIATIONS

Motion was duly made by Alderman Higdon, and seconded by Alderman Hobbs to go into executive session for negotiations. 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 21st day of August, 2012.

COME OUT OF EXECUTIVE SESSION

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Higdon to come out of executive session for negotiations. 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 21st day of August, 2012.

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR CHIP JOHNSON

ATTEST:

KATIE SUBIA, CITY CLERK