

CITY OF HERNANDO REGULAR MEETING APRIL 5, 2011

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, April 5, 2011 at 6:00 P.M. with Mayor Chip Johnson. Aldermen present were: Sam Lauderdale, E.R. "Sonny" Bryant, Andrew Miller, Gary Higdon, Jamie Tipton, Marcus Manning, and Jeff Hobbs.

Also present for the meeting were: City Clerk – Katie Subia, Kenny Stockton – City Attorney, Mike Riley – Chief of Police, Gary McElhannon – Public Works Director, Joe Frank Lauderdale – City Engineer, Dewayne Williams – Parks Director, Donde Baldwin – Southwest Water, Bill Rasco, Jennifer C Safley, Richard Storey, Richard Safley, Mike Pharr, Robert Long, Beth R Ross, Laura Reynolds, Hugh Foster, Ken Jones, Robert Rigby, Glenn & Tammy Isom, Steve Mashke, Joe Tarrence, Holly & Robert Stewart, Debbie Randall, Nellie Jack Hodges, Chris Couch, Walter Reynolds, Ben Ross, and Lee Brown.

INVOCATION

Alderman Miller gave the invocation.

APPROVAL OF AGENDA

Motion was duly made by Alderman Higdon, and seconded by Alderman Tipton to approve the agenda 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 5th day of April 2011.

Agenda
City of Hernando
Mayor and Board of Aldermen
Regular Meeting

April 5, 2011

6:00pm

- 1) Meeting called to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 88938 – 89099 less 88960, 88962, and 89054
- 5) Approve Docket of Claims No.'s (Lauderdale) 88960 and 89054
- 6) Approve Docket of Claims No.'s (Miller) 88962
- 7) Approve Minutes
- 8) Consent Agenda
 - A) Authorize Mayor Johnson and Julie Harris to attend the Clerks Certification training program in Oxford, April 28th and 29th, and authorize to issue checks for registration. There will be no travel expense (they will use the City vehicle and drive down each day)
 - B) Authorize Public Works Director, Gary McElhannon, to attend the Mississippi Rural Water Association Summer Training session in Biloxi, June 7th – 9th. Also authorize to issue checks for registration and travel expenses.

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- C) Authorize Police Chief Mike Riley and Captain Lee Hodge to attend the Police Chief's Convention in Biloxi, June 19-23, and to authorize to issue checks for registration and travel expenses.
- D) Authorize the City Engineer, Joe Frank Lauderdale, to attend the ADA Seminar in Jackson on April 12th, and authorize to issue checks for travel expenses.

- 9) Request by Bill Rasco to close Panola St. on Friday, April 29, 2011, beginning at 5:00pm for fundraiser.

- 10) Authorize for the Mayor to sign a service agreement with Chlonda Abston to be the HEAL instructor for Hernando Parks & Recreation Department.

- 11) Authorize the Mayor to sign a Service agreement with a concession stand vendor for spring 2011 soccer season.

- 12) Authorize the Mayor to sign a Service Agreement with a Golf Instructor for the Spring Clinic that Starts on April 11th.

- 13) Authorize the Mayor to sign a Grounds Maintenance contract with Outdoor Services for mowing at the interstate

- 14) Authorize to make changes to the General Conditions and Specifications for Utility and Street Construction within the Hernando Water and Sewer System

- 15) Request from Edgewood Homeowner's Association for City to take ownership of Private Drive a.k.a. Sam Taylor Drive

- 16) Consideration of Adoption of Resolution allowing the City of Hernando to be a named Plaintiff (at no cost to the city) along with other cities and counties in regard to Litigation to be initiated by the Mississippi Municipal League and the Mississippi Association of Supervisors against the Mississippi Department of Revenue in regard to Section 42 properties and if approved authorizing Mayor Johnson to sign the Resolution and immediately forward the same to the Mississippi Municipal League.

- 17) Authorize Attorney Tony Nowak to assist the City of Hernando and its Attorney in the acquisition of certain right of ways for utility and road purposes, as related to the new road to the new DeSoto County jail.

- 18) Authorize the Mayor to sign a contract with Dream Designs for website design and hosting services to be paid for out of tourism funds.

- 19) Adjourn

APPROVE DOCKET OF CLAIMS NO.'S 88938 – 89099 LESS 88960, 88962, AND 89054

The Board of Aldermen were presented with a docket of claims No. 88938 - 89099, less 88960, 88962, and 89054 in the amount of \$1,455,359.41 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 5th day of April, 2011.

APPROVE DOCKET OF CLAIMS NO.'s (LAUDERDALE) 88960 and 89054

Alderman Lauderdale recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 88960 and 89054 in the amount of \$175,248.04 for approval.

Motion was duly made by Alderman Manning, 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 Manning, Alderman Hobbs, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 5th day of April 2011.

APPROVE DOCKET OF CLAIMS NO.'s (MILLER) 88962

Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 88962 in the amount of \$31,875.81 for approval.

Motion was duly made by Alderman Bryant, and seconded by Alderman Lauderdale 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 Lauderdale, Alderman Bryant, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 5th day of April 2011.

APPROVE MINUTES

Motion was duly made by Alderman Tipton, and seconded by Alderman Higdon to approve the minutes of the regular meeting held on March 15, 2011, as presented. A vote was taken with the following results:

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

Those voting "Nay": None.

Alderman Higdon abstained from voting

ORDERED AND DONE this the 5th day of April 2011.

CONSENT AGENDA

- A) Authorize Mayor Johnson and Julie Harris to attend the Clerks Certification training program in Oxford, April 28th and 29th, and authorize to issue checks for registration. There will be no travel expense (they will use the City vehicle and drive down each day)
- B) Authorize Public Works Director, Gary McElhannon, to attend the Mississippi Rural Water Association Summer Training session in Biloxi, June 7th – 9th. Also authorize to issue checks for registration and travel expenses.

- C) Authorize Police Chief Mike Riley and Captain Lee Hodge to attend the Police Chief's Convention in Biloxi, June 19-23, and authorize to issue checks for registration and travel expenses.
- D) Authorize the City Engineer, Joe Frank Lauderdale, to attend the ADA Seminar in Jackson on April 12th, and authorize to issue checks for travel expenses.

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to approve the consent agenda as presented. 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 5th day of April 2011.

REQUEST BY BILL RASCO TO CLOSE PANOLA STREET ON FRIDAY, APRIL 29TH 2011, BEGINNING AT 5PM, FOR A FUNDRAISER

Motion was duly made by Alderman Tipton, and seconded by Alderman Higdon to approve the request from Bill Rasco to close Panola Street on Friday April 29, 2011, at 5pm, for a fundraiser. 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 5th day of April 2011.

AUTHORIZE FOR THE MAYOR TO SIGN A SERVICE AGREEMENT WITH CHLONDA ABSTON TO BE THE HEAL INSTRUCTOR FOR HERNANDO PARKS & RECREATION DEPARTMENT

Motion was duly made by Alderman Hobbs, and seconded by Alderman Miller to authorize the Mayor to sign a service agreement with Chlonnda Abston to be the HEAL Instructor for Hernando Parks & Recreation Department. 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 5th day of April 2011.

AUTHORIZE THE MAYOR TO SIGN A SERVICE AGREEMENT WITH A CONCESSION STAND VENDOR FOR SPRING 2011 SOCCER SEASON

Alderman Miller wanted to know why there were specific brands of soda drinks listed in the contract. He did not think that we should have specific brands listed in the service agreement.

Kenny Stockton advised that the list was given to him that way.

Dewayne Williams advised that they wanted to have healthy drinks in the service agreement since we are a Healthy City, and we are trying to find ways to be healthy. He also advised that the list of specific brands of soft drinks was given to him that way from the vendor, and they just didn't change it, but could.

Alderman Miller wants to change that line in the service agreement to take out the name brands of the soft drinks and include healthy options.

Mayor Johnson suggested that we change that line to say that “the independent contractor shall serve beverages that would include healthy options such as water and diet drinks”.

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to authorize the Mayor to sign a service agreement with a concession stand vendor for Spring 2011 Soccer Season, with the changes to the agreement stated, “the independent contractor shall serve beverages that would include healthy options such as water and diet drinks”. 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 5th day of April 2011.

AUTHORIZE THE MAYOR TO SIGN A SERVICE AGREEMENT WITH A GOLF INSTRUCTOR FOR THE SPRING CLINIC THAT STARTS ON APRIL 11TH

Motion was duly made by Alderman Manning, and seconded by Alderman Hobbs to authorize the Mayor to sign a service agreement with a golf instructor for the Spring Clinic that starts on April 11, 2011. 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”: Alderman Hobbs

ORDERED AND DONE this the 5th day of April 2011.

AUTHORIZE THE MAYOR TO SIGN A GROUNDS MAINTENANCE CONTRACT WITH OUTDOOR SERVICES FOR MOWING AT THE INTERSTATE

Alderman Tipton recused himself and left the room.

Alderman Miller thinks we can maintain this area ourselves, and that we should try to do it first before we contract it out. Also wanted to know why we haven’t used any trustees, or anyone from the court department (trying to pay off fines) to do this work. Alderman Miller thinks we should keep this job in house.

Mayor Johnson stated that we have tried to do this ourselves for first cut and it didn’t work well. We will either have to hire another employee in this department or contract this service out. We have lost several people in this department, we are operating with 20% less employees than what we had last year. We could possibly use trustees to do this work, but it would be a little harder to supervise them. We use most of the trustees we get in our Parks department.

Gary McElhannon spoke to say that all of his employees are maxed out right now.

Motion was made by Alderman Miller to not enter into a contract at this time and we attempt to do it in house.

That Motion died due to a lack of a second motion.

Motion was duly made by Alderman Hobbs, and seconded by Alderman Higdon to authorize the Mayor to sign a grounds maintenance contract with Outdoor Services for mowing at the interstate. A vote was taken with the following results:

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

Those voting “Nay”: Alderman Miller.

ORDERED AND DONE this the 5th day of April 2011.

AUTHORIZE TO MAKE CHANGES TO THE GENERAL CONDITIONS AND SPECIFICATIONS FOR UTILITY AND STREET CONSTRUCTION WITHIN THE HERNANDO WATER AND SEWER SYSTEM

Joe Frank Lauderdale presented the information about the changes.

Motion was duly made by Alderman Lauderdale, and seconded by Alderman Hobbs to authorize to make changes to the General Conditions and Specifications for Utility and Street Construction within the Hernando Water and Sewer System, with the following changes, item #28 add “at random intervals, with a minimum of two per street.”, to the end of the sentence “Cores will be required to be taken of the soil cement or gravel base to verify required design thickness”, and add “the third party inspector will be approved by the City Engineer” to the sentence “In the event that it is determined by the City Engineer that the soil conditions are such that the normal street construction design would not be acceptable, then a third party inspection and recommended design of the street base will be required”, #29 add “whichever comes first” to the sentence “The second lift of 1 ½ inches will be required at a period of one year after the first lift or at such time a 75 percent of the homes have been constructed in the subdivision”. 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 5th day of April 2011.

REQUEST FROM EDGEWOOD HOMOWNER’S ASSOCIATION FOR THE CITY TO TAKE OWNERSHIP OF PRIVATE DRIVE A.K.A. SAM TAYLOR DRIVE

Alderman Manning requested that the Mayor go over the process of overlays before we go into discussion on this item.

Mayor Johnson spoke about the process for overlays.

Richard Storey, Edgewood Home Owners Association, spoke on behalf of the Association giving details and the history of the road. Pictures were passed along to the Mayor and Board of Aldermen showing the damaged roads in the neighborhood. Mr. Storey has researched this road in the County records. He can’t find where the County took the road over. Also can’t find where the name change from ‘Private Dr’ to ‘Sam Taylor Dr.’ came from. The Home Owners Association doesn’t understand when this road became a private drive.

Alderman Higdon stated that he read in the information provided by Kenny Stockton, that ‘Private Drive’ was included in the commons area.

Richard Storey, Edgewood Home Owners Association, was told when they moved in that the road would either be given over to the County or the Home Owners Association. Mr. Storey stated that the road was not built to County standards, and therefore they were lead to believe that the road would end up belonging to the Home Owners Association. Now that the bill has come due to fix the road, it is \$57K and we don’t have that kind of money. We have contacted banks to see about a loan, but are unable to do so at this time. We would have to change some wording to be able to do that.

Alderman Manning wanted to know if the City currently has an alley that is maintained by the City.

Mayor Johnson stated there are some alleys but they are Private Alley’s

Richard Storey stated that the county has alley ways or that are considered private because they are not named. We have a name, Sam Taylor Dr, it is on the website and the maps as Sam Taylor Drive.

Alderman Miller stated that everything that has been presented to him shows that this is a Private Drive

Richard Safley, 3738 Edgewood Blvd, told how this was not just a Private Drive, that the City vehicles use is, including the heavy City garbage trucks use it. With that being said, this is a public drive. He also stated that the torn up streets does not help their property values. With the name change and the City vehicles using this road, it makes it a public drive, not a private drive. They are asking the City to step up and help them out. They don't have the money for this road repair. They only have enough money to maintain their common grounds, which is a significant part of our neighborhood, and maybe a little extra for repairs that need to be made. We are not trying to get out of paying, we just need help with it, especially because it isn't just used by us.

Alderman Higdon asked if he heard him say that the county maintained that road.

Richard Safley answered that they did make some repairs to it, when they were in the county.

Alderman Higdon stated that everything that he has read on it states that they did not maintain that road.

Kenny Stockton stated that the road was never accepted as a county road. I have been told that they might have gone out there but it was never authorized by the Board of Supervisors to repair that road. Kenny also mentioned that our garbage trucks do go down private streets, but other private streets are up to City code.

Alderman Higdon asked if they have always placed their garbage cans on that street.

(Someone in the audience) Yes, they have always been on that road, as well as the mailboxes.

Alderman Manning asked if the City could set a standard for the Home Owners to bring their street up to, and then for the City to accept that street.

Kenny Stockton stated that if that is what the Home Owners Association wants to do, but we could not tell them what to do.

Joe Terrance, 3660 Rhett Butler Dr, stated that the County made decisions for the road, then the City annexed the road, wouldn't the City be responsible for the road?

Chris Couch, 1516 Amy Taylor Dr, We as a neighborhood have been saving up for years and years, and also maintaining our common grounds. If we can get this up to City Standards, any help that can be given....

Alderman Higdon asked if they have given any thought to a limestone street.

Chris Couch answered we have not priced that yet. The street is just awful.

Alderman Higdon stated that he has drove down that road, and it is in horrible shape. They could have a much better road with limestone, that what they have now.

Richard Safley asked when we annexed areas, do we have someone go around and check the streets to see if they are up to code, and if they are not do you wait on them to be brought up to code before you annex them. Do you leave the ones with bad streets out?

Mayor Johnson answered the we have had our City Engineer go out and assess the streets. We do not leave the bad ones out.

Alderman Miller asked Kenny Stockton if our Engineer could look at the street and give them some recommendations on what they should do.

Kenny Stockton answered that we could but that is a separate issue. We don't need to tell them what to do. They can get with Joe Frank Lauderdale and see about hiring him to look at it, if they want to.

Alderman Miller stated that the issue here was Private vs. Public drive.

Kenny Stockton stated that after going over all of the papers, there is no doubt in his mind that this is a Private drive.

Laura Reynolds asked how do you make a private road a public road.

Alderman Tipton answered that they would bring it up to City code and come back to the Board.

Richard Storey, asked if they pulled their request tonight, if they could bring it back to the Board at a later time, and what would be the process.

Mayor Johnson answered yes, they would just need to request to be put on the agenda.

Motion was duly made by Alderman Miller, and seconded by Alderman Hobbs to deny the request from Edgewood Homeowner's Association for the City to take ownership of Private Drive, a.k.a Sam Taylor Drive. 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 15th day of March 2011.

CONSIDERATION OF ADOPTION OF RESOLUTION ALLOWING THE CITY OF HERNANDO TO BE A NAMED PLAINTIFF (AT NO COST TO THE CITY) ALONG WITH OTHER CITIES AND COUNTIES IN REGARD TO LITIGATION TO BE INITIATED BY THE MISSISSIPPI MUNICIPAL LEAGUE AND THE MISSISSIPPI ASSOCIATION OF SUPERVISORS AGAINST THE MISSISSIPPI DEPARTMENT OF REVENUE IN REGARD TO SECTION 42 PROPERTIES AND IF APROVED AUTHORIZING MAYOR JOHNSON TO SIGN THE RESOLUTION AND IMMEDIATELY FORWARD THE SAME TO THE MISSISSIPPI MUNICIPAL LEAGUE

Mayor Johnson went over this information and asked Kenny Stockton to speak about it.

Kenny Stockton spoke gave details about this item.

Alderman Miller stated that the people that live in this Section 42, their rent is in excess of \$500. If we add additional cost, it will add to their cost. I'm not going to add to their cost. I'm the only one other than Mayor and Alderman Lauderdale that is involved with the Section 42 property. Section 42 is the Avondale Apartments, which I represent. I will not support any legislation that will raise their rent.

Alderman Bryant asked if will this raise?

Mayor Johnson stated that it will raise the property tax. Property taxes will be back to where it was

Kenny Stockton stated that the property taxes were lowered and this may bring them back up.

Motion was duly made by Alderman Tipton, and seconded by Alderman Manning to adopt the Resolution allowing the City of Hernando to be a named plaintiff (at no cost to the City) along with other Cities and Counties in regard to litigation to be initiated by the Mississippi Municipal League and the Mississippi Association of Supervisors against the Mississippi Department of Revenue in regard to Section 42 properties and if approve authorizing Mayor Johnson to sign the Resolution and immediately forward the same to the Mississippi Municipal League. A vote was taken with the following results:

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

Those voting "Nay": Alderman Lauderdale, Alderman Bryant, and Alderman Miller.

ORDERED AND DONE this the 5th day of April 2011.

AUTHORIZE ATTORNEY TONY NOWAK TO ASSIST THE CITY OF HERNANDO AND ITS ATTORNEY IN THE ACQUISITION OF CERTAIN RIGHT OF WAYS FOR UTILITY AND ROAD PURPOSES, AS RELATED TO THE NEW ROAD TO THE NEW DESOTO COUNTY JAIL

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to authorize Attorney Tony Nowak to assist the City of Hernando and its Attorney in the acquisition of certain right of ways for Utility and Road purposes, as related to the new road to the New Desoto County Jail. 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 5th day of April 2011.

AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH DREAM DESIGNS FOR WEBSITE DESIGN AND HOSTING SERVICES TO BE PAID OUT OF TOURISM FUNDS

Mayor Johnson introduced the matter of the Contract with Dream Designs and first, reminded the Board that the work of Major Doug Ferguson who had assisted the City of Hernando with the initial creation of the website was certainly appreciated. The Mayor also made mention that the same was done then at no cost to the city. The Mayor presented to the Board the fact that the website for Hernando needed to be updated and that Dream Designs, a local company, located two (2) doors down from city hall can keep the same updated and make it more functional. The Mayor advised that he would like to see the website used to promote the city resources and to let the citizens and visitors alike know what events are going on in and around the City of Hernando. The Mayor emphasized that this would be an important resource to promote the City of Hernando.

The Mayor then opened the matter for discussion and a vote. There was some discussion about a calendar being on the website so that those using the website could find out the time and place of events. The Mayor advised that an updated calendar, which would be updated by the city personnel, would be a priority on the website.

Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to authorize the Mayor to sign a contract with Dream Designs for website design and hosting services to be paid out of Tourism funds, based on the Mayor's findings and presentation. 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 5th day of April 2011.

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