

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, March 3, 2020 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, (via phone) Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: City Clerk Katie Harbin, City Attorney Kenneth Stockton, Police Chief Scott Worsham, Assistant Police Chief Shane Ellis, Public Works Director Mikey Dyer, Planning Director Keith Briley, Community and Economic Development Director Gia Matheny, Human Resource Manager Julie Harris, Court Clerk Cassaundra Perry, Parks and Recreation Director Dewayne Williams, Nick Wallace, Charlie Barnette, Charles H. Reid, Carolyn Richards, Alisa Hale, Curtis Usry, Sr., Mike Foster, Rita Ray, Mary Lee Brown, Bill Brown, Sharon Rogness, Don White, Jamie Wright, Tonia Wright, Linda Woods, Kim Chamberlin, Greg Craigen, Wesley Callahan, and Derick Biglane .

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Miller gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

March 3, 2020
6:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approve Agenda
- 5) Approve Docket of Claims No.'s 35395 – 35542 less 35420 - 35427
- 6) Approve Docket of Claims No.'s 35420 – 35427 (Bryant)
- 7) Approve Minutes
- 8) Consent Agenda
 - A) Request from Pat McLeod to change the time for the temporary street closure for Earth Day, April 25, 2020, to 6am to 2pm
 - B) Request from Emily Parker, Oak Grove Elementary, to use the Gale Center for no charge on May 19, 2020 to host a cast party for their Beauty and the Beast show
 - C) Request from the Desoto Arts Council to temporally close Memphis Street on April 25, 2020 from 6am to 3:30pm
 - D) Authorize to give Betty Ajax a step increase from T-3 to T-4
 - E) Authorize the City to apply for the MDA Tourism grant for Dickens of a Christmas and Water Tower 10K

- F) Authorize the City to apply for the Mississippi Humanities Council Storyteller grant for Dickens of a Christmas
 - G) Authorize the City to apply for the USTA and MS Tennis Association resurfacing grant for Church Park tennis courts
 - H) Authorize Marshel Berry, Sam Witt and Matt Massey to attend the MS Fire Investigators Association Spring Seminar in Oxford, MS on March 25-27, 2020, also authorize to pay registration and travel expenses
 - I) Authorize Hubert Jones, Marshel Berry, Blake Pearson, Drake Anthony, and Chris Hale to attend the CPAT Exam at the MS State Fire Academy on May 5 – 6, 2020, also authorize to pay registration and travel expenses
 - J) Authorize part time Police Officer Brandon Hylander to attend the Recurrent Updated Skills class on March 15-19, 2020 at the Mississippi Delta Community College in Moorehead, MS, also authorize to pay registration and travel expenses
 - K) Authorize to accept a donation from Diane Dull in the amount of \$100.00 for Animal Shelter Veterinary expenses
 - L) Authorize to pay Estimate # 7 to Acuff Enterprises in the amount of \$5,017.51 for the McIngavle Road project
 - M) Authorize Hernando Middle School Athletic Booster Club to use tables and chairs from the Parks Department on May 2, 2020 for their 8th Grade Athletics Banquet event for no charge
- 9) Public Hearing on the City applying for a CAP Loan
- 10) Authorize the City to submit the CAP loan application
- 11) Presentation of the Golden Axe Award to the Fire Department
- 12) Authorize to hire Kedrick Merrriweather in the Parks Department, pending pre employment screenings
- 13) Authorize to hire Hollie Peters as a Receptionist in the Parks Department, pending pre employment screenings
- 14) Authorize to promote Lee Johnson to Billing Accountability Supervisor in the Public Works Department with a pay increase of \$2.00 per hour
- 15) Authorize to give Utility Locator Eric Lampley a \$1.00 per hour raise for his 90 day performance
- 16) Authorize to move Dispatcher Christina Wallace T-1 Non Certified to T-2 Certified
- 17) Authorize to give Kaycee McMullen a 90 day performance raise of \$0.50 per hour
- 18) Ordinance Adopting Regulations for Small Cell Technology Facilities in the City of Hernando, MS
- 19) Petition to Abandon the Right-of-Way that runs North-South between the properties located at 475 Park Street, 474 Southern Street, and 448 Southern Street
- 20) Authorize Mayor Ferguson to sign a lease with Desoto County Literacy
- 21) Authorize to purchase a mini excavator from Stribling Equipment for \$41,929.00 (budgeted for)
- 22) Authorize to declare surplus a 1987 E-One/ Ford Pumper VIN 1FDYD80U5JVA04313
- 23) Authorize to sell a 1987 E-One/ Ford Pumper VIN 1FDYD80U5JVA04313 to the City of Calhoun City for \$1.00

- 24) Authorize Mayor Ferguson to sign an agreement with Affinity LawnScapes for clean up landscaping services (one time fee)
- 25) Authorize Mayor Ferguson to sign an agreement with Affinity LawnScapes for landscaping services
- 26) Authorize Mayor Ferguson to sign an agreement with Affinity LawnScapes for mowing exit ramps
- 27) Authorize to accept the best quote from Hernando Redi Mix for labor and material for the Conger Park sidewalk
- 28) Authorize to accept the best quote from Hernando Redi Mix for redi mix concrete for the Conger Park sidewalk
- 29) Authorize to advertise for interest rate quotes for a loan of \$135,000 for the Parks Department (budgeted for)
- 30) Authorize to open a separate bank account name "MS Infrastructure Modernization", with authorized signers being Mayor Ferguson, Katie Harbin, Julie Harris, and Octavia Glasper
- 31) Authorize to hire Attorney Dennis Miller at a rate of \$210 per hour for schedule fee change for public utilities outside 1 mile of City limits
- 32) Hernando West Development – tabled from February 4th
- 33) Authorize to adjust utility bill for Bessie Shannon
- 34) Authorize to adjust utility bill for Heather McGraw
- 35) Adjourn

Motion was duly made by Alderman Harris and seconded by Alderman Higdon 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 3rd day of March, 2020.

APPROVE DOCKET OF CLAIMS NO.'S 35395 – 35542 LESS 35420 - 35427

The Board of Aldermen were presented with a docket of claims No. 35395 - 35542 less 35420 - 35427 in the amount of \$399,572.64 for approval.

Motion was duly made by Alderman Higdon and seconded by Alderman Miller 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 3rd day of March, 2020.

APPROVE DOCKET OF CLAIMS NO.'S 35420 - 35427 (BRYANT)

Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 35420 - 35427 in the amount of \$784.05 for approval.

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks 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 3rd day of March, 2020.

APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD OF ALDERMEN MEETING ON FEBRUARY 18, 2020

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to approve the minutes from the regular Mayor and Board of Aldermen Meeting on February 18, 2020. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of March, 2020.

CONSENT AGENDA

- A) Request from Pat McLeod to change the time for the temporary street closure for Earth Day, April 25, 2020, to 6am to 2pm
- B) Request from Emily Parker, Oak Grove Elementary, to use the Gale Center for no charge on May 19, 2020 to host a cast party for their Beauty and the Beast show
- C) Request from the Desoto Arts Council to temporarily close Memphis Street on April 25, 2020 from 6am to 3:30pm
- D) Authorize to give Betty Ajax a step increase from T-3 to T-4
- E) Authorize the City to apply for the MDA Tourism grant for Dickens of a Christmas and Water Tower 10K
- F) Authorize the City to apply for the Mississippi Humanities Council Storyteller grant for Dickens of a Christmas
- G) Authorize the City to apply for the USTA and MS Tennis Association resurfacing grant for Church Park tennis courts
- H) Authorize Marshel Berry, Sam Witt and Matt Massey to attend the MS Fire Investigators Association Spring Seminar in Oxford, MS on March 25-27, 2020, also authorize to pay registration and travel expenses
- I) Authorize Hubert Jones, Marshel Berry, Blake Pearson, Drake Anthony, and Chris Hale to attend the CPAT Exam at the MS State Fire Academy on May 5 – 6, 2020, also authorize to pay registration and travel expenses
- J) Authorize part time Police Officer Brandon Hylander to attend the Recurrent Updated Skills class on March 15-19, 2020 at the Mississippi Delta Community College in Moorehead, MS, also authorize to pay registration and travel expenses
- K) Authorize to accept a donation from Diane Dull in the amount of \$100.00 for Animal Shelter Veterinary expenses
- L) Authorize to pay Estimate # 7 to Acuff Enterprises in the amount of \$5,017.51 for the McIngavle Road project
- M) Authorize Hernando Middle School Athletic Booster Club to use tables and chairs from the Parks Department on May 2, 2020 for their 8th Grade Athletics Banquet event for no charge

Motion was duly made by Alderwoman Brooks and seconded by Alderman Higdon 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 3rd day of March, 2020.

PUBLIC HEARING ON THE CITY APPLYING FOR A CAP LOAN FOR THE LINEAR PARK PROJECT

Mayor Ferguson opened up the Public Hearing. Mayor asked the public if anyone had any questions.

Mayor Ferguson asked the Board if they had any questions.

AUTHORIZE THE CITY TO SUBMIT THE CAP LOAN APPLICATION FOR THE LINEAR PARK PROJECT

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to the City to submit the CAP Loan Application for the Linear Park Project. 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 3rd day of March, 2020.

PRESENTATION OF THE GOLDEN AXE AWARD TO THE FIRE DEPARTMENT

Laura Lutrick with MDA along with Local MDA Ambassador Hannah Warren presented the Golden Axe Award to the City of Hernando Fire Department for raising the most money for the MDA in the State of Mississippi. The City of Hernando, with the citizens help, raised \$26,771. This is the second year in a row for Hernando to receive this award. The Citizenship award was also presented to the City.

AUTHORIZE TO HIRE KEDRICK MERRIWEATHER IN THE PARKS DEPARTMENT, PENDING PRE-EMPLOYMENT SCREENINGS

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to hire Kedrick Merriweather in the Parks Department pending pre-employment screenings, based on the recommendation of the Personnel Committee, following the recommendation of the Parks and Recreation Director. 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 3rd day of March, 2020.

AUTHORIZE TO HIRE HOLLIE PETERS AS A RECEPTIONIST IN THE PARKS DEPARTMENT, PENDING PRE-EMPLOYMENT SCREENINGS

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to hire Hollie Peters as a Receptionist in the Parks Department, pending pre-employment screenings, following the recommendation of the Personnel Committee, based on the recommendation of the Parks and Recreation Director. 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 3rd day of March, 2020.

AUTHORIZE TO PROMOTE LEE JOHNSON TO BILLING ACCOUNTABILITY SUPERVISOR IN THE PUBLIC WORKS DEPARTMENT WITH A PAY INCREASE OF \$2.00 PER HOUR

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to promote Lee Johnson to Billing Accountability Supervisor in the Public Works Department with a pay increase of \$2.00 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of March, 2020.

AUTHORIZE TO GIVE UTILITY LOCATOR ERIC LAMPLEY A \$1.00 PER HOUR RAISE FOR HIS 90 DAY PERFORMANCE

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to give Eric Lampley a \$1.00 per hour raise for his 90 day performance, following the recommendation of the Personnel Committee, based on the recommendation of the Public Works Director. 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 3rd day of March, 2020.

AUTHORIZE TO MOVE DISPATCHER CHRISTINA WALLACE FROM T-1 NON CERTIFIED TO T-2 CERTIFIED

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to move Dispatcher Christina Wallace from T-1 Non Certified to T-2 Certified, following the recommendation of the Personnel Committee, based on the recommendation of the Police Chief. 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 3rd day of March, 2020.

**AUTHORIZE TO GIVE UTILITY CLERK KAYCEE MCMULLEN A 90 DAY
PERFORMANCE RAISE OF \$0.50 PER HOUR**

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to authorize to give Utility Clerk Kaycee McMullen a 90 day performance raise of \$0.50 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the City Clerk. 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 3rd day of March, 2020.

**ORDINANCE ADOPTING REGULATIONS FOR SMALL CELL TECHNOLOGY
FACILITIES IN THE CITY OF HERNANDO, MISSISSIPPI (tabled from February 18,
2020)**

Planning Director Keith Briley presented.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.:		Item No.:	__
Request:	An Ordinance Adopting Regulations for Small Cell Technology Facilities in the City of Hernando, Mississippi		
Location:	475 West Commerce Street		
Applicant:	Keith Briley, AICP, Planning Director		
Date:	March 3, 2020		

INTRODUCTION:

The request before you is for the adoption of an Ordinance regulating Small Cell Technology Facilities in the City of Hernando.

DISCUSSION:

Mr. Gunner Goad, Regional Director External Affairs AT&T, approached staff in the summer of 2019, regarding the City's regulations for small cell tower technology. The recent development of 5G cellular technology and services are the driving factors behind the requested ordinance.

The proposed ordinance contains language similar in content to the ordinances adopted by the City of Southaven and City of Olive Branch. In addition, the ordinance contains language regulating the aesthetics of the Facilities in Section 13 Design Standards. The design standards were derived from referencing the City and County of Denver, Colorado's Small Cell Infrastructure Design Guidelines which has received national notoriety for standards it sets.

STAFF COMMENTS:

1. Attached is a copy of the City of Southaven Small Cell Ordinance.
2. Attached is a copy of the City of Olive Branch Small Cell Ordinance.

STAFF RECOMMENDATION:

Staff recommendation is for approval.

PROPOSED MOTION:

I move to adopt the ordinance regulating the installation and use of Small Cell Technology Facilities in the City of Hernando, Mississippi, and to forgo the reading of the ordinance in its entirety.

Keith Briley stated that he had asked an AT&T representative to be present. Mr. Briley also stated that he checked with Madison and they currently do not have language in their ordinance to address this.

Alderwoman Brooks stated she appreciated Mr. Briley looking into that.

Alderman McLendon asked how close will they be, the poles, to each other.

Keith Briley answered when the application is made, they are required to submit a map of what they want to install with in 100 feet.

Alderman McLendon asked so we are voting on this not knowing how many and how close.

Keith Briley stated the Design Review will go over it, and they will have to be put on the property line

Alderman McLendon asked if they would be mounted on top of poles.

Keith Briley answered if the current provider gets permission from the pole owner, it will go on an existing pole. If not, they will install a new pole, meeting the requirements.

Alderman McLendon stated that we have some wooden poles and some concrete ones. So they will put a pole on top of a pole.

Alderman Miller stated it's not another pole, it's a box on a current pole unless they can't get permission to use the existing pole.

Alderman McLendon stated his concern, you look down Memphis Street, we have poles that need to be taken up, but can't, they keep adding poles instead.

Alderman McLendon stated so they can put pole after pole after pole.

Alderman Miller stated this Ordinance will help with that problem.

Mayor Ferguson stated we are under the impression that they won't be poles after poles after poles.

Kenny Stockton stated this Ordinance will help from everyone putting in so many poles.

AN ORDINANCE ADOPTING REGULATIONS FOR SMALL CELL TECHNOLOGY FACILITIES IN THE CITY OF HERNANDO, MISSISSIPPI

WHEREAS, the City of Hernando, Mississippi, (the "City") seeks to facilitate the availability of reliable, personal wireless communications services for its citizens and the public by permitting the placement of Small Cell Technology Facilities and associated structures along the Right of Way and on private properties in the City; and

WHEREAS, the installation, expansion, and maintenance of Small Cell Technology Facilities and associated structures on or along the Right of Way and on private properties might have significant impact upon: (1) the aesthetic values and character of the City; (2) safe use and

passage on or along the Rights of Way by the public; and (3) properties and property values in the City in the areas where such structures are placed; and

WHEREAS, the Federal Telecommunications Act of 1996 (the “Act”) and regulations promulgated with respect to the Act by the Federal Communications Commission (“FCC”) authorize local governments to enact reasonable regulations for the permission, placement, expansion, height, and maintenance of Small Cell Technologies Facilities and associated structures; and

WHEREAS, Mississippi Code Section 21-37-3 authorizes the governing authority of a municipality to exercise full jurisdiction in the matter of Right-of-Way; and

WHEREAS, as provided in this Ordinance and as permitted by Federal and State Law, the City seeks to encourage, where feasible, the collocation of Small Cell Technology Facilities on existing poles and other Structures as opposed to installation of new structures; and

WHEREAS, the above-noted collocation and other provisions of this Ordinance are intended to be consistent with the Act and its associated regulations; and

WHEREAS, the adoption of the regulations, procedures, and requirements in this Ordinance will permit Applicants and Providers to enhance the provision of personal wireless service and protect the public welfare, health, safety, and interests of the City’s citizens.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Hernando, Mississippi, that the following is adopted:

SECTION 1. Definitions.

The terms below have the following meanings for purposes of this Ordinance.

- A. “Abandonment” or “Abandon(s)” means that, following the placement of DAS and/or Small Cell Technologies Facilities (and associated Accessory Equipment) or Support Structures in the City pursuant to a permit issued to a Provider or an Applicant, any of the following has occurred:
1. For any reason the Facilities cease to be used to transmit signals, data or messages or otherwise be used for their intended purposes for a period of ninety (90) days;
 2. The City revokes the permit for placement and use of those Facilities due to nonpayment of applicable fees, the failure of the Provider or Applicant to comply with conditions in the permit or in this Ordinance, or other valid reason; or
 3. The Provider or Applicant fails to perform any of its responsibilities, obligations and requirements in this Ordinance or in a permit that relates to the installation, construction, maintenance, use or operation of the Facilities, Accessory Equipment or Support Structures, and that breach remains uncured for a period of sixty (60) days after the City provides written notice of the breach to the Provider or Applicant.
- B. “Accessory Equipment” means any equipment other than an antenna that is used in conjunction with DAS and/or Small Cell Technology Facility arrangements. This equipment may be attached to or detached from a DAS and/or Small Cell Technology Wireless Support Structure, and includes, but, is not limited to, cabinets, optical converters, power amplifiers, radios, DWDM and CWDM multiplexers, microcells, radio units, fiber optic and coaxial cables, wires, meters, pedestals, power switches, and related equipment on, or in the immediate vicinity of a Support Structure. The term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

- C. “Antenna” means communications equipment that transmits and receives electromagnetic radio signals, is attached to a DAS and/or Small Cell Technology Wireless Support Structure and is used to communicate wireless service.
- D. “Applicant” whether singular or plural, means a Personal Wireless Service Provider, Wireless Infrastructure Provider, or an entity (including one that is not a Provider) that is authorized by a Personal Wireless Service Provider to apply for or receive a permit to install, construct, manage, modify or maintain a DAS and/or Small Cell Technology Facility and related Accessory Equipment or Support Structure in the City, or an entity licensed by the FCC, or an entity certificated by the Mississippi Public Service Commission to provide telecommunication service.
- E. “Application” means a formal request submitted to the City for a permit to install, construct, modify or maintain a DAS and/or Small Cell Technology Facility and related Accessory Equipment or Support Structure.
- F. “City” means the City of Hernando, Mississippi.
- G. “Board of Aldermen” means the Board of Aldermen of the City of Hernando, Mississippi.
- H. “Collocation” means the placement or installation of a new DAS and/or Small Cell Wireless Technology Facility or related Accessory Equipment on an existing pole or other Support Structure that is owned, controlled or leased by a utility, the City, or other person or entity.
- I. “DAS” or “Distributed Antenna System” is a network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
- J. “Distributed Antenna System Facilities and/or Small Cell Technology Facility(ies)” or “Facilities” whether singular or plural, means and includes the following types of structures: (a) antenna; and (b) associated Accessory Equipment.
- K. “Personal Wireless Service Provider” or “Provider” means an entity that provides personal wireless communication services to the public or citizens of the City on a commercial basis and is authorized by the FCC to provide those services.
- L. “Private Property” means real property located in the City that does not lie within the Right of Way or is owned by the City.
- M. “Planning Director” means the person appointed by the Mayor and the Board of Aldermen as the Planning Director, who is responsible for the administration of this Ordinance.
- N. “Right of Way” whether singular or plural, means the surface and space in, upon, above, along, across, over and below any public streets, avenues, highways, roads, courts, lanes, alleys, boulevards, ways, sidewalks, and bicycle lanes, including all public utility easements, as the same now or may hereafter exist, that are within the City’s corporate boundaries and under the jurisdiction of the City. This term shall not include county, state or federal rights of way or any property owned by any person or entity other than the City or City property that is not right-of-way.
- O. “Support Structure” or “DAS and/or Small Cell Technology Wireless Support Structure,” whether singular or plural, means a freestanding structure designed or used to support, or capable of supporting, DAS and/or Small Cell Technology Facilities, including, but not limited to, utility poles, street light poles, traffic signal structures, rooftops, attics, or other enclosed or open areas of a building or accessory structure, a sign, or a flag pole.
- P. “Stealth Technology” means a method(s) of concealing or minimizing the visual impact of a DAS and/or Small Cell Technology Facility (and associated Accessory Equipment) and Support Structure by incorporating features or design elements which either totally or

partially conceal such Facilities or equipment. The use of these design elements is intended to produce the result of having said Facilities and associated structures blend into the surrounding environment and/or disguise, shield, hide or create the appearance that the Facilities are an architectural component of the support structure.

- Q. “Wireless Infrastructure Provider” means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

SECTION 2. Permit Required to Place DAS and/or Small Cell Technology Facilities.

- A. A Provider or Applicant must obtain an infrastructure permit from the City before placing, installing, constructing, or operating any DAS and/or Small Cell Technology Facility (and associated Accessory Equipment) on any Support Structure that is located on the Right of Way, or Private Property, including substantially modifying the position or characteristics of any such existing Facility thereon.
- B. The Planning Director (the “Director”), or his/her designee, will review and administratively process any request for a permit to determine whether, in the exercise of the Director’s reasonable discretion, it should be issued for the location and in the manner requested by the Applicant. In those Districts which require a conditional use permit as required by this ordinance, after such conditional use permit is issued, the Director may review and administratively process any request for a permit to determine whether, in the exercise of the Director’s reasonable discretion, it should be issued for the location and in the manner requested by the Applicant. In this process, the burden is on the Provider or Applicant to demonstrate that the placement of the proposed DAS and/or Small Cell Technology Facility and associated Accessory Equipment or Support Structure is necessary to achieve the Provider’s or Applicant’s goal of enhancing the provision of personal wireless services when considering all pertinent factors discussed in the provision immediately below. Except as set forth in this section or if an appeal is taken, this permitting process will be administrative and not require the approval of the Board of Aldermen or City official other than the Director. The factors, requirements and guidelines that the Director may consider and will apply when determining whether to issue a permit for placement of DAS and/or Small Cell Technology Facilities and associated structures include, but are not limited to, the following:
1. A Conditional Use Permit has been approved by the Director, if a new Support Structure is necessary. In addition to the standard review criteria, the following criteria shall also be considered by the Director in considering an application for a New Support Structure:
 - a. Spacing between support structures,
 - b. Collocation availability,
 - c. Appearance of the proposed Support Structure and Facilities as a whole, and
 - d. Impact to the surrounding environment;
 2. The visual impact of placing the Support Structures or Facilities in the subject area;
 3. The ability and specifications of the structures upon which the Facilities and Accessory Equipment are placed to safely support those Facilities and Accessory Equipment;
 4. The character of the area in which the Facilities are proposed for placement, including surrounding buildings, properties and uses;

5. Whether the appearance and placement of the requested Facilities is aesthetically consistent with the immediate area and/or needs landscaping or other screening features;
6. Whether the Facilities are consistent with the historic nature and/or unique characteristics of the requested location;
7. Whether the Facilities exceed the height of similar existing structures in the area, or where no similar existing structures are present, whether the Facilities exceed the height limitations established for the zoned district in which a structure is proposed, but in no event shall a Facility's height exceed fifty feet (50');
8. Collocation. To the extent reasonable, in the discretion of the Director, all Facilities and associated Accessory Equipment that are placed in the City shall be attached to a pre-existing Support Structure that is owned, controlled or leased by a utility, franchisee, the City or other entity or person with the permission of the owner of such structure. The burden of proof shall be on the Applicant to demonstrate that no collocation opportunities exist in the area where a technologically documented need for a Facility exists, the Applicant may request that a new pole or other Support Structure be installed in that area for purposes of constructing the Facilities. Before any new Support Structure is permitted, each of the following must occur:
 - a. The Applicant must have provided the City written evidence that no reasonable collocation opportunity exists. This documentation should include, but not be limited to, affidavits, correspondence, or other written information that demonstrates that the Applicant has taken all commercially reasonable actions to achieve collocation in the requested location or area, that the Applicant has pursued but been denied (or received no response) access to all potential collocation sites in the subject area (and the reasons for any such denial(s)), or otherwise show that the Applicant is unable to collocate on an existing Support Structure, including for technical and other valid reasons; and
 - b. The Director must recommend the placement of a new Support Structure in the Right of Way after thorough review by the Director of Public Works, or his designee; and,
 - c. Newly constructed Support Structures shall be to the extent reasonably possible, built in such manner as to readily accommodate collocation by no less than one (1) similar (though potentially competing) entity with equipment of equal or greater size. The owner of such structure shall not unreasonably deny another carrier from collocation. The collocation requirement may be waived by the City of Hernando for good cause shown. Such waiver will not be unreasonably withheld.
 - d. A conditional use permit is approved by the Director.
9. If a Facility is attached to a utility pole or other Support Structure, no Antenna or other part of the Facility shall extend more than ten (10) feet above the height of such Support Structure; if the Facility includes an antenna array, the array shall be flush mounted within eighteen (18) inches of the Support Structure, or be contained in a canister that is a continuation of the approximate diameter of the Support Structure, and the array colored to match the support structure;
10. The location of any new Facilities shall be subject to review by the Director for its visual impact and to avoid an appearance of "clutter" among other Right of Way uses in the vicinity;
11. The Accessory Equipment shall, if reasonably possible, be buried, placed within the pole, in a cabinet under the pole, or at least twelve (12) feet above the ground and limited to twenty-eight (28) cubic feet cumulatively;

12. The color of Antenna and Accessory Equipment shall be compatible with that of the Support Structure or in a manner that otherwise attempts to conceal the equipment against the background of the developed or natural environment;
13. The Facility (including the Accessory Equipment) shall not be illuminated unless required by applicable laws and regulations;
14. Display of logos, branding, or the like on the Facilities in any way that may reasonably be construed as advertising shall be prohibited;
15. Whether Applicant has provided documentation that the proposed installation will not cause harm to the public or pose any undue risk to public safety;
16. Whether the proposed installation may interfere with vehicular traffic, passage of pedestrians, or other use of the Right of Way by the public;
17. If the proposed installation will disturb conditions on the Right of Way, whether the Applicant can demonstrate its ability and financial resources to restore the subject area to its preexisting condition following installation;
18. Structures and Facilities, either in their installation or continued operation shall in no way interfere with the telecommunications capabilities of emergency responders or any public safety personnel; and
19. That the applicant covenants and agrees to indemnify, defend, save, and hold harmless the City of Hernando, Mississippi, and its agents, officials, officers, and employees from and against any and all claims, injuries, losses, liabilities, damages, charges, costs, and expenses (including reasonable attorneys' fees and costs), whether suffered by the applicant or any other person (including the City of Hernando, its agents, or employees), which may occur on the property of the City of Hernando or elsewhere, on account of or by reason of any matters which arise during, or from, the issuance of the permit described herein or which may materially affect the issuance of the permit described herein, except to the extent that any such matter is caused by the negligence or misconduct of the City of Hernando, its employees, contractors or agents.

SECTION 3. Application Process.

The application process for locations within the City follows herein. Applications for locations on Right-of-Way or private property, including, but not limited to, additions to existing structures on private property, are required to be reviewed by the Planning Director or his/her designee subject additionally to the City's Zoning Ordinance (for new Support Structures), Building Code and construction permitting processes. The Director and his/her staff may also rely on a review by other Departments as deemed necessary.

- A. At a minimum, each application for a permit shall contain the following:
 1. Drawings stamped by a licensed engineer depicting the type of Facilities, Support Structure, and means and points at which such Facilities and associated Accessory Equipment will be attached to a Support Structure;
 2. Map(s) designating with specificity the location(s) of the requested Facilities and all other existing or proposed locations of the Applicant within 1,000 feet;
 3. The geographic coordinates of all antenna and other proposed Facilities of the Applicant within 1,000 feet and other such antenna or Facilities of other such providers;
 4. If the Facilities will be located on the Right of Way on a Support Structure that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement, letter or other documentation evidencing that the owner of that

Support Structure authorizes the Facilities to be attached thereto or agrees in principle to authorize that attachment; provided that, if a representation is made to the City that the attachment has been authorized in principle by the owner of the Support Structure but the Applicant subsequently fails to furnish the City documentation that finalizes any such agreement, the City may refuse to issue the requested permit until that documentation is provided, or, if the City issues the requested permit before receiving such final documentation, the subject permit may be revoked and any license to use that part of the Right of Way be rescinded.

5. If the Applicant requests permission to place Facilities on a new Support Structure, other requirements contained in this Ordinance shall be met.
 6. Photo-simulated post-construction renderings depicting the proposed facilities and equipment, including any/all equipment cabinets, ancillary structures, coloration, and landscaping.
- B An application shall not be deemed complete until the Applicant has submitted all documents, information and forms specifically enumerated in this ordinance that pertain to the location, construction, or configuration of the Facilities or Support Structures at the requested location(s). Within ten (10) working days after an application for permit is submitted, the City shall notify the applicant in writing if any additional information is needed to complete that application or supplemental information is required to process the request. Once the completed Application is submitted, the Director shall make the final decision to approve or deny a complete application within sixty (60) days. Applications for a new Support Structure requiring a conditional use permit from the Director shall be approved or denied within ninety (90) days of the submission of the completed application.
- C. Additional Requirements. Any Provider or Applicant to whom a permit is issued and who places Facilities and associated Support Structures on the Right of Way shall comply with the following requirements so long as those Facilities and Support Structures are on or under the Right of Way:
1. Prior to installing the Facilities or Support Structures, the Applicant shall provide the City a certificate(s) of insurance, or of self-insurance, evidencing that it has obtained and will maintain the following types of insurance in connection with its operations on or use of the Right of Way:
 - a. Commercial General Liability coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of Facility or Support Structure placed on or along the Right of Way by the Applicant with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate; and
 - b. Workers Compensation Insurance as required by statute. The required General Liability coverage shall include the City as an additional insured as its interest may appear under this Ordinance. All required insurance policies shall be furnished by insurers who are eligible to transact business in the State of Mississippi and are rated at least A-VII by AM Best. Following initial installation, if any changes in coverage occur, the Applicant shall furnish the City a new Certificate indicating that the above-noted coverage remains and will remain in effect. In lieu of the insurance requirements above, an Applicant may provide a certificate of self-insurance sufficient to satisfy the above amounts.
 - c. Applicant shall require any contractors and subcontractors to obtain and maintain substantially the same insurance with substantially the same limits as required of Applicant, including the City as an additional insured as its interest may appear under this Ordinance, and providing to the City a certificate of insurance evidencing such coverage.

2. Permits for the construction of new facilities or the placement of collocated equipment shall be good for twelve (12) months following the date of issuance of the permit. If construction or installation are not completed in that amount of time, the permit will terminate by operation of law, and the applicant must remove any partially installed equipment within 45 days. The City may take applications for the same or nearby locations and hold them in standby until it is known whether full installation/construction on an active permit is completed. If/when construction or installation is underway but delayed due to unforeseen circumstances, including, but not limited to the lack of available commercial power or communication facilities to the site, the City may consider a request for a six (6) month extension to a permit. Permit fees shall be non-refundable.
3. All Facilities and associated Support Structures shall be installed, erected, maintained and operated in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC.
4. Following the installation of any Facilities and associated Support Structures, the Provider or Applicant, upon reasonable request and for good cause, shall furnish the Director a written certification from a licensed professional engineer in the State of Mississippi stating that those structures have been inspected and are being maintained, operated and used in compliance with all applicable laws and regulations, including those of the FCC that pertain to the transmission of wireless communication signals. For purposes of this provision, "good cause" shall mean circumstances have arisen that indicate the Facilities and associated Support Structures have been damaged, are not functioning in compliance with applicable laws and regulations, or otherwise pose a hazard to the public. If those Support Structures should fail at any time to comply with applicable laws and regulations, the Provider or Applicant, at either of their expense, shall cause those structures to be brought into compliance with said laws and regulations within thirty (30) days of the date of any written notice to them from the Director of noncompliance, or cease all personal wireless service operations related to those structures until the Applicant or Provider comes into full compliance with said laws and regulations. If within ninety (90) days of the date of written notice of non-compliance the Applicant has not brought the structure into compliance, the City may remove said structures from the Right-of-Way in accordance with Section 5(1), (2), and (3).
5. The Facilities and associated Support Structures must be maintained in good and safe condition.
6. Each Applicant or Provider that applies for a permit to place Facilities (including the Accessory Equipment) and Support Structures on the Right of Way and installs and utilizes those structures shall defend, indemnify and hold the City and its employees or officials, harmless from all demands, losses, expenses (including attorney's fees and court costs), claims for personal injury or property damage, judgments or liabilities of any type that may be asserted or claimed against the City (or its employees or officials) by any third person, firm or entity that arise out of or relate in any manner to the following:
 - a. The installation, construction, maintenance, location, use or operation of the permitted Facilities, Accessory Equipment, or any Support Structure on or about the Right of Way; and/or (b) the failure of the Provider or Applicant to perform any of their respective responsibilities, obligations, and permit requirements in this ordinance. Notwithstanding the foregoing, the Provider or Applicant shall not be obligated to indemnify the City for City claims resulting from the negligence or willful acts of the City (or its representatives).
7. Franchise Agreements for Other Uses of Right of Way. This Ordinance regulates the placement of DAS and/or Small Cell Technology Facilities (and associated Accessory Equipment) on or in the immediate vicinity of Support Structures that are located or proposed to be located on the Right of Way or private property. No

provision of this ordinance is intended to permit, regulate, or authorize the placement by a Provider or Applicant of fiber optic lines, coaxial cable, switches, pedestals, or networking equipment of any type that is used to transport telecommunication signals, data, or messages between Support Structures, or between any other points on the Right of Way. In the event any such Provider or Applicant desires to place telecommunications equipment or Facilities along the Right of Way at points not regulated by this Ordinance, the City may enter into franchise or similar agreement that authorizes, governs and applies to such use of other locations on or along the Right of Way.

SECTION 4. Compensation.

- A. Permit and License Fees. The Applicant for a permit to place Facilities or associated Support Structures on the Right of Way shall pay the following types of fees:
1. For Facilities, a \$500.00 non-recurring permit application fee that may include up to five Facilities, with an additional \$100.00 for each Facility beyond five; each location in a combined application shall be required to receive a unique permit per location; or
 2. For Support Structures (i.e., a new pole, and not a collocation, intended to support one or more Small Wireless Facilities) a \$1,000.00 non-recurring permit application fee; and
 3. A \$270.00 annual license fee per Small Wireless Facility due on or before December 31 every year the Facility remains in operation, except as provided in Section 4.B.
- B. Annual License Fee Payments. In the first year of this Permit, the Provider's or Applicant's annual license fee shall be due upon completion of a structure or installation and payable within thirty (30) days therefrom and are not prorated. In the first year of this Permit, the license fee shall be \$270.00 for Facilities completed and/or installed between January 1 and June 30 and shall be \$135.00 for Facilities completed and/or installed between July 1 and December 31. Thereafter, the Provider's or Applicant's annual license fee payable under Section 4A (3) shall be due and payable to the City annually on or before December 31 for the following calendar year. All payments due under this Permit shall be made to the City of Hernando.
- C. Annual license fee payments not received by the City on or before the due date shall be assessed interest of 1 % per month commencing on the first day after the due date. Failure to make full payment including applicable interest charges, after thirty (30) days advance written notice, within sixty (60) days of the applicable payment date shall constitute a violation of this Permit. Any violation of the permit shall result in revocation of said permit.

SECTION 5. Abandonment of Facilities on Right of Way.

- A. If a Provider or Applicant abandons any Facility (including the Accessory Equipment) or an associated Support Structure (collectively "Facilities" for purposes of this Section) that is located on the Right of Way, the Provider shall notify the Director in writing, within thirty (30) days of the abandonment, and the following rights and obligations shall exist. The City may require the Provider or Applicant, at their expense, to remove and reclaim the abandoned Facilities within six (6) months from the date of written notice of abandonment given by the City to them and to reasonably restore the condition of the property at which the Facilities are located to that existing before they were installed. If the Provider or Applicant fails to remove and reclaim its abandoned Facilities within such six (6) month period and the Facilities are located on the Right of Way, the City shall have the rights to:
1. Remove them and charge its expense of any such removal operation to the account of the Provider or Applicant,

2. At the City's discretion, either resell the abandoned Facilities to a third party or dispose and salvage them; provided that the net proceeds of any resale of abandoned Facilities by the City to a third party shall be credited to the account of the Applicant or Provider that used those Facilities before the abandonment, and
3. Charge any expense incurred by the City to restore the Right of Way to the account of the Provider or Applicant.

SECTION 6. Non-Applicability.

The placement of an antenna(s), facilities or equipment related to the following types of wireless communication services are exempt from regulation under this ordinance:

- A. Amateur radio service that is licensed by the FCC if the facilities related thereto are not used or licensed for any commercial purpose; and
- B. Facilities used by any federal, state or local government or agency to provide safety or emergency services. Further, the provisions in this Chapter are supplemental to, and not intended to alter, affect or modify any other provisions in the City of Hernando ordinances that may be applicable to the placement or use of macro Telecommunications Tower.

SECTION 7. Posting of Permits.

At all times while work or construction is in progress, a copy of the permit must be located at or near the work or construction site and shall, on request, be shown to the Director or any public safety or code officer.

SECTION 8. Suspension; Revocation of Permit.

If work under an issued permit fails to conform to the conditions of the permit or the requirements of this Ordinance or existing ordinances of the City of Hernando, and such nonconformance is not cured within seven (7) calendar days of notice from the City, the permit may be revoked or suspended. If the permit is suspended, work shall be stopped until the permittee gives assurance to the Director of his or her ability and intention to complete the work in accordance with the conditions of the permit and this Ordinance and the other ordinances of the City. Any notice of revocation, suspension or stop work order shall be delivered in writing to the permittee or his or her designee or to a representative of the permittee, such as the project manager or the person who is overseeing or managing the work or construction and shall state the reasons for such action.

SECTION 9. Liability of the City.

Neither the City nor any officer or employee thereof shall be held responsible for any damages caused by any work or construction in any street, alley, sidewalk, right-of-way, or other public place made by any person under the authority of a permit issued pursuant to the provisions of this Ordinance. The permittee shall be solely liable for any damage or loss occasioned by any act or omission occurring in connection with such work or construction, and shall fully indemnify, hold harmless and defend City, its officers, officials, and employees from and against any and all suits, actions, judgments, losses, costs, demands, claims, expenses (including attorney's fees), damages, and liabilities of every kind to which the City and its officers, officials, and employees may be subjected for injury of any type, death or property damage arising from or connected with any such act or omission. The City shall promptly notify a permittee, at the address(es) set forth in the permit, of any claim or suit served upon the City and alleging negligent or wrongful conduct by the permittee in connection with work or construction that is the subject of a permit.

SECTION 10. Violations and Penalties.

- A. Any person or entity violating any of the provisions of this Article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each day or portion thereof during which that person knowingly commits any violation of any of the provisions of this Article is committed. Upon conviction of any such violation, said

violator(s) shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each such violation.

- B. No person or entity who has violated any provision of this Article shall be issued another permit hereunder, nor shall any contractor or agent apply for or be issued such a permit on such person's behalf, until the outstanding violation is corrected or a plan for correction is approved by the Director, which approval shall not be unreasonably withheld. The foregoing requirement or penalty is in addition to any penalty or remedy for violation that may be imposed or sought by the City at law or equity.

SECTION 11. Other Ordinances; Severability.

- A. All provisions of the ordinances of the City of Hernando in direct conflict with the provisions of this Ordinance are subordinated to this Ordinance and all other provisions of the ordinances of the City of not in conflict with the provisions of this Ordinance shall remain in full force and effect.
- B. If any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance or the application thereof to any person or circumstances be adjudged or held to be unconstitutional, illegal, invalid, or unenforceable by a court of competent jurisdiction, such finding or such invalidity shall not serve as an invalidation or affect the validity or enforceability of any other section or provision of this Ordinance and to this end, the provisions of this Ordinance are declared to be severable. Such an invalid sentence, paragraph, subdivision, clause, phrase, or section shall also not affect the validity of the Code of Ordinances as a whole.

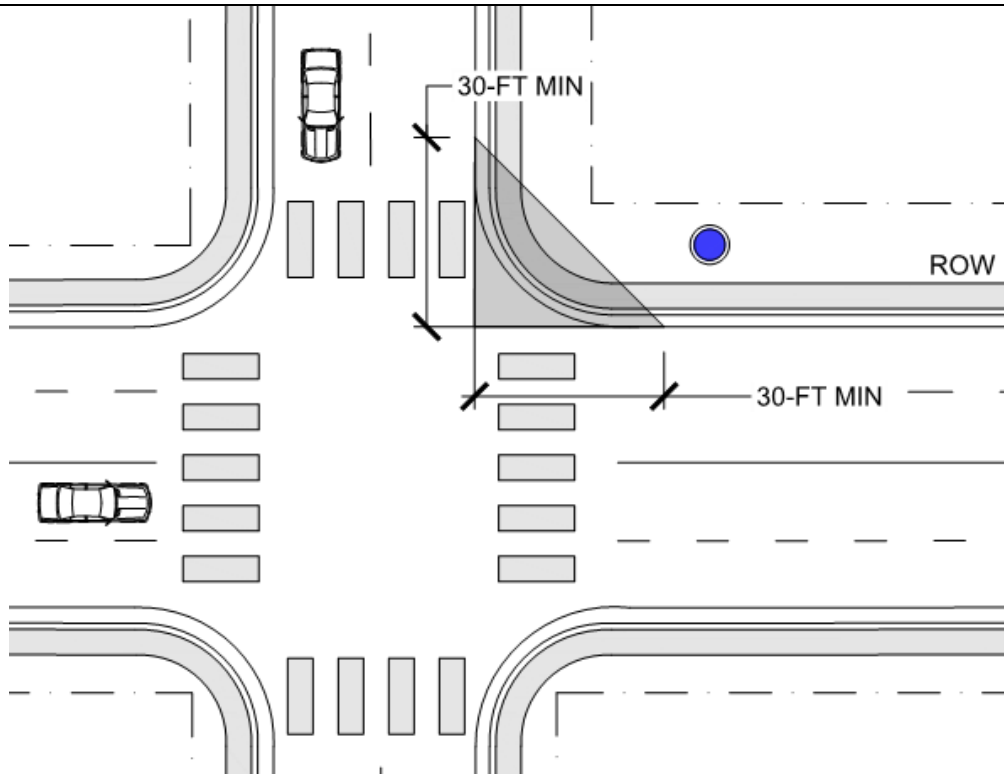
SECTION 12. Effective Date

That this Ordinance take effect and be in force one (1) month from and after passage as provided by law.

SECTION 13. Design Standards

- A. The use of stealth technology to conceal or minimize the visual impact of a DAS and/or Small Cell Technology Facility is strongly encouraged under these Design Standards.
- B. The color of antenna and accessory equipment attached to existing facilities should match that of the existing facilities. If attaching to existing wooden poles, new antenna and accessory equipment should be black or gray in color when technically feasible.
- C. The color of new facilities shall match streetlights in the vicinity of the installation. If there are no streetlights in the area; or, if there are wooden utility poles, black is the required color for new facilities.
- D. Antenna and accessory equipment shall be shrouded by a canister or cabinet to the extent that it is technically feasible. The canister and cabinets shall be sleek in appearance, with minimized view of wires or other appurtenances.
- E. Whenever possible, antenna equipment shall be placed below grade in equipment vaults or similar enclosures acceptable to the Planning Director.
- F. High quality metal is the preferred material for new facilities and cabinets that shroud antenna and accessory equipment and shall be required where technically feasible.

Figure 1 – Small Cell Facilities and Street Site Line Requirements



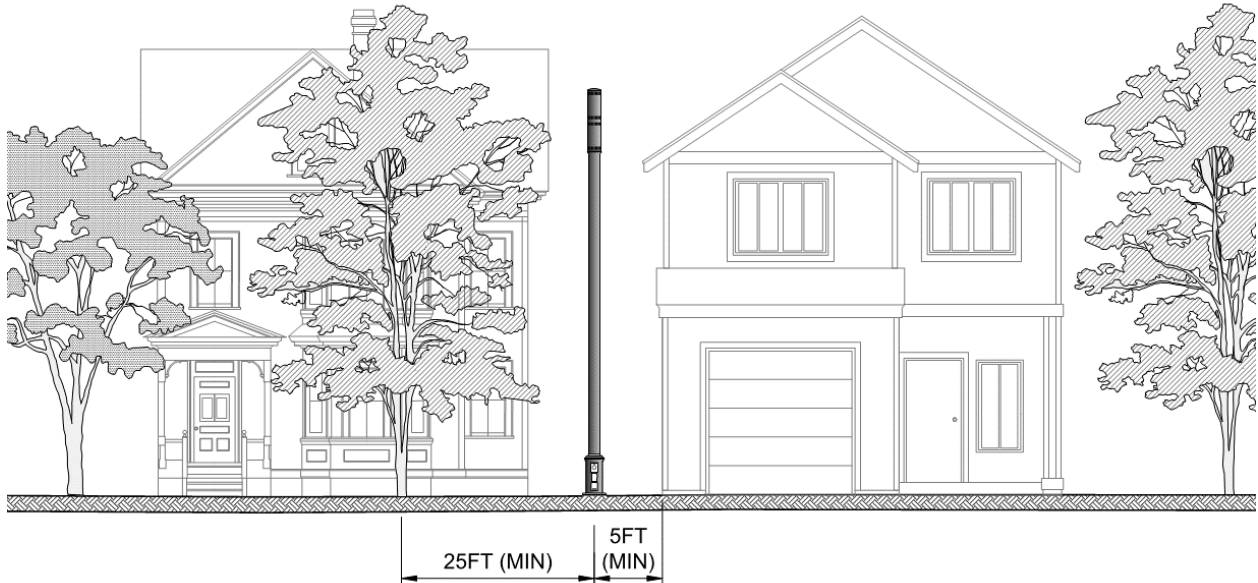
1. Small cell shall not be located in the clear sight triangles at intersections, alleys, driveways, etc. or in a way that would obstruct the view of motorist.

Figure 2 – Free Standing Small Cell Pole Located in Street Right-of-Way



1. Freestanding small cells shall be located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, affect public safety, obstruct the legal access to or use of the public ROW, violate applicable law, violate or conflict with public ROW design standards, specifications, or design district requirements, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare.
2. Free standing small cells shall be located within the ROW and off set from the sidewalk

Figure 3 - Small Cell Facilities in Residential Areas



1. Small cell poles shall be located a minimum of five (5) feet from the nearest edge of a garage or driveway, whichever is closer.
2. Do not locate small cell in the perpendicular extension of the primary street-facing wall plane
3. Do not locate small cell in front of driveways, entrances, or walkways

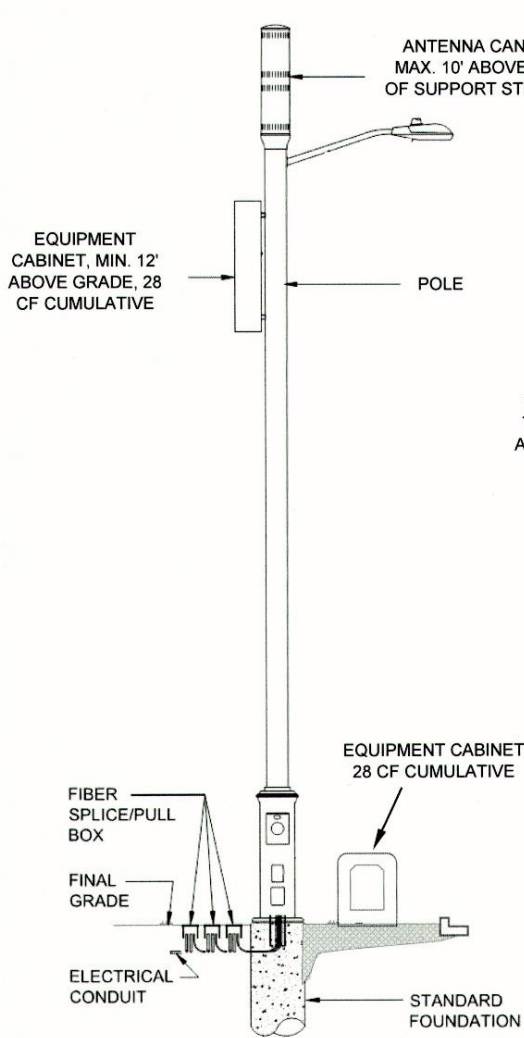
Figure 4 – Small Cell Facilities in Commercial Areas



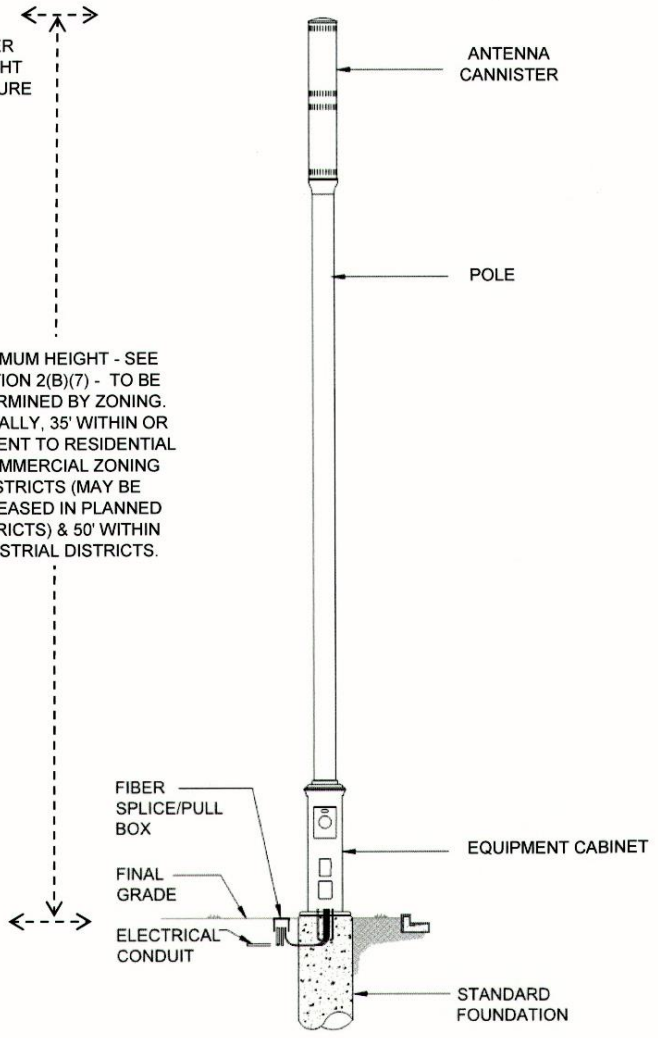
1. When located adjacent to a commercial establishment, such as a shop or restaurant, care should be taken to locate the small cell such that it does not negatively impact the business.
2. Small cells shall not be located in-front of store front windows, primary walkways, primary entrances or exits, or in such a way that it would impede a delivery to the building.
3. Small cells should be located between properties as much as possible as shown in this figure.

Figure 5 – Small Cell Facilities Installation

Installing on an Existing Support Structure



Installing a New Facility



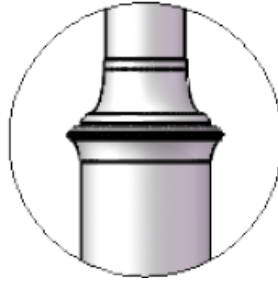
MAXIMUM HEIGHT - SEE SECTION 2(B)(7) - TO BE DETERMINED BY ZONING. TYPICALLY, 35' WITHIN OR ADJACENT TO RESIDENTIAL & COMMERCIAL ZONING DISTRICTS (MAY BE INCREASED IN PLANNED DISTRICTS) & 50' WITHIN INDUSTRIAL DISTRICTS.

Figure 6 – Architectural Shrouds for Use on Small Cell Poles

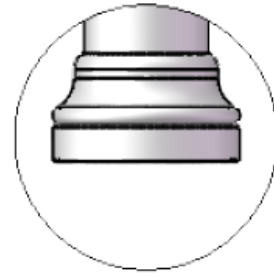
Upper Transition Shrouds



Lower Transition Shrouds



Ground Transition Shroud



1. The transition shrouds soften the lines between the base cabinet and upper pole.
2. A ground shroud is also required to conceal attachment between the foundation system and the pole.
3. These components shall be made of metal to provide durability consistent with the quality and character of the community.

The foregoing Ordinance having been reduced to writing, the same was introduced by Alderman Higdon seconded by Alderman Miller, waiving the reading, the Ordinance was adopted by the following vote, to-wit:

VOTE:	<u>YEA</u>	<u>NAY</u>
ALDERMAN HARRIS	<u> X </u>	<u> </u>
ALDERMAN BRYANT	<u> X </u>	<u> </u>
ALDERMAN MILLER	<u> X </u>	<u> </u>
ALDERMAN HIGDON	<u> X </u>	<u> </u>
ALDERMAN MCCLENDON	<u> X </u>	<u> </u>
ALDERMAN BROOKS	<u> X </u>	<u> </u>
ALDERMAN HOBBS	<u> X </u>	<u> </u>

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 3rd day of March 2020.

CITY OF HERNANDO, MISSISSIPPI

BY: _____
N.C. TOM FERGUSON, MAYOR

ATTEST:

CITY CLERK

**PETITION TO ABANDON THE RIGHT-OF-WAY THAT RUNS NORTH-SOUTH
BETWEEN THE PROPERTIES LOCATED AT 475 PARK STREET, 474 SOUTHERN
STREET, AND 448 SOUTHERN STREET**



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.:		Item No.: <u> </u>
Request:	Request to have the City of Hernando abandon the right-of-way of an undeveloped street	
Location:	Between the Properties Located at 475 Park Street, 474 Southern Street, and 448	

Southern Street
Applicant: Linda Woods, Sylvia Joyner, and Keith Hawkins
Date: February 18, 2020

INTRODUCTION:

The request is for the abandonment of the right-of-way Between the Properties Located at 475 Park Street, 474 Southern Street, and 448 Southern Street.

BACKGROUND:

Brewer Subdivision was approved by the Board of Aldermen on October 3, 1961. Brewer Subdivision 1st Revision was approved by the Planning Commission on October 13, 1999, and by the Board of Aldermen on October 20, 1999. The plat was recorded in the DeSoto County Chancery Clerks Office on May 21, 1999.

DISCUSSION:

The dedicated street has never been constructed. Given the proximity to Dr. Martin Luther King Jr. Drive and Gin Street, which also runs north and south, the street would not be beneficial for the City of Hernando to construct.

STAFF COMMENTS:

3. The applicants' letter requesting the right-of-way abandonment is attached.
4. The right-of-way of the undeveloped street is 33'-0" wide according to the final plat of Brewer Subdivision. A copy of the Brewer Subdivision and Brewer Subdivision 1st Revision are included.
5. There is a recorded Gas Easement in the northwest corner of the right-of-way that will not be abandoned. A copy of the recorded easement is included.
6. Public notice was mailed to the surrounding property owners located within 500-feet of the subject property.
7. If approved the right-of-way will be dedicated to the adjacent property owners since the right-of-way runs along their property lines. The area to be dedicated will be from the centerline of the right-of-way to the property owner's property line.

STAFF RECOMMENDATION:

Staff recommends approval.

PROPOSED MOTION:

I move to approve the abandonment the right-of-way of an undeveloped street between 475 Park Street, 474 Southern Street, and 448 Southern Street in Section 13, Township 3 South, Range 8 West and to dedicate the portion along the adjacent properties to the owners of said properties to the centerline of the right-of-way being abandoned.

Keith Briley stated this is just to abandon the right of way.

Joe Frank Lauderdale stated I don't think we have any utilities down there, I'll have to check.

Alderman Miller stated there is gas through there. The easement is there already.

John Pounders, 605 W Northern, stated he manages the property on the corner. Mr. Pounders asked what does the Board need to check on.

Alderman Miller answered to see if there is a utility easement.

Keith Briley stated if you table this, will you set a date.

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize to table this item to the March 17, 2020 Board Meeting, to check for utilities in the easement. 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 3rd day of March, 2020.

**AUTHORIZE MAYOR FERGUSON TO SIGN A LEASE WITH DESOTO COUNTY
LITERACY**

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize Mayor Ferguson to sign a lease with Desoto County Literacy. 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 3rd day of March, 2020.

**AUTHORIZE TO PURCHASE A MINI EXCAVATOR FROM STRIBLING
EQUIPMENT FOR \$41,929.00 (budgeted for)**

Motion was duly made by Alderman Harris and seconded by Alderman Higdon to approve to purchase a Mini Excavator from Stribling Equipment for \$41,929.00. 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 3rd day of March, 2020.

**AUTHORIZE TO DECLARE SURPLUS A 1987 E-ONE / FORD PUMPER VIN
1FDYD80U5JVA04313**

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize to declare surplus a 1987 E-One / Ford Pumper VIN 1FDYD80U5JVA04313. 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 3rd day of March, 2020.

**AUTHORIZE TO SELL A 1987 E-ONE / FORD PUMPER VIN 1FDYD80U5JVA04313
TO THE CITY OF CALHOUN CITY FOR \$1.00**

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to authorize to sale a 1987 E-One / Ford Pumper VIN 1FDYD80U5JVA04313 to the City of Calhoun City for \$1.00. 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 3rd day of March, 2020.

**AUTHORIZE MAYOR FERGUSON TO SIGN AN AGREEMENT WITH AFFINITY
LAWNSCAPES FOR CLEAN UP LANDSCAPING SERVICES (one time fee)**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize Mayor Ferguson to sign an agreement with Affinity LawnScapes for clean up landscaping services, a one time fee. 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 3rd day of March, 2020.

**AUTHORIZE MAYOR FERGUSON TO SIGN AN AGREEMENT WITH AFFINITY
LAWNSCAPES FOR LANDSCAPING SERVICES**

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to authorize Mayor Ferguson to sign an agreement with Affinity LawnScapes for landscaping services. 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 3rd day of March, 2020.

**AUTHORIZE MAYOR FERGUSON TO SIGN AN AGREEMENT WITH AFFINITY
LAWNSCAPES FOR MOWING EXIT RAMPS**

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to authorize Mayor Ferguson to sign an agreement with Affinity LawnScapes for mowing exit ramps. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of March, 2020.

**AUTHORIZE TO ACCEPT THE BEST QUOTE FROM HERNANDO REDI MIX FOR
LABOR AND MATERIAL FOR THE CONGER PARK SIDEWALK**

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to authorize to accept the best quote from Hernando Redi Mix for labor and material for the Conger Park Sidewalk. 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 3rd day of March, 2020.

**AUTHORIZE TO ACCEPT THE BEST QUOTE FROM HERNANDO REDI MIX FOR
CONCRETE FOR THE CONGER PARK SIDEWALK**

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to authorize to accept the best quote from Hernando Redi Mix for concrete for the Conger Park Sidewalk. 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 3rd day of March, 2020.

**AUTHORIZE TO ADVERTISE FOR INTEREST RATE QUOTES FOR A LOAN OF
\$135,000 FOR THE PARKS DEPARTMENT (budgeted for)**

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to authorize to advertise for interest rate quotes for a loan of \$135,000.00 for the Parks Department. 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 3rd day of March, 2020.

**AUTHORIZE TO OPEN A SEPARATE BANK ACCOUNT NAME "MS
INFRASTRUCTURE MODERNIZATION", WITH AUTHORIZED SIGNERS BEING
MAYOR TOM FERGUSON, KATIE HARBIN, JULIE HARRIS, AND OCTAVIA
GLASPER**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to open a separate bank account named "MS Infrastructure Modernization" with the authorized signers being Mayor Tom Ferguson, Katie Harbin, Julie Harris, and Octavia Glasper. 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 3rd day of March, 2020.

**AUTHORIZE TO HIRE ATTORNEY DENNIS MILLER AT A RATE OF \$210 PER
HOUR FOR SCHEDULE FEE CHANGE FOR PUBLIC UTILITIES OUTSIDE 1 MILE
OF CITY LIMITS**

Motion was duly made by Alderman Higdon and seconded by Alderman Miller to authorize to hire Attorney Dennis Miller at a rate of \$210 per hour for schedule fee change for public utilities outside 1 mile of City limits. 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 3rd day of March, 2020.

HERNANDO WEST DEVELOPMENT – (tabled from February 4, 2020)

Mayor Ferguson stated when this first started we go construction plans. It was just going to the property, not going north.

Bill Brown stated they submitted it going across the Colby property and then they submitted it going north. The one going north wasn't completed at the same time.

Mayor Ferguson stated you and I have a disagreement. I've been in meetings and didn't hear anything about it going north.

Bill Brown stated it was in an email sent in August of 2018.

Alderman Hobbs asked where exactly is the sewer stub on your property.

Bill Brown stated we are talking about tying in by the sewer lagoon.

Alderman Hobbs stated that was not my question. There is an existing man hole that you could have been using.

Bill Brown stated about 1300 feet away from where we want to start. That would be a very expensive band aid.

Alderman Hobbs asked if you were required to use that, what kind of line would you need.

Bill Brown answered a pressure line, about \$100,000.00

Joe Frank Lauderdale stated it shouldn't be any more than that.

Alderman Hobbs asked what would be the cost from the connection to Morrow Crest.

Bill Brown stated pressurized line, multiple pipes...

Joe Frank Lauderdale stated he would have to put in a lift station.

Alderman Harris stated soccer field, across Colby property, to Bill's property is about \$500K, then going to Morrow Crest is about \$250K, that is my understanding.

Alderman Hobbs stated I'm sure the price has gone up.

Bill Brown stated I'm sure.

Alderman Hobbs asked Mr. Brown why do you feel the taxpayers should pay. Brom DCRUA tie in to your property. If we vote this down, you have two choices. To try to make the City pay, per what you said, which I don't think will work, or you use what's there now until it runs out.

Bill Brown stated we will have to decide if we think the City is responsible to run the line. I don't know if we will make this offer later and the City will have to pay then.

Mayor Ferguson asked when was the PUD agreed upon, was the developer responsible or the City.

Bill Brown answered he didn't remember exactly.

Kenny Stockton stated when the first study was done, it states in there that water and sewer was available to the site.

Mayor Ferguson asked was the property asked to be annexed.

Kenny Stockton answered yes, the past owners asked for it to be annexed.

Bill Brown stated at the time we thought the sewer would run across the soccer fields and up Bella Vita Rd. When the County did the Road, it was put on one side, where the sewer pipe would have logically gone. If you want to tell us tonight that the City will put the line in, in a year or two, and pay for it.

Alderman Hobbs asked Kenny if the City was legally obligated.

Kenny Stockton stated that Mr. Brown reads it one way, and others read it a different way. Right now there is no need for it.

Bill Brown asked Joe Frank Lauderdale if the City will eventually need this ran.

Joe Frank Lauderdale answered yes.

Mayor Ferguson asked Joe Frank Lauderdale when he thinks the time frame is.

Joe Frank Lauderdale answered for about 175 houses.

Mayor Ferguson asked who else to you think will tie into it.

Bill Brown stated it can go further down the road.

Alderman Hobbs asked so the tax payers that live there will pay for it, you still won't pay for it.

Bill Brown stated who ever buys the house will pay for it. It won't be built out fully for years so the developers will be paying a portion of it.

Alderman Hobbs stated you're wanting the Hernando tax payers to be responsible for a line on your property that you are responsible for. Eventually the City will need to put the line, why don't we meet in the middle.

Bill Brown stated he disagrees with a few things. We are starting with the 55 and over because of the PUD and studies.

Mayor Ferguson asked will we be required to maintain the easement.

Kenny Stockton answered yes, when it's ours.

Alderman Harris asked if you got a good answer from Nesbit about getting water to the north end.

Bill Brown answered that they said they can.

Mayor Ferguson asked if he can get a copy of that letter.

Bill Brown stated he doesn't have it with him, but yes, he can get him a copy.

Mayor Ferguson stated we could have had questions answered before tonight, but I was instructed that I could not talk directly to you or your attorney. I had to go through Mr. Stockton.

Bill Brown stated I think that was a mis understanding. I told Mr. Campbell that was not correct. I don't think he said that.

Mayor Ferguson asked Mr. Brown to bring Mr. Campbell her and challenge me. He did say that.

Bill Brown stated Kenny sent an email that said we had to go through him.

Mayor Ferguson stated no, that was after Mr. Campbell mad his statement.

Bill Brown stated he will have it clarified.

Alderman Hobbs stated the only way he will be ok with this, is if we do what I suggested. We aren't obligated.

Mayor Ferguson stated we need to have agreements made before we vote.

Bill Brown stated we tried that.

Alderman Harris stated we have all heard what they will do.

Kenny Stockton stated it needs to be more than that, it needs to be in an agreement.

Don White, 1925 Hawthorne, stated it's not a tax assessment, it's a levy. It will have a three person Board and it won't come from Desoto Co.. I don't see how we are obligated; no other developer asks for this. Once it hits his property it's his obligation.

Carolyn Richards, 339 Kimber Lane, passed out a paper with her statements.

HERNANDO WEST DEVELOPMENT CONCERNS

1. Land bought in 2007
2. Phase 1 – only 7 lots have been approved, platted and recorded, October 2016. No houses have been built since they were purchased in 2016 by the following:
 1. Lot 1 owned by Cathy Thompson, 12-07-2016 (2423 Elm St.)
 2. Lot 2 owned by Hernando West Development, LLC, 10-20-2016 (2447 Elm St.)
 3. Lot 3 owned by Wm. & Meredith McAlexander (the Banks House), 11-08-2016 (564 W. Commerce St.)
 4. Lot 4 owned by Jeffrey & Amanda Cunningham, 11-15-2016 (582 W. Commerce St.)
 5. Lot 5 owned by Daniel & Sandra Snell, 12-07-2016 (618 W. Commerce St.)
 6. Lot 6 owned by Lee & Laura Pierce, 11-15-2016 (660 W. Commerce St.)
 7. Lot 7 owned by Lee & Laura Pierce, 11-15-2016 (684 W. Commerce St.)
(Lee & Laura Pierce own 720 W. Commerce Street since 1996, where they have house)
3. The subdivision they are wanting to build is the 55+ which only has 37 lots. It is the farthest from the City of Hernando Square; so it appears to be a poor design to begin with, because this age group of people would definitely want to be closer to town!
4. They want the City to take out almost a \$1,000,000. loan to run the sewer line so they can develop the 55+ phase, which has only 37 lots.
If the City does it for this developer, then a precedent is set and they will have to do it for other developers in the future.
5. Atty. Bill Brown says the City is obligated to do this. Why? Is it a law that states the City has to do this for a developer?
6. Atty. Bill Brown says they will put a special assessment on every lot in the Hernando West Subd. so the sewer line is paid by the Hernando West development.
Is this even legal and how would they do it? Also, wouldn't this look like the City entering into a special agreement with a developer/contractor? Again, is this even legal?
7. Also, the tax revenue from only 37 homes would not come close to paying back the City for this almost \$1,000,000. loan.
8. How do you know that Hernando West even has the funding to develop the property to build any houses? They have owned this land since 2007 and not 1 house has been built! That would sure raise a "red flag" for me and it looks like it would raise a "red flag" for the City.
9. If the City goes in debt for this loan, and then the Developer goes bankrupt or pulls out or whatever, is the City prepared to tell all the taxpayers of Hernando that their taxes have to be increased because the City agreed to take out a loan to accommodate this Developer?
10. Then the widening or straightening of Robertson Road will have to be addressed at some point. The City of Hernando does not even have the funds to maintain the roads they have now.
11. It has been stated that the City currently has water and sewer services to support up to 175 houses. Why do they not want to develop this area?
12. This project is not in the City of Hernando's best interest, and I urge you to vote against taking out a loan of almost \$1,000,000.

Alderman Higdon stated I don't see the reluctance to do this. We badly need this development, the permit fees. We are protected on every side. It's a win win the way I see it.

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to authorize to move forward with Mr. Brown's request to add a sewer line up Bella Vita to Robertson, then go north to Morrow Crest area. A vote was taken with the following results:

Those voting "Aye": Alderman Bryant and Alderman Higdon.

Those voting "Nay": Alderman Hobbs, Alderman Harris, Alderman Miller, Alderman McLendon, and Alderwoman Brooks.

MOTION FAILED.

Motion was duly made by Alderman Hobbs and seconded by Alderman Harris to move forward with an agreement with Bill Brown and Hernando West, for the City to run the sewer line from the DCRUA cap up Bella Vita and straight across Robertson Road to the Hernando West Property, with the same conditions that Mr. Bill Brown has proposed to us which include Hernando West acquiring the needed easement and donating it to the City, Hernando West will put a special assessment or levy on the land owners of the property in order to pay the note for the loan, Hernando West will also put up a "down payment" or certificate for the first years note for the loan payment and the second year if needed, Hernando West will also pay all legal and engineering costs. A vote was taken with the following results:

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

Those voting "Nay": Alderman Miller, Alderman McLendon, and Alderwoman Brooks.
ORDERED AND DONE this the 3rd day of March, 2020.

Mayor Ferguson asked why does it have to be for 20 years.

Alderman Hobbs answered that he sees it as a benefit, Mr. Browns numbers won't work for 10 years.

AUTHORIZE TO ADJUST THE UTILITY BILL FOR BESSIE SHANNON

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 Bessie Shannon
Service address 2670 College St
Daytime phone number () 901 490 7021
Do you rent the property at this address? If yes, the property owner or manager must complete the remainder of this form.

REPAIR INFORMATION (please print)

Property owner or managers name Bessie Shannon Date of repair 2/14/2020
Daytime phone number () 901 490 7021
Type of repair and location of property outside water leak back yard

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 Bessie Shannon For Office use only

Account Number 04-0125000 Billing period ending 2/28/20
High month usage 23 minus 6 month average 8 = Amount of Adjustment 15
\$ 136.35 credit

2/25/20

Edward F Bachus
 3615 W. Commerce St
 Hdo MS: 38632 LIC # 367
 (901) 487-4710 895636

Invoice

SOLD TO: Bessie Shannon
 ADDRESS: 2670 College St
 CITY, STATE, ZIP: Hdo MS 38632

SHIP TO: ADDRESS: CITY, STATE, ZIP:

CUSTOMER ORDER NO. SOLD BY TERMS F.O.B. DATE

ORDERED	SHIPPED	DESCRIPTION	PRICE	UNIT	AMOUNT
		Found Leak on Water Service			
		Fixed it			
					\$160.00

Account Maintenance

Account: 01-0135000 Name: SHANNON, BESSIE

Billng History

Service	Code	Previous Reading	Present Reading	Consumption	UNIT	UNIT PRICE	AMOUNT DUE
02/01/2020	10	607	609	20		235.20	
01/31/2020	10	617	667	50		208.44	
12/31/2019	10	636	617	11		128.16	
11/30/2019	10	631	636	5		74.64	
10/31/2019	10	627	631	4		72.68	
09/30/2019	10	623	627	4		73.53	
08/31/2019	10	618	623	5		74.64	
07/31/2019	10	612	618	6		83.58	
06/30/2019	10	607	612	5		74.64	
05/31/2019	10	603	607	4		66.97	
04/30/2019	10	600	603	3		57.59	
03/31/2019	10	597	600	3		57.59	
02/28/2019	10	594	597	3		57.59	

Print for the Period: 02/25/2020 thru 02/25/2020

High: 235.20
 Low: 208.44
 Avg: 77
 Delta: 3

Handwritten: AVG 8

$$23 - 8 = 15$$

$$15 \times 3.50 = 52.50$$

$$52.50 \div 2 = 26.25$$

$$15 \times 3.84 = 57.60$$

$$136.35$$

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to authorize to adjust the utility bill for Bessie Shannon in the amount of \$136.35, 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 Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of March, 2020

AUTHORIZE TO ADJUST THE UTILITY BILL FOR HEATHER MCGRAW

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 Heather McGraw
Service address 3459 Tates Way
Daytime phone number () 662-292-7121
Do you rent the property at this address? N. If yes, the property owner or manager must complete the remainder of this form.

REPAIR INFORMATION (please print)

Property owner or managers name Heather McGraw Date of repair 1/9/20
Daytime phone number () 662-292-7121
Type of repair and location of property cracked fitting and pipe at meter.
Heather McGraw
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 Heather McGraw
For Office use only

Account Number 04-1534001 Billing period ending 1-31-20
High month usage 31 minus 6 month average 6 = Amount of Adjustment 25

\$ 227.25 CREDIT

[Signature]
2/25/20



Mill Creek Homes
P.O. Box 665
Hernando MS 38632
(901)413-9520

2/3/2020

To whom it may concern:

I am writing this to verify there was a leak in the water line at the property 3459 Tate's Way Hernando MS 38632 belonging to Heather McGraw. Home owner notified Mill Creek Homes on January 9, 2020 and said there was water flowing from the ground with a steady flow. We came by the residence once notified to discover a leak that was not on the city side of the meter. We notified our plumber, Vintage Plumbing of Hernando, to go by and take care of it as soon as possible. They did arrive the same day to find a cracked fitting and pipe for the main water line. They did fix the leak. You can call either number and person below from Mill Creek Homes if anything else is needed or contact Chris Bursi with Vintage Plumbing. Mrs McGraw contacted us for a letter verifying there was a leak to confirm the adjustment to the water bill. The work that was done will not be billed to the home owner since it was warranty work through Mill Creek Homes.

Mill Creek Homes
Ross Smith
President
(901)413-9520

Kevin Dowell
Operations
(662)812-3355

Chris Bursi
Vintage Plumbing
(901)848-7562

[Signature]
Kevin Dowell

Period	Code	Previous Reading	Present Reading	Consumption	Amount Due
02/28/2020	10	515	528	13	150.01
01/31/2020	10	484	515	31	316.60
12/31/2019	10	477	484	7	93.82
11/30/2019	10	472	477	5	76.68
10/31/2019	10	466	472	6	67.50
09/30/2019	10	459	466	7	93.82
08/31/2019	10	456	459	3	61.24
07/31/2019					0.00

$$\begin{array}{r}
 31 \\
 - 6 \\
 \hline
 25
 \end{array}$$

$$25 \times 3.50 = 87.50$$

$$87.50 \div 2 = 43.75$$

$$25 \times 3.84 = 96.00$$

$$\underline{\quad\quad\quad}$$

$$\$ 227.25 \text{ credit}$$

Motion was duly made by Alderwoman Brooks and seconded by Alderman Harris to authorize to adjust the utility bill for Heather McGraw in the amount of \$227.25, 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 Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of March, 2020

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