

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, December 3, 2019 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: Deputy Clerk Katie Harbin, City Attorney Kenneth Stockton, City Engineer Joe Frank Lauderdale, Fire/EMS Chief Hubert Jones, Assistant Police Chief Shane Ellis, Public Works Director Bobby Burton, Court Clerk Cassandra Perry, Human Resources Manager Julie Harris, Planning Director Keith Briley, Community and Economic Development Director Gia Matheny, Parks and Recreation Director Dewayne Williams, Mike Foster, Carolyn Richards, JoAnn Gooch, Susan Harris, Heather McGraw, Trevor Gullidt, and Chris Tong.

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### PLEDGE OF ALLEGIANCE

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Pledge of Allegiance

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### INVOCATION

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Alderman Higdon gave the invocation.

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### AGENDA

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Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

December 3, 2019

6:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approve Agenda
- 5) Approve Docket of Claims No.'s 34062 – 34181 less 34079 – 34083
- 6) Approve Docket of Claims No.'s 34079 – 34083 (Bryant)
- 7) Approve Minutes
- 8) Consent Agenda
  - A) Authorize Hubert Jones and Marshel Berry to attend the MS Fire Chief's Mid-Winter Conference in Ridgeland, MS on January 21-23, 2020, also authorize to pay registration and travel expenses
  - B) Authorize Mayor Ferguson and Board of Aldermen attend the Blue Ribbon Trip in Washington, DC on March 24 – 26, 2020, also authorize to pay registration and travel expenses
  - C) Authorize Gia Matheny to attend the Dickens of a Christmas in Nashville, TN on December 14 – 15, 2019, and authorize to pay travel expenses (to bring back information to help the Tourism in Hernando)
  - D) Authorize to accept a donation from Roger and Connie Devries in the amount of \$100.00 for vetting expenses in the Animal Control Department

- E) Authorize to accept a donation from Ole Miss Students in the amount of \$204.00 for vetting expenses in the Animal Control Department
  - F) Authorize to accept a donation from Michael Dyer in the amount of \$10.00 for vetting expenses in the Animal Control Department
  - G) Authorize to accept a donation from Optimist Club of Hernando in the amount of \$500.00 for a sponsorship for Cookies with Santa
  - H) Authorize Mayor Ferguson to sign an Annual Software Maintenance Agreement with BBI
  - I) Authorize Mayor Ferguson to sign an Annual Hardware Maintenance Agreement with BBI
- 9) Request from Desoto County Soil and Water Conservation District to use the Gale Center for no charge on February 19, 2020 to host their Envirothon Training
- 10) Authorize to give Permit Clerk Beth Garcia in the Office of Planning a 90-day probation and performance raise of \$1.00 per hour
- 11) PL-1419 – Appeal of the Planning Commission Denial of a Variance to Allow a 6-Foot Tall Fence to Encroach into the Required Front Yard Setback – 3459 Tates Way– Heather McGraw, Owner
- 12) Discussion on the City’s Comprehensive Plan
- 13) Discussion on a Round-a-bout at the intersection of McIngvale and Holly Springs Rd
- 14) Authorize to accept the lowest and best bid from Phillip Construction for the Linear Park project
- 15) Authorize to adjust utility bill for Kathie Phillips
- 16) Authorize to adjust utility bill for Betty Craig
- 17) Authorize to pay Invoice Estimate # 4 to Acuff \$78,787.97 for the McIngvale Realignment project
- 18) Adjourn

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

Those voting “Aye”: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting “Nay”: None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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#### **APPROVE DOCKET OF CLAIMS NO.’S 34062 – 34181 LESS 34079 - 34083**

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The Board of Aldermen were presented with a docket of claims No. less 34062 – 34181 less 34079 - 34083 in the amount of \$518,379.45 for approval.

Motion was duly made by Alderman Higdon and seconded by Alderman Harris 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 McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting “Nay”: None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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**APPROVE DOCKET OF CLAIMS NO.'S 34079 - 34083 (BRYANT)**

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Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 34079 - 34083 in the amount of \$1,457.85 for approval.

Motion was duly made by Alderman Miller 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 McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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**APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD OF ALDERMEN MEETING ON NOVEMBER 19, 2019**

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Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to approve the minutes from the regular Mayor and Board of Aldermen Meeting on November 19, 2019. A vote was taken with the following results:

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

Those voting "Nay": None.

Alderwoman Brooks abstained from voting.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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**CONSENT AGENDA**

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- A) Authorize Hubert Jones and Marshel Berry to attend the MS Fire Chief's Mid-Winter Conference in Ridgeland, MS on January 21-23, 2020, also authorize to pay registration and travel expenses
- B) Authorize Mayor Ferguson and Board of Aldermen attend the Blue Ribbon Trip in Washington, DC on March 24 – 26, 2020, also authorize to pay registration and travel expenses
- C) Authorize Gia Matheny to attend the Dickens of a Christmas in Nashville, TN on December 14 – 15, 2019, and authorize to pay travel expenses (to bring back information to help the Tourism in Hernando)
- D) Authorize to accept a donation from Roger and Connie Devries in the amount of \$100.00 for vetting expenses in the Animal Control Department
- E) Authorize to accept a donation from Ole Miss Students in the amount of \$204.00 for vetting expenses in the Animal Control Department
- F) Authorize to accept a donation from Michael Dyer in the amount of \$10.00 for vetting expenses in the Animal Control Department
- G) Authorize to accept a donation from Optimist Club of Hernando in the amount of \$500.00 for a sponsorship for Cookies with Santa
- H) Authorize Mayor Ferguson to sign an Annual Software Maintenance Agreement with BBI
- I) Authorize Mayor Ferguson to sign an Annual Hardware Maintenance Agreement with BBI

Motion was duly made by Alderwoman Brooks and seconded by Alderman Hobbs to approve the consent agenda as presented. A vote was taken with the following results:

Those voting "Aye": Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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**REQUEST FROM DESOTO COUNTY SOIL AND WATER CONSERVATION  
DISTRICT TO USE THE GALE CENTER FOR NO CHARGE ON FEBRUARY 19, 2020  
TO HOST THEIR ENVIROTHON TRAINING**

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Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to approve the request from Desoto County Soil and Water Conservation District to use the Gale Center for no charge on February 19, 2020 to host their Envirothon Training. A vote was taken with the following results:

Those voting "Aye": Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, and Alderman McLendon.

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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**AUTHORIZE TO GIVE PERMIT CLERK BETH GARCIA IN THE OFFICE OF  
PLANNING A 90-DAY PROBATION AND PERFORMANCE RAISE OF \$1.00 PER  
HOUR**

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Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to give Permit Clerk Beth Garcia in the Office of Planning a 90 – day probation and performance raise of \$1.00 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Planning Director. A vote was taken with the following results:

Those voting "Aye": Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderwoman Brooks.

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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**PL – 1419 – APPEAL OF THE PLANNING COMMISSION DENIAL OF A VARIANCE  
TO ALLOW A 6 – FOOT TALL FENCE TO ENCROACH INTO THE REQUIRED  
FRONT YARD SETBACK – 3459 TATES WAY – HEATHER MCGRAW, OWNER**

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Planning Director Keith Briley presented the information.



**City of  
Hernando**  
MISSISSIPPI

**BOARD OF ALDERMEN  
STAFF REPORT**

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Project No.:	PL-1419	Item No.:	___
Request:	Request a variance to Allow a Fence to Encroach into the Required Front Yard Setback		
Location:	3459 Tates Way		
Applicant:	Heather McGraw, Owner		
Date:	December 3, 2019		

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**INTRODUCTION:**

Ms. Heather McGraw, property owner, is requesting a variance to allow a 6-foot tall fence to encroach into the required front yard setback for the property at 3459 Tates Way.

**BACKGROUND:**

The subject property is located at 3459 Tates Way and is Lot 147 of the Montclair Subdivision Phase 3. The final plat for Montclair Phase 3 was approved by the Planning Commission on November 17, 2017, by the Board of Aldermen on November 21, 2017, and recorded in the

DeSoto County Chancery Clerks Office on May 1, 2018, in Plat Book 124 Page 6-7. The property is zoned PUD Planned Unit Development.

**DISCUSSION:**

The subject property is located on the southeast corner of Clair Circle South and Tates Way thus, it is a double frontage lot. The applicant has built a wooden privacy fence without a permit that is 6-feet tall and extend 13.3-feet past the eastern face of the house. The final lot survey (see attachment) for the property indicates that the eastern façade of the house is located 6.1-feet behind the required 30-foot setback line on the Clair Circle South frontage. This results in a 7.2-foot encroachment into the required front yard setback on the Clair Circle South frontage.

The following excerpt from the City of Hernando Zoning Ordinance addresses fence locations and heights.

*Article XII Accessory Buildings and Uses*

*b. Fences, Walls, and Hedges*

- i. In residential districts in a yard that adjoins a public street, fences, walls, and hedges may not exceed 4-feet in height except in a designated rear yard on a double frontage lot*

A variance from the requirements of the zoning ordinance shall not be granted by the Planning Commission unless and until the applicant submits a written explanation along with the application for a variance that demonstrates the following criteria found in Article XVI the Planning Commission, §c., ¶ii., (1) of the Zoning Ordinance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same district.

Applicant: We reside on a corner lot in Montclair Subdivision. There are several corner lots in Montclair with a 6-ft. fence that are encroaching into the front yard setback.

Staff: The house on the subject property is configured so that the front door faces Tates Way making the Clair Circle South frontage the side of the house. The lot is 106.74-foot wide resulting in a smaller area along the Clair Circle South frontage that can have a fence taller than 4-feet in height.

2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

Applicant: The ordinance deprives myself, the applicant, of rights commonly enjoyed by others. The resident/owner, Corey Nix, at 3470 Tates Way was given approval by the city to build his fence into the setback area of his property.

Staff: The applicant will not be deprived of rights commonly enjoyed by others because all fences must meet the height and setback requirement.

3. That special conditions and circumstances do not result from the actions of the applicant.

Applicant: The condition, shape, and location of the property line is not a result from action of the applicant.

Staff: Complying with the ordinance results in a smaller area along the Clair Circle South frontage that can have a fence taller than 4-feet in height.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Applicant: The granting of this variance will not confer a special privilege to the applicant because all of the residents in the city have the same remedies available. Anyone can apply for a variance.

Staff: If approved, the applicant would receive special privileges in that the fence along the Clair Circle South frontage will extend closer to the road than the adjoining lots.

**STAFF COMMENTS:**

1. The Planning Commission met on Tuesday, June 11, 2019, and voted to deny a similar variance to allow a fence to encroach into the required front yard setback along Scott Road for the property at 3470 Tates Way because granting the variance will confer upon the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
2. The Board of Aldermen met on July 16, 2019, and heard an appeal of the Planning Commission's denial of that requested variance. The Board of Aldermen voted to overturn the Planning Commission's denial and to grant approval of a variance to allow a fence to encroach into the required front yard setback along Scott Road a maximum of 10-feet for the property at 3470 Tates Way, subject to staff comments.
3. The Planning Commission met on October 8, 2019, and voted to deny a similar variance to allow a fence to encroach into the required front yard setback along Scott Road for the property at 3458 Tates Way because granting the variance will confer upon the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
4. The Board of Aldermen met on November 5, 2019, and heard an appeal of the Planning Commission's denial of that requested variance. The Board of Aldermen voted to overturn the Planning Commission's denial and granted approval of a variance to allow a fence to encroach into the required front yard setback along Clair Circle West a maximum of 10-feet for the property at 3458 Tates Way, subject to staff comments.
5. If approved, the applicant shall apply for a fence permit at Office of Planning.
6. If denied, the applicant shall bring the fence into compliance with the zoning ordinance and apply for a fence permit at Office of Planning.
7. In accordance with Article XVI §c. ¶ v. Any person or persons aggrieved by any decision of the Planning Commission may appeal within 10 days to the City of Hernando and the City of Hernando may affirm, reverse, remand or modify the decision as may be proper. Parties aggrieved by decisions of the City of Hernando may seek review by a Court of Record as provided by law.
8. Under direction of the Board, Staff has drafted an amendment to Article XII Accessory Buildings and Uses §b. Fences, Walls, and Hedges of the Zoning Ordinance that will address a fence encroaching into the required setback of a corner lot. The amendment will be on the December 10, 2019, Planning Commission Agenda and will come before the Board on December 17, 2019.

**PLANNING COMMISSION ACTION:**

The Planning Commission met on Tuesday November 12, 2019, and voted to deny the variance request because granting the variance will confer upon the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

**STAFF RECOMMENDATION:**

Staff recommendation is withheld.

**PROPOSED MOTION:*****Motion to Overturn Planning Commission Decision***

I move to overturn the Planning Commission's denial and to grant approval of a variance to allow a 6-foot tall fence to encroach a maximum of 7.2-feet into the required front yard setback along Clair Circle South for the property at 3459 Tates Way, subject to staff comments.

***Motion to Uphold Planning Commission Decision***

I move to uphold the Planning Commission's denial of the variance to allow a fence to encroach into the required front yard setback along Clair Circle South for the property at 3459 Tates Way because granting the variance will confer upon the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Alderwoman Brooks asked how do the neighbors feel about this.

Keith Briley stated that they are in favor.

Alderman Miller asked if they have a permit.

Keith Birley answered not yet.

Alderwoman Brooks asked if there are fines for not pulling permits.

Alderman Miller stated I don't think Colonial Hills Church got a fine.

Alderman Higdon asked aren't you working on an amendment for this issue.

Keith Briley answered yes.

Alderman Hobbs asked about if the utility lines have to be worked on, are you willing to pay the cost to remove and replace the fence.

Heather McGraw answered yes.

Motion was duly made by Alderman Harris and seconded by Alderman Miller to overturn the Planning Commission's denial and to grant approval of a variance to allow a 6-foot tall fence to encroach a maximum of 7.2 – feet into the required front yard setback along Clair Circle South for the property at 3459 Tates Way, subject to staff comments, also homeowner agrees that if the fence needs to be removed for utility work purposes it will be removed at the homeowners expense. A vote was taken with the following results:

Those voting "Aye": Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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**DISCUSSION ON THE CITY'S COMPREHENSIVE PLAN**


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Planning Director Keith Briley presented the information.



**City of  
Hernando**  
MISSISSIPPI

**BOARD OF ALDERMEN  
STAFF REPORT**

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Project No.:		Item No. ____
Request:	Updating the City's Comprehensive Plan	
Location:	City of Hernando	
Applicant:	Keith Briley, AICP – Planning Director	
Date:	December 3, 2019	

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The attached documents contain the information that the Board requested in relation to the Comprehensive Plan update. The documents are presented in chronological order with the newest documents at the front and the older documents at the end. Below is a summary of the information that was submitted to the Planning Director and then prepared to present to the Board of Aldermen on three separate occasions.

1. November 19, 2019 - Authorize the Mayor to sign a Professional Services agreement with The Walker Collaborative, LLC for the purpose of updating the City's Comprehensive Plan
  - This request is for approval of a proposal from The Walker Collaborative, LLC which did not include Orion Planning + Design as a sub-contractor.
2. October 15, 2019 - Authorize the Mayor to sign a Professional Services agreement with The Walker Collaborative, LLC for the purpose of updating the City's Comprehensive Plan
  - This request is for approval of a proposal from The Walker Collaborative, LLC which included Orion Planning + Design as one of the sub-contractors for the project.
3. May 7, 2019 - Request for Authorization for Mayor Ferguson to sign a Professional Services agreement with Orion Planning + Design for the purpose of updating the City's Comprehensive Plan
  - This request is for approval of a proposal from Orion Planning + Design. They did not list any sub-contractor in the proposal that they planned to use on the project.

Alderman Miller stated I think we need to move on with the last one we were presented, everyone agreed, correct.

Alderman Hobbs asked Keith what did he recommend.

Keith Briley I would recommend that the Board approved the plan from The Walker Collaborative and decide if you want any of the additional services.

Alderman Miller you recommended the market analysis.

Mayor Ferguson would y'all like all 3 to participate at the next meeting and we ask questions.

Alderman Miller stated well with Mr. Barber pulling out, we really only have one.

Mayor Ferguson asked if there was any questions for Neel Schaffer, or anyone.



Alderman Miller answered no, I'd ask any questions to the contractor.

Mayor Ferguson stated so the Board doesn't have any questions for the sub contractors?

Alderman Miller stated no, we would just deal with the contractor.

Alderman McLendon asked if we advertised for this.

Keith Briley answered we did not, this falls under professional services.

Alderman McLendon stated so we didn't advertise for what the future of Hernando will be.

Alderman Hobbs stated I don't think we should advertise.

Alderman McLendon stated that y'all wanted to go with someone, until they pulled out... let me see.. the Comprehensive plan..

Mayor Ferguson stated it is paid out of Planning commission budget, over the next two years

Alderman McLendon stated which is tax payer money

Mayor Ferguson answered correct

Alderman McLendon stated so it's paid out of tax payer money. Some were ok with, someone coming to us trying to rezone a piece of property working for a developer but he is part of the comprehensive plan, basically we are using tax payer money to help a developer.

Kenny Keith Briley stated no sir, that is an incorrect statement. Whomever is responsible of compiling the comprehensive plan as adopted, if they should come back and work as a consultant for a developer, they are bound to the rules and regulations that the Board adopts.

Alderman McLendon stated let me make this simpler. We have a person that has a piece of property that they are working with, in the Planning Commission, and we are wanting to hire him as our comprehensive plan person, how do you think it looks in the public eye... and we want to put that as a professional service.

Keith Briley answered in my conversations, and I'll make this simple for you, with Bob Barber, if this Board were to hire him as a consultant to do the comprehensive plan, he would tell his client that he could no longer work on that plan/project.

Alderman McLendon stated it's done.

Keith Briley stated no it's not, it will be on the agenda for next Tuesday night.

Alderman McLendon stated I think we need to get, and the person we wanted to go with was ok to use Barber as a consultant.

Keith Briley stated he stated he was ok with using Mr. Barber, he and Mr. Barber have worked on many projects across the country together. He is also ok if he withdrew himself, for consideration, to work without him.

Alderman McLendon stated let me find the minutes we just approved... Mr. McLendon read from the previous minutes.... Alderman McLendon stated hold on, I wasn't ready for this.. let me just find it in the minutes.

Mayor Ferguson asked who would be the lead for Randal gross

Keith Briley answered Randal Gross.

Mayor Ferguson asked what about for Neel Schaffer.

Keith Briley answered Vince. He's over the local office.

Alderman McLendon asked how much is this going to cost.

Alderman Hobbs answered \$125,000.

Alderman McLendon but yet we aren't going to get bids on that.

Alderman Hobbs stated I don't think we should. Mr. Hobbs stated well why don't you find one.

Alderman McLendon stated he'd be happy to, let's advertise.

Alderman Higdon stated we don't have to advertise, it's a professional service.

Alderman Miller stated we have something before us tonight, the Board can vote it up or down and we can move on. We spoke They said last time how hard it is to find someone to do a comprehensive plan.

Alderman McLendon stated if you don't advertise how do you know.

Mayor Ferguson stated you get proposals. Has anyone met Mr. Randal Gross, have any questions for him.

Alderman Harris stated there is no difference there.

Alderman Miller stated we don't talk to subcontractors for other projects we have. Mr. Miller asked how much was the project for McIngvale, did we talk to any of the sub contractors for that project.

Alderwoman Brooks answered no.

Alderman McLendon stated we did engineering

Alderman Higdon answered no.

Mayr Ferguson stated MDOT had to approve them. How much is going to be subbed out.

Keith Briley stated it's not broken down in percentages.

Alderman Miller stated it's in there by hours.

Alderman McLendon stated we are talking about a road and we are talking the future of Hernando.

Alderman Harris stated some would argue that road is the future of Hernando.

Alderman McLendon stated absolutely, that's why I fought for it so hard.

Alderman Miller stated he has the hours in there that he thinks it will take him to work on this project.

Alderman McLendon stated it looks like he was ready to sign a contract and then farm it out to Mr. Barber because he probably knew he had something going on in the Hernando Planning Commission. Which is a little uneasy to me.

Alderman Hobbs stated you can't make accusations like that.

Alderman Harris stated he's no longer a part of it.

Alderman Hobbs stated the bottom line is Bob Barber did some developments over here in his ward and the Board voted for them, and he is butt hurt about it and can't get over it. That's the bottom line. Be mad at the Board, we are the ones that approved it.

Alderman McLendon stated let's go ask the people at Weatherby.

Alderman Hobbs asked did Bob Barber do anything illegal. Did his firm do anything illegal with the developers.

Keith Briley answered no sir. With our AIPC Designation we have a very strict code of ethics, if you even suspect a that there might be a conflict of interest, you bow out.

Alderman McLendon asked did you bow him out when you knew he had something in the Planning Commission.

Keith Briley stated he wasn't hired by the City to do the Comprehensive Plan.

Alderwoman Brooks stated he's already said he's not going to be involved.

Alderman McLendon stated but you suggested him.

Alderwoman Brooks stated so why are we talking about it.

Alderman Harris stated that's exactly right Cathy.

Alderwoman Brooks stated he's gone, not involved.

Alderman Hobbs stated because he's got a stage, everybody knows that.

Alderman Higdon stated there's some pretty strong accusations being made here.

Alderman Harris stated we have two strong proposals here.

Alderman Higdon stated Kenny what do you think.

Kenny Stockton stated I'm going to tell you something. Mr. Stockton stated y'all can do whatever you want to. You can do all the name calling you want to. I'm advising you as a Board to stop it. It's your pocketbook, not mine. I'm advising you stop the name calling. If you have something in particular about this gentleman's plans, the one you were talking about, it's off the table, it's in the past. If you have something with Keith, talk to Keith. But I'm advising you to stop the name calling. I've never had to do that in 27 years, but I'm doing it now. If you want to proceed, it's your wallet not mine.

Mayor Ferguson asked if there were any more questions from the Board. Mayor asked the audience if they had any questions.

No one spoke up.

Alderman McLendon made a motion that we advertise for bids for the Comprehensive Plan.

The motion died due to lack of a second.

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to enter into a contract with The Walker Collaborative, and add the Market Analysis, authorizing Mayor Ferguson to sign all necessary documents. A vote was taken with the following results:

Those voting "Aye": Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, and Alderman Higdon.

Those voting "Nay": Alderman McLendon.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019.

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**DISCUSSION ON A ROUND-A-ABOUT AT THE INTERSECTION OF MCINGVALE  
AND HOLLY SPRINGS RD**

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City Engineer Joe Frank Lauderdale presented some information of research done for a round-a-bout at the intersection of McIngvale Rd and Holly Springs Rd. The traffic study done years ago recommended a round-a-about or a traffic signal there. Later they stated a round-a-about would be better.

Alderwoman Brooks asked how much did this study cost. It's twelve years old, the data is too old. I think the study portion needs to be updated.

Alderman Hobbs didn't Michael Lee do a presentation for us, stating that they, the county, can do this study, free of charge.

Mayor Ferguson if it was more trafficked, would they lead us to do a signal light, above a round-a-bout.

Joe Frank Lauderdale stated it's your choice.

Alderman McLendon asked if there is any round-a-bout in the county.

Alderman Higdon stated a round-a-bout is more effective way to move traffic.

Mayor Ferguson asked how much would a round-a-bout cost.

Joe Frank Lauderdale answered about \$115,000.

Alderman Higdon asked wouldn't a traffic signal cost around a million.

Joe Frank Lauderdale answered I'm not sure, but it would be more than \$115,000.

Alderman Higdon I think it would serve a good purpose for the city to see it in the action, to see if it might be something we want to continue through the city if warranted with new developments.

Alderman McLendon asked if we had a fire station there in 2006.

Alderwoman Brooks answered yes.

Alderman McLendon stated I think we would need the high service one.

Alderman Higdon stated he thinks we need a traffic count.

Alderman Harris stated he agrees.

Alderman Miller stated it will take more than just a traffic count. The professional made the recommendation, not the engineer. We need a professional to look at the data.

Mayor Ferguson stated i'm saying the traffic count may lead us to the high service option.

Joe Frank Lauderdale stated you want me to contact someone update this information, traffic count.?

Alderman Higdon stated update the traffic count and get a traffic engineer to look at it and see which one we need.

Alderman Miller stated since it is a profession service we might can go back to Florence and Hutchinson, HDR now.

Alderman McLendon stated maybe the professional service planner can look at this too.

Mayor Ferguson asked if anyone had any questions.

Alderman Hobbs asked if we can also get a cost on traffic lights.

Susan Harris, Bolin Rd, stated fortunately I was made aware of this on Hernando Happenings facebook page or I wouldn't have known anything about it, so I appreciate that post.

Mayor Ferguson stated you can sign up on the website and the agenda will come straight to you.

Susan Harris stated can you find a way to publize it so more people will know.

Mayor Ferguson stated it's on our website.

Susan Harris stated without having to go to the website. Like post on Hernando Happenings.

Mayor Ferguson stated all you have do is go to the website and check a box.

Susan Harris stated most people don't go to the website.

Mayor Ferguson stated you don't have to website after the first time, it is sent to you.

Susan Harris stated I have not seen this. My experiences have been very few. Not being familiar with the area it is very confusing going through one. Yes, it is in the city, but you are incorporating two subdivision, a church, the park, Totyota. You will have all this traffic going through this area. We also have a lot of traffic coming into Tate county and it will continue to increase because they are steadily building subdivision out east. I think it will make more people cut through Lee Summit to avoid the round-a-bout. I would suggest a red light to make it simple for everyone. I agree that a new traffic study needs to be done. Safety should be fires and foremost over expense.

Alderman Higdon stated a round-a-bout is the most effective way to handle traffic.

Susan Harris stated well that is your opinion and it may be correct.

Alderman Higdon stated it is a lot of others opinions too.

Mayor Ferguson stated let's just get the professional study done and see what they say. If they say a red light, you can help us to get the county to help pay since a lot of county people will be using it. We will get a study done and see what they suggest.

Alderman McLendon stated you did bring up a good point, if there is a store on the south east corner, how will they get into it.

Joe Frank Lauderdale you'd go around the around-a-bout and turn in off of Holly Springs Rd.

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**AUTHORIZE TO ACCEPT THE LOWEST AND BEST BID FROM PHILLIP  
CONSTRUCTION FOR THE LINEAR PARK PROJECT**

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Motion was duly made by Alderman Higdon and seconded by Alderman Harris to accept the lowest and best bid from Phillip Construction for the Linear Park Project in the amount of \$926,289.00. A vote was taken with the following results:

Those voting "Aye": Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019

**AUTHORIZE TO ADJUST THE UTILITY BILL FOR KATHIE PHILLIPS**

**WATER LEAK REPAIR VERIFICATION**  
 City of Hernando Water and Sewer Department  
 475 West Commerce Street Hernando, MS 38632  
 662-429-9092

Customer Information (please print)

Name as it appears on bill Kathie Phillips  
 Service address 55 McKinzie Cove  
 Daytime phone number 662-901-451-8995

Do you rent the property at this address? NO. If yes, the property owner or manager must complete the remainder of this form.

REPAIR INFORMATION (please print)

Property owner or managers name \_\_\_\_\_ Date of repair 11/2/19  
 Daytime phone number ( ) \_\_\_\_\_

Type of repair and location of property water line under the slab was broke and caused major leak.  
 Documentation and property owner's or manager's signature \_\_\_\_\_

Attach plumbing bill or receipts for repair parts. Sorry, no adjustments will be considered without this/these document(s).

By signing below, I certify that the information providing regarding this repair is correct. I understand that providing fraudulent information with the intent of lowering a utility bill may be punishable by applicable law.

I hereby grant permission to the City of Hernando Water and Sewer Department personnel to come onto my property to verify the repair of an outdoor leak.

I certify that I am the owner or rental property manager of the property located at this service address

Signature Kathie Phillips  
 For Office use only

Account Number 09-8023200 Billing period ending 10-31-19

High month usage 31 minus 6 month average 6 = Amount of Adjustment 25

\$ 135.34 credit OK B.D.R.

**Darby & Sons Home Improvement**

706 White Ash Drive  
 Southaven, MS 38671  
 (662) 996-8485

55 meckinzie Hernando ms.

Job Description	Amount
Replaced sheet rock where plumber cut out in living room.	
Replaced sheet rock in small hallway where plumber cut out.	
Replaced sheet rock in bedroom where plumber cut out. Mudded & Taped sheet rock, Sealed sheet rock, Painted walls where patch was.	
<b>Total labor</b>	<b>Total 1,250.00</b>

*s. 2 gallons of paint \$50.00*

Make all checks payable to: Jackie Darby or Nicholas Darby.

Thank you for your business!





**City of Hernando**  
 Utility Department  
 475 West Commerce Street  
 Hernando MS 38632  
 662-429-9092

EFFECTIVE 12/01/17

**City Utility Fee Explanation**

**INSIDE THE CITY LIMITS - RESIDENTIAL**

**WTR** This charge is for the water that is provided to your house from the city wells via our tanks and water mains. The charge is a flat \$12.50 for the first 2,000 gallons. 2,000 – 5,000 gallons - \$3.15 per each thousand gallons used 5,000 gallons or more - \$3.50 per each thousand gallons used

**INSIDE THE CITY LIMITS - COMMERCIAL**

**WTR** First 2,000 gallons - \$12.50  
 2,000 – 5,000 - \$3.15 per thousand gallons used  
 5,000 gallons or more - \$3.50 per thousand gallons used

**RESIDENTIAL AND COMMERCIAL - SEWER**

**SWR** This charge is for transporting your sewage waste via our city lines and pumps. The money we collect pays for pipe and pump maintenance. The charge for this is half of your water charge or a minimum of \$6.25.

**WW** This charge is a flat rate of \$5.00 that is set aside to be used for sewer infrastructure improvements.

**DCR** This charge is \$3.84 per thousand gallons of sewer. We pay this money to the DeSoto County Regional Utility Authority to treat the sewage and turn it back into water that can be safely returned to the environment. We are merely the collection agency for DCRUA on this fee.

*ll*

31  
 - 6  
 25

12.50  
 9.45  
 3.50

384  
 6  
 2304

12.73 - 39.34 credit  
 DCR 96.00  
 135.34

SWR 64.80  
 DCR 96.00

Motion was duly made by Alderman Harris and seconded by Alderman Higdon to authorize to adjust the utility bill for Kathie Phillips in the amount of \$135.34, finding that the customer had a leak and did not receive the benefit of receiving the water services, also request that the water leak repair verification form and attached documents are put in the minutes. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019





SUZANNE B. CHAMBLISS  
3157 PLEASANT HILL RD.  
NESBIT, MS 38651

87-863/640 1171

DATE 9-8-19

PAY TO THE ORDER OF Drew Stone \$ 775.00

Seven Hundred Seventy five DOLLARS

**Pinnacle**

MEMO Suzanne Chambliss

⑆084008837⑆1171⑆2285588⑆

10175860056200

10175860056200  
⑆084205915<  
First Security Bank  
Batesville, MS

09-08-20

CHECK ONE:  FEDERAL RESERVE NOTE  FEDERAL RESERVE DEPOSIT

DO NOT WRITE STAMP OR SIGNATURE OVER FEDERAL RESERVE MARKING

ENDORSE HERE

*[Signature]*

SUZANNE B. CHAMBLISS  
3157 PLEASANT HILL RD.  
NESBIT, MS 38651

87-863/640 1172

DATE 9/10/19

PAY TO THE ORDER OF Drew Stone \$ 550.00

Five Hundred fifty dollars DOLLARS

**Pinnacle**

MEMO Suzanne Chambliss

⑆084008837⑆1172⑆2285588⑆

10175880022600

10175880022600  
⑆084205915<  
First Security Bank  
Batesville, MS

09-11-20

CHECK ONE:  FEDERAL RESERVE NOTE  FEDERAL RESERVE DEPOSIT

DO NOT WRITE STAMP OR SIGNATURE OVER FEDERAL RESERVE MARKING

ENDORSE HERE

*[Signature]*

Date	Amount	Amount	Amount	Amount
11/30/2019	10	1765	1805	16.30
10/31/2019	10	1597	1765	222.95
09/30/2019	10	1597	1765	626.50
08/31/2019	10	1551	1556	169.40
07/31/2019	10	1551	1556	42.77
06/30/2019	10	1518	1543	33.15
05/31/2019	10	1544	1544	36.30
04/30/2019	10	1544	1544	35.47
03/31/2019	10	1538	1541	36.15
02/28/2019	10	1526	1538	36.00
01/31/2019	10	1533	1536	33.15
12/31/2018	10	1528	1533	36.30
11/30/2018	10	1528	1529	36.15

$$\begin{array}{r}
 168 \\
 - 10 \\
 \hline
 158
 \end{array}
 \times 3.50 = \$553.00$$

Motion was duly made by Alderman Bryant and seconded by Alderman Harris to authorize to adjust the utility bill for Betty Craig in the amount of \$553.00, finding that the customer had a leak and did not receive the benefit of receiving the water services, also request that the water leak repair verification form and attached documents are put in the minutes. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019

**AUTHORIZE OT PAY INVOICE ESTIMATE # 4 TO ACUFF IN THE AMOUNT OF \$78,787.97 FOR THE MCINGVALE REALIGNMENT PROJECT**

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to authorize to pay Invoice Estimate # 4 to Acuff in the amount of \$78,787.97 for the McIngvale Realignment Project. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 3<sup>rd</sup> day of December, 2019

**ADJOURN**

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

Motion passed with a unanimous vote of "Aye".

MAYOR TOM FERGUSON

ATTEST:

KATIE HARBIN, CITY CLERK