

CITY OF HERNANDO REGULAR MEETING MAY 17, 2011

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, May 17, 2011 at 6:00 P.M. with Mayor Chip Johnson presiding. Aldermen present were: E.R. "Sonny" Bryant, Andrew Miller, Jamie Tipton, Marcus Manning, and Jeff Hobbs.

Also present for the meeting were: City Attorney Kenny Stockton, Fire Chief Hubert Jones, Donde Baldwin, and Henry Bailey.

INVOCATION

Alderman Miller gave the invocation.

APPROVAL OF AGENDA

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

May 17, 2011

6:00pm

- 1) Meeting called to order
- 2) Invocation
- 3) Approve Agenda
- 4) Approve Docket of Claims No.'s 89572-89833, less 89586, 89725-89726, 89615 – 89621, & 89584
- 5) Approve Docket of Claims No.'s (Lauderdale) 89586, 89725-89726
- 6) Approve Docket of Claims No.'s (Bryant) 89615 - 89621
- 7) Approve Docket of Claims No.'s (Miller) 89584
- 8) Approve Minutes
- 9) Planning Commission
 - A) APPEAL 11-5-CU2 – Advanced Collision- Application is to renew a conditional use for a wrecker service located at 1471 Hwy 51 N.
Applicant is appealing the time limit that was placed on the conditional use. He is asking for 25 years.
 - B) 11-5-RZ1 – McCracken Road Rezoning – Application to rezone 1.9 acres located on the east side of the McCracken Road and South of Vaiden from M-1 to C-4
 - C) City Hall Cheesecake sign - request to paint the sign on the front and side of the building.

- D) Consideration of calling performance bond for Jefferson Place expiring on May 29, 2011. Bond has not been reposted. (J.F. Lauderdale)
- 10) Request by Arica Wilson for sponsorship for the USA Junior National Basketball Team (\$150.00).
- 11) Authorize to appoint J. R. Owens to serve on the Hernando Tree Board
- 12) Accept Bid on HVAC project from Eldridge Services
- 13) Authorize to develop a transition plan for ADA
- 14) Consideration of adopting the Nesbit Interchange and contracting for grass mowing
- 15) Approval of the Assignment of the City Residential and Commercial Collection Contract as entered into by the City of Hernando, Mississippi on February 24, 2011, with Advanced Disposal Systems MidSouth, LLC to BFI Waste Service, LLC upon the presentation of a City Collection Performance Bond for the duration of the contract terms. Bond to be approved by the City of Hernando. Authorize Mayor Johnson to execute the Assignment.
- 16) Authorize to enter into contract with Cornerstone for general laborer/concrete
- 17) Declare police canine "Kay" as surplus and transfer ownership to Daniel Spooner
- 18) Adjourn

APPROVE DOCKET OF CLAIMS NO.'S 89572 – 89833, LESS 89586, 89725, 89726, 89615-89621 & 89584

The Board of Aldermen were presented with a docket of claims No. 89572 - 89833, less 89586, 89725, 89726, 89615 – 89621 and 89584 in the amount of \$507,781.22 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May, 2011.

APPROVE DOCKET OF CLAIMS NO.'s (LAUDERDALE) 89586, 89725, 89726

Alderman Lauderdale was not present at meeting.

The Board of Aldermen were presented with a docket of claims No.'s 89586, 89725, and 89726 in the amount of \$190,222.67 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

APPROVE DOCKET OF CLAIMS NO.'s (BRYANT) 89515 - 89621

Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No.'s 89515 - 89621 in the amount of \$190,222.67 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

APPROVE DOCKET OF CLAIMS NO.'s (MILLER) 89584

Alderman Miller recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No.89584 in the amount of \$31,756.33 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 Tipton, Alderman Manning, Alderman Hobbs, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

APPROVE MINUTES

Motion was duly made by Alderman Hobbs, and seconded by Alderman Tipton to approve the minutes of the regular meeting held on May 3rd, 2011, as presented. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

PLANNING COMMISSION

A) APPEAL 11-5-CU2 – Advanced Collision- Application is to renew a conditional use for a wrecker service located at 1471 Hwy 51 N. Applicant is appealing the time limit that was placed on the conditional use. He is asking for 25 years.

B) 11-5-RZ1 – McCracken Road Rezoning – Application to rezone 1.9 acres located on the east side of the McCracken Road and South of Vaiden from M-1 to C-4

C) City Hall Cheesecake sign - request to paint the sign on the front and side of the building.

D) Consideration of calling performance bond for Jefferson Place expiring on May 29, 2011. Bond has not been reposted

APPEAL 11-5-CU2 – ADVANCED COLLISION – APPLICATION IS TO RENEW A CONDITIONAL USE FOR A WRECKER SERVICE LOCATED AT 1471 HWY 51 N. APPLICANT IS APPEALING THE TIME LIMIT THAT WAS PLACED ON THE CONDITIONAL USE. HE IS ASKING FOR 25 YEARS

Presented by Bob Barber of Planning Commission.

Bob noted that there have been no complaints made to his department this regarding wrecker service. He has complied with all previous conditions. Mr. Barber advised the Board that the planning commission had approved a 10 year conditional use of the property. Mr. Tipton asked about long term conditional uses. Bob noted a couple of prior long term conditional uses. Bob introduced the applicant, Mr. Bragg. Mr. Bragg advised the Mayor and Board of Alderman that he is in the process of obtaining a 25 year bank loan to purchase the property and that the bank wants to be sure that he will be able to continue to operate. Mr. Bragg advised that he is currently leasing the property. Discussion by board regarding the terms and conditions placed on Mr. Bragg by the planning commission and Alderman Hobbs noted that the approval was as to Mr. Bragg only and could not be transferred to another party. Mr. Barber also noted that if Mr. Bragg did not meet the terms and conditions then the conditional use could possibly be revoked.

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to grant the conditional use for 25 years due to the loan requirements for Mr. Bragg and the fact that the City wants to encourage businesses in the City. That such 25 year conditional use shall be subject to the terms and conditions imposed by the planning commission and that the same is not transferrable. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 17th day of May 2011.

11-5-RZ1 – MCCRACKEN ROAD REZONING – APPLICATION TO REZONE 1.9 ACRES LOCATED ON THE EAST SIDE OF THE MCCRACKEN ROAD AND SOUTH OF VAIDEN FROM M-1 TO C-4

Alderman Tipton recused himself and left the room.

Mr. Bob Barber presented the matter.

Property is currently owned by DeSoto Bank. Various use requests have been presented to the owner. C-4 zoning would be a more flexible use. Zoning change is based upon the change in the neighborhood. Planning Commission approved and no one objected to the zoning.

Motion was duly made by Alderman Manning, and seconded by Alderman Hobbs to approve the rezoning and uphold the planning commission recommendation. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

CITY HALL CHEESECAKE SIGN – REQUEST TO PAINT THE SIGN ON THE FRONT AND SIDE OF THE BUILDING

Bob Barber advised the board that the reason for the request being on the agenda was due to the fact that the City actually owns the building and accordingly, the City must approve of the request. Mr. Barber noted that the sign, which is appropriate, would be painted on the front (east) and south side of the building.

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to approve the sign request for the front and south side of the old City hall building owned by the City of Hernando. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

CONSIDERATION OF CALLING PERFORMANCE BOND FOR JEFFERSON PLACE EXPIRING ON MAY 29, 2011. BOND HAS NOT BEEN REPOSTED (J.F. LAUDERDALE)

Mr. Barber presented and advised the board that Jefferson Place, LLC needed to surrender their letter of credit and that they have not renewed their existing letter. Bob advised that Joe Frank Lauderdale had been made aware that they would not renew their bond. The bond amount is \$211,000.00 and the board questioned Joe Frank Lauderdale to find out if the bond money was sufficient to complete the improvements not yet completed. Joe Frank advised that at this point he thought the bond amount was sufficient and noted that 1st Security Bank, the lender, would have to continue to keep cutting the grass. Alderman Manning had a question about the fact that only about one-half of the roads had been paved. Bob advised that the development was to be implemented in phases and that the roads in place were for the first phase only. Mayor Johnson advised that the bond funds received would be placed on a separate line item to be used for these purposes only.

Motion was duly made by Alderman Tipton, and seconded by Alderman Hobbs to have the bond called. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

REQUEST BY ARICA WALLACE FOR SPONSORSHIP FOR THE USA JUNIOR NATIONAL BASKETBALL TEAM (\$150.00)

Alderman Miller noted that the Board had adopted a policy that the maximum an individual could receive would be \$150.00

Motion was duly made by Alderman Tipton, and seconded by Alderman Miller grant the request of Miss Wallace. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

AUTHORIZE TO APPOINT J.R. OWENS TO SERVE ON THE HERNANDO TREE BOARD

Alderman Manning knows Mr. Owens and he is a master gardener and would like to serve on the board.

Motion was duly made by Alderman Hobbs, and seconded by Alderman Tipton to authorize to appoint J.R. Owens to the Hernando Tree Board. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

ACCEPT BID ON HVAC PROJECT FROM ELDRIDGE SERVICES

Mayor Johnson advised that the City only received one bid although several contractor's looked at the project. The bid came in under the budgeted amount. The city will be reimbursed from the energy efficiency grant already approved.

Motion was duly made by Alderman Tipton, and seconded by Alderman Bryant to accept the bid of Eldridge Services. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

AUTHORIZE TO DEVELOP A TRANSITION PLAN FOR ADA

Joe Frank Lauderdale advised that in March 2011, MDOT summoned all cities to a seminar for the purposes of advising the cities to develop a plan to comply with ADA 504 regulations. Federal funding is dependent upon all cities having a plan in place. Cities must do a self evaluation on its streets and buildings and what would be necessary to make the same ADA compliant. Once identified the City will need to prepare and implement a transition plan, which will state how and when the City plans to get the work done. Public participation is required and there will be a need for an ADA coordinator. The City must field complaints and plan can be modified. There will be a need to establish a committee. The City Engineer will be paid to get this work done.

Motion was duly made by Alderman Miller, and seconded by Alderman Tipton to have the City Engineer to create a transition plan for ADA. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

**CONSIDERATION OF ADOPTING THE NESBIT INTERCHANGE AND
CONTRACTING FOR GRASS MOWING**

Mayor Johnson advised that MDOT will only mow the intersection twice a year. Alderman Hobbs advised that a lot of residents in the area want the intersection maintained better. They also would like to see the same lighted better.

Motion was duly made by Alderman Hobbs, and seconded by Alderman Miller to authorize the City Attorney, Kenny Stockton and Mayor to get with MDOT to look into the adoption of the interchange by the City of Hernando. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

**APPROVAL OF THE ASSIGNMENT OF THE CITY RESIDENTIAL AND
COMMERCIAL COLLECTION CONTRACT AS ENTERED INTO BY THE CITY OF
HERNANDO, MISSISSIPPI ON FEBRUARY 24, 2011, WITH ADVANCED DISPOSAL
SYSTEMS MIDSOUTH, LLC TO BFI WASTE SERVICE, LLC UPON THE
PRESENTATION OF A CITY COLLECTION PERFORMANCE BOND FOR THE
DURATION OF THE CONTRACT TERMS. BOND TO BE APPROVED BY THE CITY
OF HERNANDO. AUTHORIZE MAYOR JOHNSON TO EXECUTE THE
ASSIGNMENT**

Mayor Johnson advised the Board that BFI was purchasing some of the Advanced contracts and that he had meet with BFI along with Gary and Kenny. BFI will assume the contract as is and the City will now have once a week recycle pick up.

Alderman Miller noted that this was apparently known for some time but was not told to the City by Advanced or BFI.

Motion was duly made by Alderman Tipton, and seconded by Alderman Manning to approve the assignment of the contract to BFI from Advanced. A vote was taken with the following results:

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

Those voting "Nay": Alderman Miller.

ORDERED AND DONE this the 17th day of May 2011.

**AUTHORIZE TO ENTER INTO CONTRACT WITH CORNERSTONE FOR GENERAL
LABORER/CONCRETE WORKER**

Mayor advised that Alderman Miller had suggested using Cornerstone. They have checked and found that they have some possible persons who could do this type of work.

Motion was duly made by Alderman Miller, and seconded by Alderman Bryant to enter into a contract with Cornerstone for this purpose. A vote was taken with the following results:

CITY OF HERNANDO REGULAR MEETING MAY 17, 2011

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

DECLARATION OF KAY, CANINE DOG, AS SURPLUS PROPERTY DUE TO AGE AND TRAINING AND TRANSFER OWNERSHIP TO DANIEL SPOONER

Mike advised the board that the dog was older and that training would be expensive. Kay was the dog that came from its service in the Middle East. Alderman Spooner has resigned from the department.

Motion was duly made by Alderman Manning, and seconded by Alderman Tipton to declare Kay as surplus property due to age and training, and to transfer ownership to Daniel Spooner. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of May 2011.

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR CHIP JOHNSON

ATTEST:

KENNY STOCKTON, CITY ATTORNEY