

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, June 16, 2020 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, 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, Community and Economic Development Director Gia Matheny, Planning Director Keith Briley, Fire Chief Hubert Jones, Police Chief Scott Worsham, Public Works Director Mickey Dyer, Assistant Public Works Director Lee Germany, Ray Booth, Kevin Thorn, Billy Myers, Dana Thornton, Stephanie Bush, Will Bush, Mitton Jones, Carol McGarrity, Jim Flanagan, Yvonne Fuller, Chris Fuller, Thomas Mirth, and Paul Sauders.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Higdon gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

June 16, 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 37072 – 37300 less 37109 – 37115
- 6) Approve Docket of Claims No.'s 37109 – 37115 (Bryant)
- 7) Approve Minutes

8) Consent Agenda

- A) Authorize to accept a sponsorship in the amount of \$150.00 from Four Seasons Garden for the Scavenger Hunt
 - B) Authorize to accept a sponsorship in the amount of \$50.00 from Gymnastics Group (Conxion Gymnastics) for the Scavenger Hunt
 - C) Authorize to accept a sponsorship in the amount of \$300.00 from Fairway for the Scavenger Hunt
 - D) Authorize to accept a sponsorship in the amount of \$150.00 from Guaranty Bank for the Scavenger Hunt
 - E) Authorize to accept a sponsorship in the amount of \$120.00 from Sharon Yount for the Young at Heart Group
 - F) Authorize Officers Ratliff and Algee to attend Less Lethal Instruction Course in Columbus, MS on July 27-30, 2020, also authorize to pay registration and travel expenses.
 - G) Authorize Officer Lynn Brown to attend the Recertification Course for K9 training in Denver, ID on August 9-14, 2020 also authorize to pay registration and travel expenses.
 - H) Adopt Order Granting Exemption from FreePort Warehouse Taxes for Niteo
 - I) Authorize the Mayor to sign the renewal agreement for copier services with Southern Duplication of Clarksdale, Inc. (price increase of \$50.00 per month)
 - J) Authorize to promote Drake O'Neal Gabbard to Certified Firefighter with a pay increase to Firefighter II \$12.76 an hour
 - K) Authorize to promote Charles Henry Hudson to Certified Firefighter with a pay increase to Firefighter II \$12.76
 - L) Authorize to promote Christopher LeAron Sims to Certified Firefighter with a pay increase to Firefighter II \$12.76
 - M) Authorize the City to apply for the Urban Agriculture and Innovation Production Grant (USDA) (no match)
 - N) Authorize to declare surplus and dispose of the 2014 Ford Interceptor VIN # 1FM5K8AR3EGA80576 (this was approved at the June 2nd Board meeting with the incorrect VIN – selling to Union City)
 - O) Authorize to sale the surplused 2009 Ford Crown Victoria VIN 2FAHP71V99X137525 to Lula MS Police Department for \$1.00 (vehicle inoperable)
- 9) Request for sponsorship for the Desoto Shrine Club 12th Annual BBQ Cookoff
- 10) PL-1403 – Request to Rezone 140+ acres of land from A Agricultural to PUD Planned Unit Development – A Portion of Parcel No. 308515000 0000502, Parcel No. 308614000 0000700, and Parcel No. 308614000 0000713 located on the North Side of West Oak Grove Road, East of Oak Crossing Drive, and South of West Commerce Street – Bob Barber, FAICP, with Orion Planning + Design

- 11) PL-1439 – Request Approval of an Amendment to a Site Zoned C-4 Planned Commercial – Parcel Number 308624000 0001302 Located on the West Side of Highway 51 and South of West Oak Grove Road – Ben Smith with IPD, LLC.
- 12) PI-1450 - Request for Approval of a Zoning Ordinance Text Amendment to Allow Covered Patios to Encroach into the Required Front Yard Setback of the C-2 Highway Commercial Zoning District as a Conditional Use – Keith Briley, AICP, Planning Director
- 13) Authorize to accept the best quote to resurface Addie Baldwin Park from Hi-Tech Athletic Surfaces
- 14) Approve Budget amendments fye 2020
- 15) Approve Utility Bill Adjustment Docket
- 16) Review of Garbage Collection bids
- 17) Authorize Mayor Ferguson to sign an Agreement and Joint Resolution Between the City of Hernando, Mississippi and the Village of Slate Springs, Mississippi, etc. for the sale of a Fire Truck
- 18) Authorize Mayor Ferguson to sign the Bill of Sale for the sale of a Fire Truck
- 19) Executive Session for Negotiations and Fire Personnel
- 20) Adjourn

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

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

Those voting “Nay”: None.

ORDERED AND DONE this the 16th day of June, 2020.

APPROVE DOCKET OF CLAIMS NO.’S 37072 – 37300 LESS 37109 - 37115

The Board of Aldermen were presented with a docket of claims No. 37072 – 37300 less 37109 - 37115 in the amount of \$509,675.39 for approval.

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

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

Those voting “Nay”: None.

ORDERED AND DONE this the 16th day of June, 2020.

APPROVE DOCKET OF CLAIMS NO.'S 37109 – 37115 (BRYANT)

Alderman Bryant was not present at the meeting.

The Board of Aldermen were presented with a docket of claims No. 37109 - 37115 in the amount of \$3,122.70 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

APPROVE THE MINUTES FROM THE SPECIAL MAYOR AND BOARD OF ALDERMEN MEETING ON JUNE 2, 2020

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to approve the minutes from the special Mayor and Board of Aldermen Meeting on June 2, 2020.

A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD OF ALDERMEN MEETING ON JUNE 2, 2020

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to approve the minutes from the regular Mayor and Board of Aldermen Meeting on June 16, 2020.

A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

CONSENT AGENDA

- A) Authorize to accept a sponsorship in the amount of \$150.00 from Four Seasons Garden for the Scavenger Hunt

- B) Authorize to accept a sponsorship in the amount of \$50.00 from Gymnastics Group (Conxion Gymnastics) for the Scavenger Hunt
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- O) Authorize to sale the surplused 2009 Ford Crown Victoria VIN 2FAHP71V99X137525 to Lula MS Police Department for \$1.00 (vehicle inoperable)

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

**REQUEST FOR SPONSORSHIP FOR THE DESOTO SHRINE CLUB 12TH ANNUAL
BBQ COOKOFF**

Jason Francis presented the request.

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to approve the request for sponsorship for the Desoto Shrine Club 12th Annual BBQ Cookoff in the amount of \$300. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

**PL – 1403 REQUEST TO REZONE 140+ ACRES OF LAND FROM A AGRICULTURAL
TO PUD PLANNED UNIT DEVELOPMENT – A PORTION OF PARCEL NO.
308515000 0000502, PARCEL NO. 308614000 0000700, AND PARCEL NO. 308614000
0000713 LOCATED ON THE NORTH SIDE OF WEST OAK GROVE ROAD, EAST OF
OAK CROSSING DRIVE, AND SOUTH OF WEST COMMERCE STREET – BOB
BARBER, FAICP, WITH ORION PLANNING + DESIGN**

Planning Director Keith Briley presented the information.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.:	PL-1403	Item No.:	__
Request:	Rezone 145.5 acres of land from A Agricultural to PUD Planned Unit Development		
Location:	A Portion of Parcel No. 308515000 0000502, Parcel No. 308614000 0000700, and Parcel No. 308614000 0000713 located on the North Side of West Oak Grove Road, East of Oak Crossing Drive, and South of West Commerce Street		
Applicant:	Bob Barber, FAICP, with Orion Planning + Design		
Date:	June 16, 2020		

INTRODUCTION:

Mr. Bob Barber, FAICP, with Orion Planning + Design is requesting to rezone a 145.5-acres of land from A Agricultural to PUD Planned Unit Development for development to be known as Weatherby West.

BACKGROUND:

The subject property is a portion of Parcel No. 308515000 0000502, Parcel No. 308614000 0000700, and Parcel No. 308614000 0000713 located on the north side of West Oak Grove Road, east of Oak Crossing Drive, and south of West Commerce Street. The applicant previously submitted a request to rezone 131.5-acres from A Agricultural to PUD Planned Unit Development for the August 13, 2019, Planning Commission meeting. The applicant requested to table the application to address concerns of the surrounding property owners. A resubmitted application went to the December 10, 2019, Planning Commission. At that meeting, the applicant requested the application again be tabled to address additional concerns of the neighboring property owners.

DISCUSSION:

The applicant is requesting approval to rezone the property from A Agricultural to PUD Planned Unit Development.

Article XVIII Amendments of the City of Hernando Zoning Ordinance allows for the amendment of the text or map of the Zoning Ordinance provided the applicant demonstrates the appropriateness of the change and address the following criteria for the zoning amendment.

1. How the proposed amendment would conform to the General Development Plan.

Applicant: The City of Hernando's Comprehensive Plan Future Land Use Map labels the area as Residential - Low Density Master Planned and assigns a density of "2 to 3" units per acre. It also designated a small area of Planned Commercial along Commerce Street at the entrance to the neighborhood. The growth of residential neighborhoods to the east (Weatherby) and to the south east (Montclair, Chapel Grove) is a key indicator that the character of the area is changing and there is a need for continued support for similar neighborhoods. The applicable land use policies from the plan are shown in the illustrations below. The location, proposed use and design of Mussecuna Place complies with and fulfills the City of Hernando Comprehensive Plan's intended development pattern for the area.

Planning Staff: The proposed zoning with 120 residential lots at a minimum size of 30,000 s.f. and 31 residential lot a minimum size of 8,000 s.f. results in a gross density of 1.04 DUA and a net density of 1.2 DUA. The Future Land Use Plan indicates that the subject property is designated as Residential - Master Planned Low Density for future use. This designation has a density of 2-3 DUA. The proposed zoning with designated minimum lot sizes is less dense than the 2-3 DUA as outlined in the future land use plan for the Residential - Master Planned Low Density land use classification.

The table below is a summary of the land requirements based on the zoning district and land use classification.

<u>Zoning Designation</u>	<u>Minimum Lot Size</u>	<u>Density (D.U.A.)</u>
A Agricultural	65,340 s.f. (1.5 ac.)	0.67
PUD Proposed Gross Density	30,000 s.f. min.	1.50

A Agricultural (DeSoto County)	65,340 s.f. (1.5 ac.)	0.67
R-30 Single Family Residential	30,000 s.f. (0.7 ac.)	1.45
R-8 Single Family Residential	8,000 s.f. (0.2 ac.)	5.45
<u>Future Land Use Designation</u>	<u>Minimum Lot Size</u>	<u>Density (D.U.A.)</u>
Residential - Master Planned Low Density	21,780 s.f. / 14,520 s.f. (0.5 ac.) / (0.33 ac.)	2.0 to 3.0

Source: City of Hernando Zoning Ordinance; City of Hernando Comprehensive Plan; DeSoto County Planning Department

2. Why the existing zoning district classification of the property in question is inappropriate or improper.

Applicant: Did not answer.

Planning Staff: Staff believes the existing zoning is not inappropriate as it reflects the use of the land since its annexation into the City of Hernando.

3. That major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the General Development Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate;

Applicant: The growth of residential neighborhoods to the east (Weatherby) and to the south east (Montclair and Chapel Grove) is a key indicator that the character of the area is changing and there is a need for continued support for similar neighborhoods.

Planning Staff: With the development of Oak Grove Manor Subdivision to the west and Weatherby Place Subdivision and Crown Estates Subdivision to the east, the immediate area has changed into a more suburban residential development pattern.

PLANNED UNIT DEVELOPMENT ANALYSIS:

Preliminary Site Plan

Article IX Planned and Overlay Districts §d. The "PUD" Planned Unit Development District ¶iii. Preliminary Site Plan Required

1. The applicant has provided a Master Plan that includes a Preliminary Site Plan in accordance with this requirement. A copy is included in the attachments.
2. The proposed concept site plan shows the subject property being redeveloped as one hundred fifty-one (151) single-family residential lots, two (2) commercial lots and six (6) Common Space Areas.

3. There will be 120 large single family residential lots with a minimum lot size of 30,000 s.f. on the interior of the site.
4. There will be 31 rear entry lots with a minimum lot size of 8,000 s.f. in the northeast portion of the site as a buffer to the commercial area.
5. The site plan contains text proposing the following bulk regulations.

	<u>Large Lots</u>	<u>Alley Lots</u>	<u>Commercial</u>
Min. Lot Area	30,000 s.f.	8,000 s.f.	None
Min. Lot Width	80 feet	60 feet	None
Font Yard	40 feet	20 feet	30 - 50 feet
Rear Yard	30 feet	10 feet	20 feet
Side Yard	15 feet	* 5 feet	15 feet
Building Height	35 feet	35 feet	45 feet

* A minimum of a 5-foot side yard setback is required for lots zoned equivalent to the R-8 Zoning District.

6. The PUD text under Section 8 Home and Site Design Detail indicates that the minimum square footage of the houses will be 2,200 square feet heated area and between 2,400 and 2,600 square feet under roof. The lots directly adjacent to Oak Grove Manor Subdivision and Weatherby Place Subdivision are to be 2,800 square feet heated area.

Review Standards

Article IX Planned and Overlay Districts §d. The "PUD" Planned Unit Development District ¶vi. Review Standards. The site plan must provide for and conform entirely to the following standards and requirements.

1. Density

One hundred fifty-one (151) dwelling units are proposed. The subject property is 145.5+ acres. This results in a proposed gross density of 1.2 DUA and a net density of 1.04 DUA.

2. Streets and Parking

There are nine (9) proposed streets to provide circulation in the site. One (1) of the streets is proposed to be boulevard style streets with a landscaped median and a 70-foot right-of-way. The remaining streets are to be the standard 50-foot right-of-way with 24-feet of asphalt. Parking is to be in the driveways provided for each dwelling unit. The smaller buffer lots will have rear alley access to each lot. All streets are proposed to be public streets except for the ally access.

Access to the site will by connection to stub streets (Oak Manor Drive, Gracie Road, and Royal Lane) on the west and east sides of the subject property. Additional access is to be by connection to West Commerce Street to the north. There will be three (3) streets that

are stubbed out to the north, south, and west for future access to the adjacent undeveloped properties.

Access to each of the large lots will be by driveway from public streets. As part of the proposed rural street section and the associated open drainage ditch, the culverts that will be located under the driveways will have masonry headwalls. The ditch is to be reinforced in various ways to prevent erosion at the inlet and outlet of the culverts. There will also be landscaping around this area to enhance the visual impact.

3. Public Infrastructure – Water, Sanitary Sewer, and Storm Drainage

The proposed project will require installation of water service, sanitary sewer service, storm drainage, and fire hydrants. The PUD proposes to have open channel ditches along the sides of the road for storm drainage.

4. Installation of Improvements

All improvements are to be installed and maintained by the developer unless other arrangements are approved by the City of Hernando are made.

5. Special Improvements

There are no Special Improvements required at this time. However, the City reserves the right to make any special improvement requirements that may be determined as necessary during the Development Plan approval phase.

6. Parks and Playgrounds

Article IX.§d.vi.(6) of the City of Hernando Zoning Ordinance requires that a minimum of 10% of the gross residential area be set aside as parks and play grounds. The proposed site has a residential use area of 129.1 acres. Thus 12.9 acres are required to be held for parks and play grounds. The proposed site plan designates 4.8 acres as a community park. This results in the proposed plan being short 8.1 acres of park land.

The site plan indicates there will be six (6) common open space (COS) areas. One (1) is dedicated as a community park and one (1) is dedicated as a storm water retention pond. The total COS area is 13.28 acres or 10.29% of the entire property (145.5 ac). The table below shows the breakdown of the COS. If all COS is to be considered as parks and playground, then the plan meets the 10% requirement.

<u><i>COS Area Description</i></u>	<u><i>Acres</i></u>	<u><i>% of COS</i></u>	<u><i>% of Site</i></u>
Small Lot Area	0.35	2.64%	0.27%
Small Lot Area	0.37	2.79%	0.29%
Community Park	4.80	36.14%	3.72%
Retention Pond	6.20	46.69%	4.80%
Gracie Road Connection	0.88	6.63%	0.68%

Oak Manor Drive Connection	<u>0.68</u>	5.12%	<u>0.53%</u>
Total Area	13.28		10.29%

7. Sketch Plat

The applicant has supplied a Preliminary Plat in the form of a Master Plan Map that includes the boundary of the subject property and the proposed street and lot layout.

Allowable Uses

The Allowable Uses of the PUD are found in Section 5 Uses Permitted Table 2 Table of Uses of the PUD text. The uses include Single Family Dwellings, Churches, Country Club, Public School, Public Parks, and Home Occupations. All of which are common in residential zoning districts. The commercial area will allow uses that are typical in the C-1 Neighborhood Commercial Zoning District.

Development Phases

The applicant has provided a proposed phasing map (Map 3) that illustrates the following phases.

- Phase 1 – The 73 residential lots of the eastern portion of the property.
- Phase 2 – The 49 residential lots in the middle portion of the site.
- Phase 3 – The 29 residential lots in the western portion of the site.
- Phase 4 – The commercial lots along the West Commerce Street Frontage.

STAFF COMMENTS:

1. The request before you is for the rezoning of the property from A - Agricultural to PUD Planned Unit Development.
2. The following is a list of the sections from the City's Subdivision Regulations that address the design and minimum requirements of subdivision development that relate to the subdivision design and development.

Article V – Subdivision Design Standards

H. Residential Development Pattern Book

1. *Any proposed subdivision containing more than nineteen (19) lots shall provide a pattern book illustrating in detail the character of proposed architecture, fences, accessory buildings, and any other graphic element including, but not limited to street signs, light facilities, identification signs, etc.*

Article VI - Required Minimum Improvements

E. Minimum Standards

1. Street Improvements

- i. *Curb and gutter will be installed in all residential, commercial, and industrial zoned subdivisions using the Mississippi State Highway Specifications. The developer shall have material and compression tests of the concrete performed*

and the results submitted to the Engineer. In residential, industrial, and commercial subdivisions in rural areas, curb and gutter requirements shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding area, as determined by the City Engineer.

G. Sidewalks

- 1. Concrete sidewalks not less than five (5) feet wide and four (4) inches in depth shall be constructed along both sides of all major and collector streets with curbs and gutters in accordance with applicable standard specifications of the City. Sidewalks shall be constructed along at least one side of every minor street shown on the plat with the exception of cul-de-sac where sidewalks are not required.*
- 2. The Mayor and Board of Aldermen may waive the above requirement for sidewalks provided that street rights-of-way are left unobstructed and graded in such manner that sidewalks may be constructed at a later date.*
3. The proposed road sections call for no curb and gutter or sidewalks. Article VI, §E.1.i. of the City's Subdivision Regulations require that all streets in subdivisions be constructed with curb and gutter and sidewalks. However, this same section allows for omission of curb and gutter under certain circumstances. (*See Excerpt in Staff Comment No. 2*)
4. IF approved, the PUD Site Plan shall act as the Preliminary Plat for the subdivision.
5. Regarding the 70' R.O.W. road section, Staff questions if the twelve (12) foot lanes are of a sufficient width to allow for the backing out of the driveways of each lot and into the road without hitting the trees planted in the medians or create ruts in the median because they backed into the median.
6. Considering the principles of Complete Streets and Multi-modal transportation combined with the proposed rural road section, Staff question if it is possible to incorporate bike lanes into the street design? If so, this may help with the Staff's concern mentioned in Staff Comment No. 5 above.
7. Due to the number of proposed lots, a Pattern Book for the housing units is required (*See Excerpt in Staff Comment No. 2*). The Pattern Book is provided as Section 8 Home and Site Design Detail in the PUD text.
8. If approved and prior to Final Plat approval and the beginning of construction, the Developer shall submit with the construction plans confirmation of the location and capacity of the existing water and sanitary sewer systems and its ability to accommodate the proposed development.
9. Prior to Final Plat approval, Staff suggest a traffic study for the project including pre-development and post-development traffic counts.
10. If approved and prior to the beginning of construction, a Subdivision Development Agreement between the Developer and the City of Hernando shall be submitted to the Board of Aldermen for approval. The Development Agreement shall include the designation of a

Construction Traffic Route and a Maintenance Bond Amount for the route determined by the City Engineer.

11. If approved and prior to the beginning of construction, a Large Area Grading Permit shall be obtained through the Mississippi Department of Environmental Quality (MDEQ). A copy of the application and approval shall be submitted to the Office of Planning.
12. Due to the projects location, a copy of the request was forwarded to the DeSoto County Planning & Building Department for review and comment. Comments received from DeSoto County are as follows.
 - a. Supervisor Michael Lee requested to have no connection to Royal Lane.
 - b. Supervisor Michael Lee requested that connection with Oak Manor Drive be limited to emergency traffic only.
13. Staff acknowledges Supervisor Lee's comments. However, it must be pointed out that Oak Grove Manor Phase 2 was approved and recorded with Oak Manor Drive stubbed to the east for connection to future development on the subject property (*See Attached Copy of Plat*). Additionally, Oak Manor Drive is a public street. The proposed streets of Weatherby West are to be public streets. Because all the existing and proposed streets are public streets, Staff recommends the connection be made as fully functioning public streets.
14. Table 2 Dimensional Requirements shall be amended to Table 3 Dimensional Requirements.
15. The Applicant shall amend Table 3 Dimensional Requirements to indicate the proposed Side Yard Setback for the 8,000 square foot lots.
16. Upon final approval, the Applicant shall submit a revised copy of the Master Plan document that incorporates the noted amendments.
17. The request, along with the Planning Commission's recommendation, shall go to the Board of Aldermen on May 19, 2020, for final approval.

PLANNING COMMISSION ACTION:

The Planning Commission met on Tuesday, May 12, 2020, and voted to recommend denial to the Board of Aldermen the rezoning of a 145.5-acres of land from A Agricultural to PUD Planned Unit Development due to too many questions of drainage, small roads, and small lots.

STAFF RECOMMENDATION:

Because the requested zoning is in harmony with the City's Future Land Use plan and is reflective of the change in character of the adjacent property to the west and east, Staff recommends approval subject to staff comments.

SPECIAL NOTE REGARDING AMENDMENTS:

Article XVIII Amendments of the City's Zoning Ordinances states the following:

In case of an adverse report by the Commission such amendment shall not become effective except by the favorable vote of 2/3 of the members of the Board of Aldermen.

PROPOSED MOTION:

I move to approve the request to rezone 145.5-acres of land being a portion of Parcel No. 308515000 0000502, Parcel No. 308614000 0000700, and Parcel No. 308614000 0000713 located on the north side of West Oak Grove Road, east of Oak Crossing Drive, and south of West Commerce Street from A Agricultural to PUD Planned Unit Development, subject to Staff Comments.

Alderman McLendon stated we are working on a new comprehensive plan, right?

Mayor Ferguson answered yes.

Alderman McLendon stated that we are unveiling tomorrow.

Alderman Miller stated tomorrow is the first meeting on it.

Alderman McLendon stated so we will rezone something 24 hours of creating a new one.

Keith Briley stated the Board authorized starting a new comprehensive plan, tomorrow is the first meeting of discussion of a new plan. We are probably 14 months out from it being done.

Alderman McLendon asked if anyone there was working on that plan.

Alderman Higdon asked if they can us a water retention area to meet the parks area requirement.

Keith Briley answered yes, you can do that.

Billy Myers, 175 E Commerce St Hernando, stated they are here for a rezoning. The developers have met with the homeowners around the area. Mr. Bailey has addressed all of their issues and satisfied them to the extent it's possible. Mr. Bailey bought additional property to make the entrance off of Commerce. He increased the lot size, increased the minimum square footage, and the surrounding homeowners support waiving the curb and gutter. The drainage issue will be addressed, although not an issue for rezoning.

Bob Barber, 919 Getwell Rd Hernando, Mr. Barber presented a presentation.

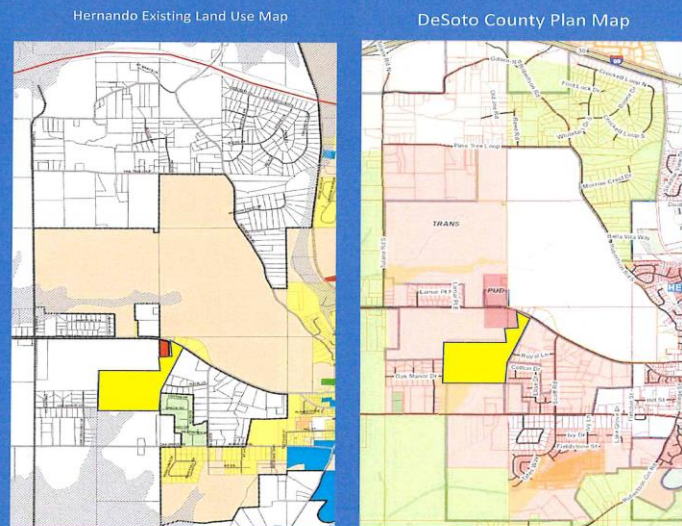


Presentation Outline

1. Southern Magnolia Farms as it has been planned
2. Weatherby West neighborhood design
 - Design Parameters – Physical Characteristics, Comprehensive Plan, Neighborhood Input
3. Changes in the Neighborhood and Public Need

1. Southern Magnolia Farms as Planned

- Southern Magnolia Farms was annexed about the year 2010
- The planning designation was “Transitional” at the time of annexation
- Transitional density is 2 units to the acre

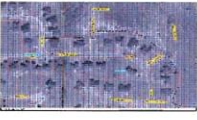


The City had previously planned the future development of the area as Single-Family Low Density Residential

Hernando Future Land Use Map

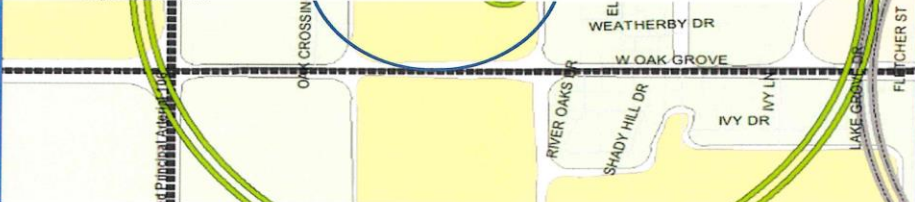
Compliance with Hernando's Comprehensive Plan

Site Area

<p>b. Single Family Low Density-Dependent</p>	<p>Single family housing with urban services.</p>	<p>- 2 to 3 units to the acre - Conservation development and clustering an option - Limited number of secondary, accessory flats</p>	
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i. **PURPOSE:** The continued care of dependent single family residential land uses is critical to keeping an environment of stable, tranquil, and high-quality residential settings. These areas are essential to a good quality of life for existing residents, and attract permanent residents. There are no planned future DSFLD areas. All new residential areas are to be in the Master Planned Low and Medium Density categories, Traditional Neighborhood Development of Mixed Use categories.

ii. **LOCATION POLICY:** Single-Family Low Density Residential developments should be located on collector or major arterial streets.



ii. Neighborhood Parks

Hernando General Development Plan 2007 - 2027
 Page 57

2. Compliance with Land Use Plan

Analysis of the City of Hernando and the future growth area indicates that eleven new park sites will be required as the city expands. The areas where parks should be developed are listed below as well as shown on the included map:

- (1) Two parks west of Interstate 55 and north of Interstate 69
- (2) One park south of Nesbit Road near Hall Road
- (3) One park in the area between Memphis Street and Robertson Road, possibly on the City's sewer lagoon property.
- (4) One park north of Highway 304 and south of Pine Tree Loop to serve the western limits of the city
- (5) One park north of Oak Grove Road and west of Scott Road
- (6) One park southwest of Civic Center Park along the Robertson Gin Road corridor
- (7) One park in the area of Savage Road and Belmont Road
- (8) One park near Getwell Road in between Brights Roads and Holly Springs Road
- (9) One park near Getwell Road in between Holly Springs Road and Bolin Road

1. Overall Vision and Design Intent

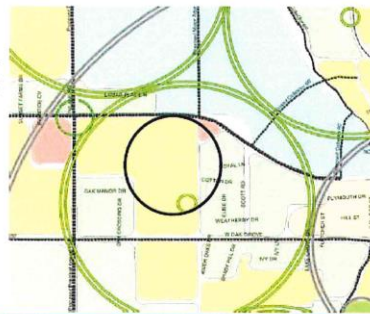
Muscucuna Place represents a high quality neighborhood design compatible with and exceeding the standards established in the surrounding area. Key features of Muscucuna Place include boulevards, open space, and coordinated design elements. The neighborhood is positioned on an approximately 145.5 acre tract of land located in the City of Hernando, Mississippi north of Oak Grove Road, west of Scott Road, and south of Commerce Street. The site lies between the neighborhoods of Weatherly Place and Oak Grove Manor Phase 2. Its location is shown on Map 1- Site Context and Key Features Map.

The Muscucuna Place Master Plan proposes a master planned neighborhood of single-family homes in a semi rural setting with a small commercial component on Commerce Street. The overall design is respectful of existing environmental conditions and is complemented by design features of distinctive streets designed as boulevards, preservation of significant tree stands, and quality open space located to conserve vital environmental functions. The development is proposed under the Planned Unit Development District requirements of the City of Hernando Zoning Ordinance.

Map 2 - Master Plan Map serves as the land use and mobility plan for development of the site. Internal roadways and lotting arrangements may be undergo minor adjustment during final design to take advantage of topography and other site considerations as the development is engineered in detail. The permitted use, dimensional regulations, access and circulation, design criteria, and other development detail shall be governed by the provisions of the Muscucuna Place Master Plan, the City of Hernando's conditions of approval, and the Declaration of Covenants, Conditions and Restrictions to be developed when the land is subdivided and recorded for lot sales.

2. Compliance with the City of Hernando Comprehensive Plan

The City of Hernando's Comprehensive Plan Future Land Use Map labels the area as Residential.



Map 1 - Low Density Master Planned and assigns a density of "2 to 3" units per acre. It also designated a small area of Planned Commercial along Commerce Street at the entrance to the neighborhood. The growth of residential neighborhoods to the east (Weatherly) and to the south east (Montclair, Chapel Grove) is a key indicator that the character of the area is changing and there is a need for continued support for similar neighborhoods. The applicable land use policies from the plan are shown in the illustrations below. The location, proposed use and design of Muscucuna Place complies with and fulfills the City of Hernando Comprehensive Plan's intended development pattern for the area.

Table with 3 columns: Single Family Low-Density Residential, Single Family Residential with a carport, and 2 to 3 units per acre. Includes a small map image in the third column.

- 1. PURPOSE: The intended use of detached single family residential lots was in order to keep an environment of single, single, and high-quality residential settings. These areas are intended to be a good quality of life for existing residents, and attract potential visitors. There are no present large (5000+) acre. All lots contained there are to be a 1/2 to 1/4 acre.
2. LOCATION POLICY: Single-Family Low Density Residential development should be located on relatively large parcels.
3. LAND USE/DENSITY POLICY: Detached Single-Family Low Density Residential development occurs in detached single lots and lots that are 1/2 to 1/4 acre. The proposed land use intended for the property includes single-family detached buildings and suitable secondary uses, subject to conditions, including:
(1) Public and private open-space recreational services that do not have an adverse impact on the single, high quality and large street complexes.
(2) Open spaces.
(3) Low impact uses associated with residential use in the proposed area (such as recreation).
(4) Affordable housing uses.
(5) Community-based organizations.
(6) Subdivided plots.

Hernando General Development Plan 2007-2017 Page 22

- (7) Consistent with the residential character of detached, detached residential areas, should be placed and not replaced with commercial uses.
(8) Non-residential uses shall be encouraged when residential development (R-1) is not possible. Commercial uses shall not exceed 2000 square feet.
9. CIRCULATION/PARKING POLICY: Sufficient on-site parking should be provided. On-site parking provisions should be provided.
10. BUFFER POLICY: Creation of any setback required development should be compatible with the zoning ordinance, and a buffer may be provided when there is a significant difference in zoning. These setbacks and buffers should be adequate to provide fire, noise, and other potential impacts.
11. ZONING POLICY: The appropriate Zoning classification for this property are R-1, R-2, R-3 and R-4.
12. OTHER CONSIDERATIONS:
(1) SUBSTRUCTURE POLICY: Sufficient storm water and public water systems and require the development in this category.
(2) CHARACTERISTICS POLICY: The character, architecture, is a means of creating residential areas shall be encouraged when necessary to create a sense of residential environment. Special care should be taken to preserve historical use and preserve the preservation of historical or unique historical areas.

C. HOW TO USE THIS PLAN

As a policy guide, the Hernando Plan does not attempt to replace market forces of supply, demand, and price but to shape and channel those forces by establishing certain rules for development and conservation. This community plan contains policies that foster growth that enhances the community. For example, unplanned, haphazard growth is unsightly and wasteful of space and public facilities, which results in higher public costs.

According to state law, zoning and other land use regulations must be based upon a comprehensive plan. This means that zoning and subdivision regulations, at a minimum, must conform to the local comprehensive plan. The implication is that comprehensive plans must precede land use regulations in preparation and adoption. Regulations that are consistent with, or conform to, a comprehensive plan must be consistent with a plan's policies, goals and objectives as well as the land use plan map and the other plan elements. Even though there is generally not an exact identity between the land use plan map and the zoning map, the two should mirror each other as closely as possible.

The reason for such consistency or compatibility is that the courts are likely to uphold land use decisions when these decisions are based upon plans. For example, land use decisions requiring an up-zoning (zoning to a more intensive use) or a down-zoning (zoning to a less intensive use), when challenged on taking grounds, are likely to be upheld by the courts.

Hernando Planning Goals and Policy (p.15-17)

- Future Land Use -
 - Housing and Residential Land Use
 - SIGNIFICANT FINDING 4: Hernando will continue to experience significant development of vacant or "frontier" areas into large-scale residential areas as population growth continues.
 - GOAL : Well-planned and well-designed quality living spaces, with a variety of housing types and sizes available.
 - GOAL : A high quality living environment in all areas of the city.
 - GOAL : Well-designed, environmentally sensitive, residential developments, or mixed-used traditional neighborhood developments, of varying housing types and interconnected with other areas.

2. Weatherby West Design Parameters

- Access
- Layout & Circulation
- Open Space and Storm Water
- Home Designs and Drive Detail
- Phasing

3. Site Context and Key Features

The location of the site of Weatherby West is shown on Map 1 - Site Context and Key Features Map. The site has been in agricultural uses for many decades. The aerial maps to the right compare the site from an aerial perspective in 1957 and 2017. Notably, there was less tree cover on the site 60 years ago than exists today.

There is a Federally designated FEMA flood plain present on the site also indicated on Map 1. The flood plain surrounds a lateral of Moccasin Creek that traverses the site from north east to southwest and flows to Arriballo Lake. The creek is an intermittent stream and drains the site and surrounding watershed basin.

These environmental features serve important ecological function for the site and surrounding areas and have been accounted for in the layout and design of Weatherby West in order to conserve their integrity. Major tree stands have also been reserved as neighborhood open space and as protective buffer established for the intermittent stream. Construction of the neighborhood will be controlled by the City of Hernando's Flood Ordinance. No building sites are proposed in the designated flood plane.

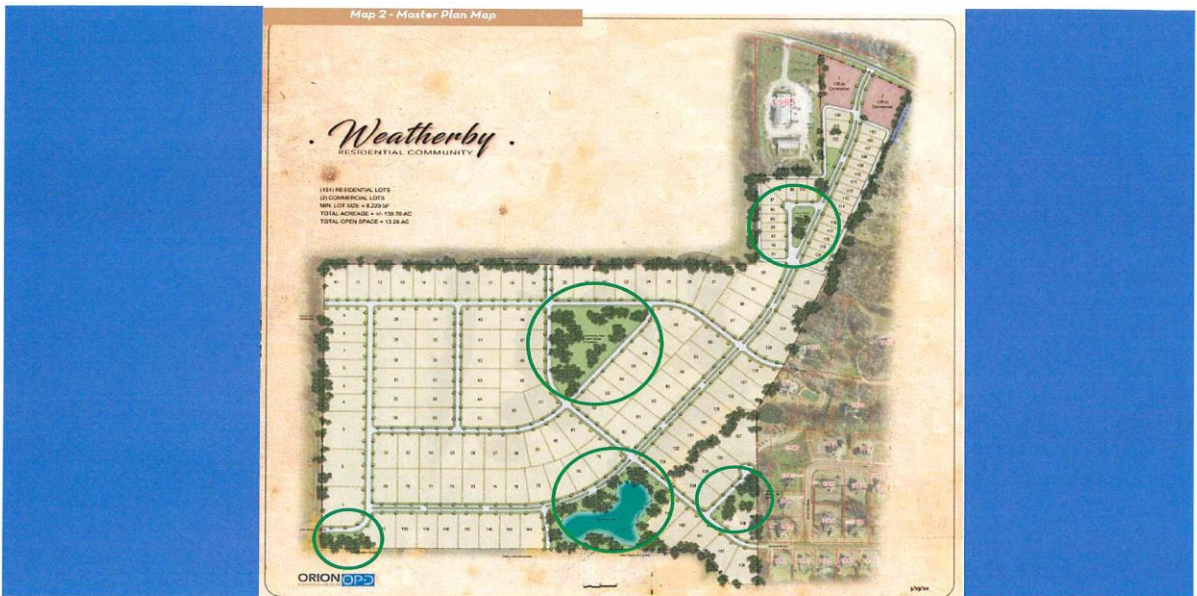
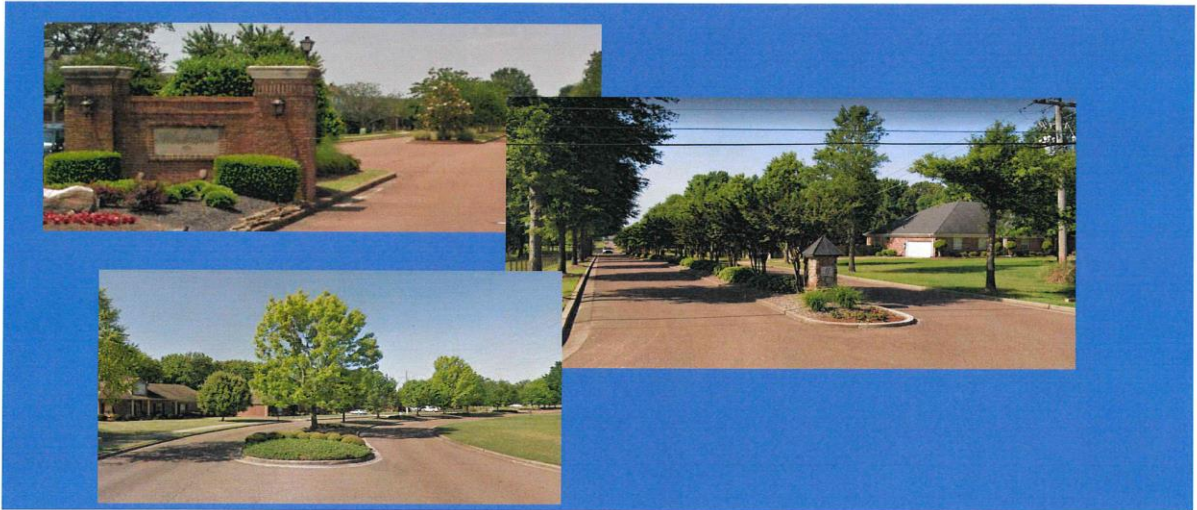


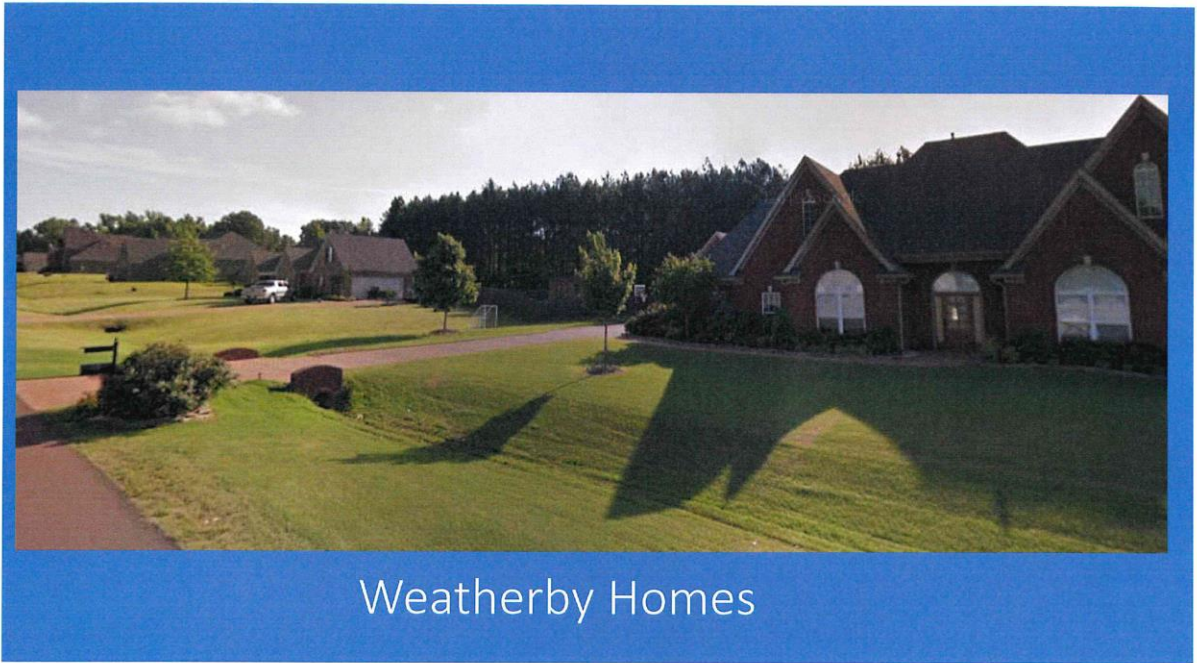
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Weatherby West Master Plan

Map 1 - Site Context and Key Features







8. Home and Site Design Detail

The homes of Weatherby West will be sized to meet or exceed both Weatherby Place and Oak Grove Manor Phase II. Minimum heated square footage shall be 2200 heated and 2400 to 2600 under roof. Homes adjacent to Weatherby and Oak Grove Manor shall be 2800 heated. Home designs will be compatible with surrounding neighborhood and based on patterns shown below. In addition to home size and design compatibility, Weatherby West will require uniform drive entrance designs to avoid a cluttered street scope appearance. These design parameters are illustrated below and at right.

Single-Family Residential

Size: 2,200 SF Heated Minimum

Features

- Structures: 1-2 stories, on a crawl space or basement
- Foundations: raised 36" from adjacent grade
- Porches: 6' minimum depth, with wood columns, 1 or 2 stories
- Garage: Front entry with doors
- Driveways: Concrete, or paver, (22' max. width)
- Roof Pitch: 9/12 min. to 10/12 max.
- Roofing: Architectural Shingles
- Colors: Neutral earth tones
- Styling: Southern/Traditional
- Yard: Traditional front yards
- Landscaping: Landscape plans are required and shall include foundation plantings, mulch, beds, and shade trees
- Clooding: Smooth finish, wood, or fiber cement lap siding, 4" OC, no groove. Vertical board and batten siding. Smooth finish, brick, or stone. Board, random-width cut wood or fiber cement shingles
- Public streetscape: Planting strip, with street trees 30' OC.



Precedent imagery



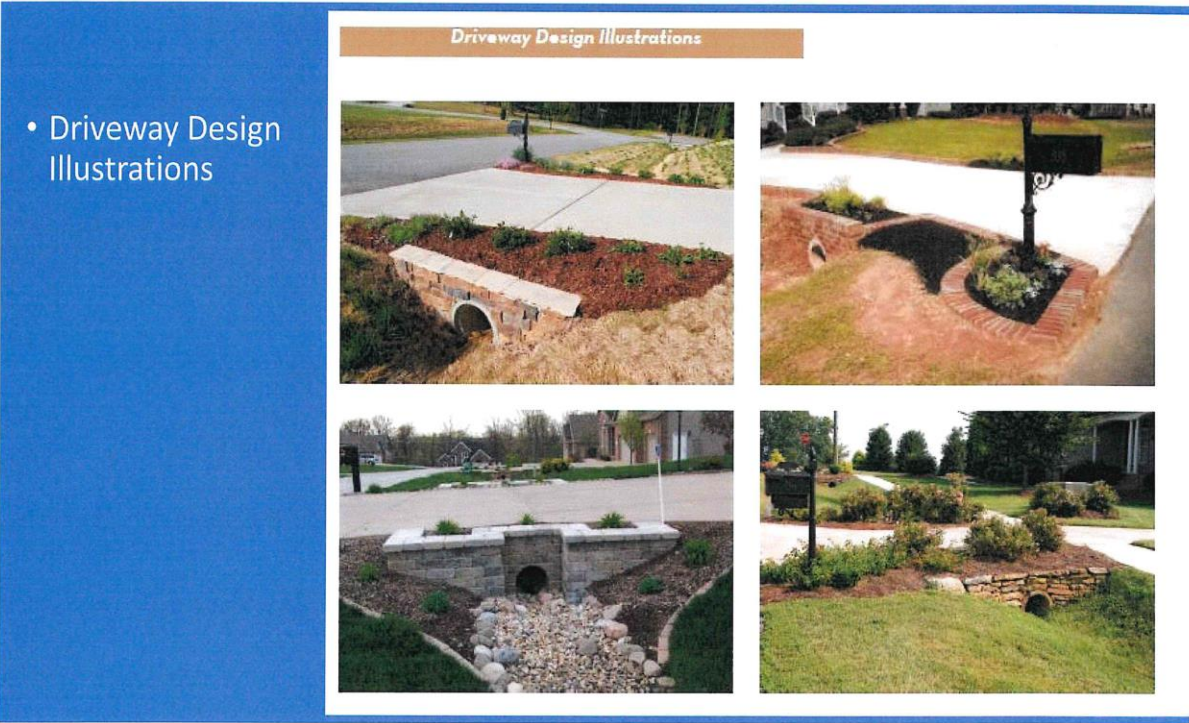
WEATHERBY WEST MASTER PLAN

Precedent imagery



WEATHERBY WEST MASTER PLAN





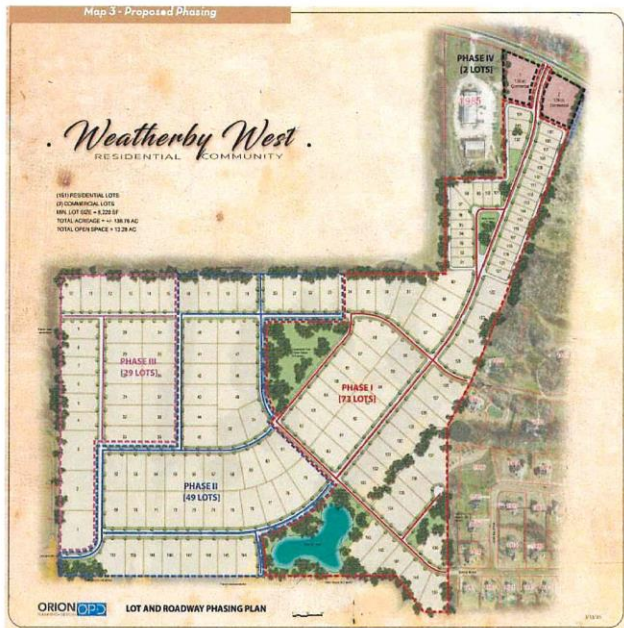
11. Development Platting and Phasing

Weatherby West is proposed to be constructed in multiple phases as shown on Map 3 - Phase Plan. Construction will begin in the northeastern portion of the site and proceed south and west. Construction is scheduled to begin upon development approval and proceed over a period of five-years depending on market demand.

Each phase shall be platted and "Weatherby West Phase [Phase#]" and shall be recorded concurrently with covenants, conditions and restrictions (CCR's) & Property Owners Association will be formed and incorporated to administer the CCR's to maintain common areas and any statements it control.

12. Legal Description

Description - Northwest quarter of Section 14 and the Northeast quarter of Section 15, Township 3 South, Range 8 West of the Chickasaw Cession in DeSoto County, Mississippi and being more particularly described as: beginning at an iron pin, said iron pin being S59°22'05" E 450.02' from a pipe at the Northwest corner of said Section 14, said pin also being in the south right of way line of Mississippi Highway 304 (100' ROW), thence S 01°28'08" E departing said ROW a distance of 816.72' to a point, thence S 89°31'18" W a distance of 401.65' to a point, thence S 00°29'40" E a distance of 609.01' to a point, thence S 89°42'18" W a distance of 260.11' to a point, thence S 00°13'05" W a distance of 203.795' to a point, thence N 90°00'00" E a distance of 2271.22' to a point, thence S 39°00'09" E a distance of 302.44' to a point, thence N 90°00'00" E a distance of 165.09' to a point, thence N 00°31'53" W a distance of 1292.71' to a point, thence N 28°02'49" E a distance of 352.07', thence N 23°00'26" E a distance of 533.00', thence N 22°20'27" E a distance of 872.85', thence N 20°37'00" E a distance of 601.69' to a point in the south right of way of said Highway 304; thence N 61°07'46" W a distance of 18.22' to a point of curve; thence with said ROW along a curve turning to the left with an arc length of 296.39', with a radius of 3184.87', with a chord bearing of N 62°50'54" W, with a chord length of 296.28', with a delta angle of 05°19'55"; thence with said ROW along a compound curve turning to the left with an arc length of 288.70', with a radius of 3184.87', with a chord bearing of N 68°12'40" W, with a chord length of 288.60', with a delta angle of 05°11'38", to the point of beginning.



WEATHERBY WEST MASTER PLAN

3. Changes in the Neighborhood and Public Need

Change in the Neighborhood	
A.	Hernando West PUD (3 du/ac) (Amended 2019)
B.	Chapel Grove PUD (2018)
C.	I-269 Opening (2018) (ADT 12,000)
D.	Weatherby Neighborhood Buildout
E.	Improvement of Tulane Road
F.	Montclair Neighborhood Buildout
G.	Sewer Expansion

Public Need	
A.	Public policy identifies the neighborhood design as desirable and the location as appropriate
B.	Housing choice is vital to growing, thriving communities
C.	Geographically balanced expansion is a key component to healthy growth
E.	Hernando's economic development efforts requires expanded capacity

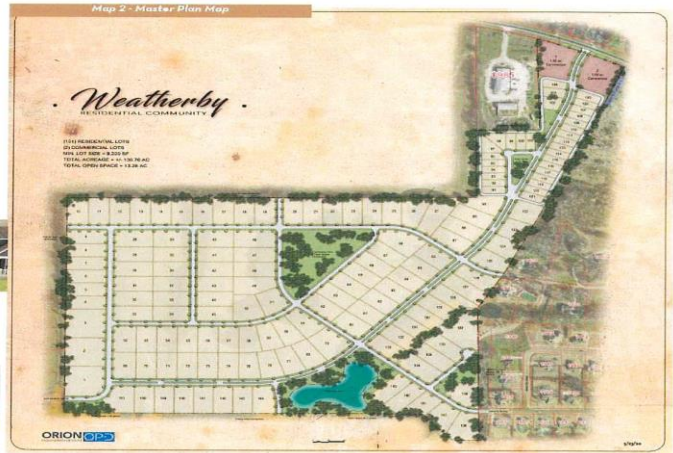
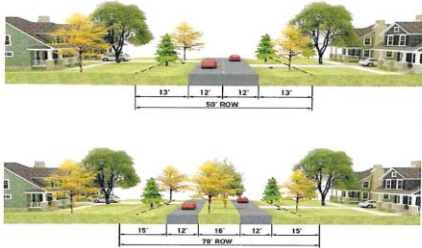
7. Access, Streets and Circulation

The proposed access, streets, and circulation patterns are shown on Map 2 - Master Plan Map. Two street cross sections are proposed as illustrated below. Additionally, rear access is proposed in the 8000 square foot lot northernmost section. Weatherby West's primary access is from Commerce Street on the north. Other connections are made to existing stub outs abutting the site according to city requirements.

Two of the connections are to neighborhoods that lie in DeSoto County. This plan recognizes that these connections will be controlled by DeSoto County. Alternative connectivity arrangements for emergency access only have been applied in some recent development cases in the area. Future connections are proposed to the south and north in compliance with the City of Hernando land subdivision design specifications.

The Commerce Street access shall be designated as the site access for construction traffic. This requirement shall be accomplished by means of a sign at the Commerce entrance, stated in the restrictive covenants, and stated in lot sales instruments. In addition, signs prohibiting construction traffic shall be posted at the Weatherby and Oak Manor connections.

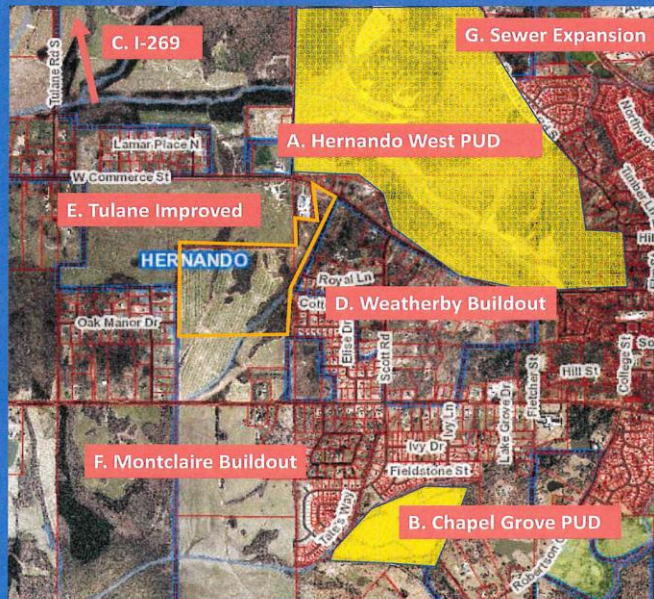
TYPICAL STREET CROSS SECTIONS



Changes in the Neighborhood

A.	Hernando West PUD (3 du/ac)
B.	Chapel Grove PUD (2018)
C.	I-269 Opening (2018)
D.	Weatherby Buildout
E.	Improvement of Tulane Road
F.	Montclair Buildout
G.	Sewer Expansion

Need is demonstrated by the Hernando Comprehensive Plan provisions applicable to the site.





Weatherby
Buildout



Public Need

A.	Hernando West PUD (3 du/ac)
B.	Chapel Grove PUD (2018)
C.	I-269 Opening (2018)
D.	Weatherby Buildout
E.	Improvement of Tulane Road
F.	Montclair Buildout
G.	Sewer Expansion

Need is demonstrated by the Hernando Comprehensive Plan provisions applicable to the site.

Weatherby Covenants

RESTRICTIVE COVENANTS

1. All lots in the subdivision shall be known and described as residential lots, and shall be used for single-family residential purposes exclusively and no lot shall be subdivided so as to reduce the size of the lot. All buildings and other structures erected upon any lot shall not be moved from other locations onto a lot. No structures, except as otherwise provided shall be erected, altered, placed or permitted to remain on any lot other than one detached single family residence dwelling not to exceed two (2) stories in height and an attached private garage for not more than three cars. The foregoing shall not prohibit construction of one residence upon two or more lots. Detached garages will be allowed and must be of same construction as residence.
2. Every one story dwelling erected on any lot shall each have not less than 2000 square feet of heated floor space with a ceiling height of not less than eight (8) feet in all enclosed, heated, habitable areas. The first or main floor of any one and one half or two story dwelling construction shall have not less than 1500 square feet of floor space.
3. Building line setbacks shall be left to the discretion of the building inspector and the interpretation of the zoning ordinance, but in no case shall be less than 40 feet.
4. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become any annoyance or nuisance to the neighborhood.
5. Vegetable gardening shall be allowed only to the rear of the home.
6. No building shall be erected on any lot in the subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to the conformity and harmony with existing structures in the subdivision and as to location of the buildings with respect to topography and finished ground elevation by Hendrix Farming, LLC. or by a duly appointed representative of Hendrix Farming, LLC. In the event that Hendrix Farming, LLC. or his duly appointed representative fails to approve or disapprove such design and location within a period of thirty (30) days after said plans and specifications have been submitted to them, or if no written notice is received by the owner of such building or the owner of such structure has been commenced prior to the completion thereof, such building or structure shall be deemed to have been approved.

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Oak Grove Manor Covenants

**FOR
OAK GROVE MANOR SUBDIVISION**

SEP 11 8 18 AM '02
BK 428 PG 119
W.F. DAVIS CH. CLK

The following Restrictive Covenants shall apply to the residentially zoned land in Oak Grove Manor Subdivision, Phase 1, which includes lots 32-34, as shown on Plat of Record recorded in Plat Book 76 on Page 21; and Phase 2, which includes lots 1-31, as shown on Plat of Record recorded in Plat Book 76 on Pages 18-20; both Phases being located in Section 15, Township 3 South, Range 8 West, DeSoto County Mississippi.

This Declaration of Covenants and Restrictions made this the 9th day of September, 2002.

The minimum area of any single story dwelling in Oak Grove Manor shall not be less than 1950 square feet heated, exclusive of open porches, carports, and garages. One and a half or two story dwellings shall not be less than 1500 square feet heated on the first level exclusive of open porches, carports, and garages.

All homes must be 60% brick construction. The developer will exercise complete architectural control for the protection of the investment of individual homeowners and the developers. No building(s) will be created on any lot in the subdivision until the building plans, specifications, and plot plan showing the location of such building(s) have been approved in writing by the developer, Harris Development L.L.C., or by duly appointed representative of said company. The developer will assess each building as to conformity and harmony with existing structures in the subdivision and as to location of the building(s) with respect to topography and finished ground elevation. House plans shall be submitted to Harris Development L.L.C., a minimum of thirty (30) days prior to initiation of construction. A complete plot plan showing location of house, driveway, and any outbuildings, etc., shall be submitted along with house plans.

Plan Requirements for Crown Estates (no covenants found)

NOTES:

1. MINIMUM SETBACKS ARE AS FOLLOWS:
50' FRONT YARD
15' MIN. SIDE YARD
40' REAR YARD
2. A 10 FEET WIDE UTILITY EASEMENT IS REQUIRED ON ALL STREET FRONTAGE; A 5 FEET WIDE UTILITY EASEMENT IS REQUIRED ALONG EACH SIDE OF EACH LOT LINE AND ALONG ALL REAR LOT LINES UNLESS SHOWN OTHERWISE.
3. WATER AND SEWER SERVICE WILL BE INDIVIDUAL SYSTEMS APPROVED BY THE HEALTH DEPARTMENT.
4. IRON PINS SET ON ALL PROPERTY CORNERS.
5. PARTS OF THIS PROPERTY ARE LOCATED IN A HUD IDENTIFIED SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA MAP NO. 28033C0115D, DATED 3 MAY 1990. (AS SHOWN)
6. MINOR MAINTENANCE, SUCH AS MOWING AND TRASH COLLECTION, OF LAKE AREAS AND DRAINAGE EASEMENTS SHALL BE PERFORMED BY THE INDIVIDUAL OWNERS OF THE LOTS CONTAINING THE EASEMENTS.
7. FLOOD ZONE ON LOTS 1, 2, 30, & 31 TO BE REVISED BY FEMA LOMR.

HEALTH DEPT. WILL BE ABLE TO

Mr. Barber stated that this design meets the planning goals and the policy for good design. Originally, we didn't have a connection to Commerce, but that was important to the surrounding homeowners. There are two significant open spaces that address stormwater issues, 6 to 7 acres / park land set aside for that.

Nick Kreunen with Civil Link, spoke about drainage concerns. Mr. Kreunen said drainage for this sight, we are required to detain any water that this site may have and/or cause. No neck rise for flood zone. There are checks and balances with the City and State.

Alderman Higdon asked what will you do to fix the existing problem.

Nick Kreunen answered we can't fix the existing problems down stream. We will make sure we won't add to the problem.

Alderman Higdon stated these pictures show a major problem.

Bob Barber stated those are in the flood zone, below our property. We have to hold the water that our site has and/or creates on our property.

Alderman Higdon stated I want to be able to assure the people their house won't flood again.

Nick Kreunen stated that water is from an existing problem. I don't know what that problem is, that is a different property.

Bob Barber stated bond it.

Alderman Higdon stated so you will hold the water in your pond and only release a little bit so it won't flood.

Nick Kreunen answered we have to do that, it's a city ordinance.

Bob Barber stated you should hold the developer liable for that.

Alderwoman Brooks asked about a space with trees on the map.

Bob Barber stated that is a detention space, if needed.

Alderman Harris I've heard you mention maybe giving up a lot for a detention pond, is that it.

Bob Barber answered if needed, it is.

Alderman Harris stated I think that you should do it on the front end.

Bob Barber stated this is just for rezoning approval, we can't do anything until approved, this is the design.

Alderman Hobbs asked will this hold a 25 year flood.

Bob Barber answered yes, the ordinance states it has too.

Nick Kreunen I do for 25 years, try for 50 years.

Mayor Ferguson are those trees there, or will be planted.

Bob Barber answered it's there, we will try to leave as natural as possible.

Mayor Ferguson asked there is a ditch there, right.

Bob Barber answered yes.

Mayor Ferguson asked if you are going to stabilize it.

Bob Barber answered we are here for rezoning. We can do all of that after this step.

Alderman McLendon asked what does the Alderman of this ward think.

Alderman Miller stated he is sick, he said he wants us to proceed with whatever the Board see's fit.

Mayor Ferguson stated you showed a nice picture of the Blvd. with curb and gutter, what will it look like without curb and gutter.

Bob Barber answered very nice. The Blvd entrance will have curb and gutter.

Bob Barber stated that the construction traffic will come off of Commerce. Mr. Barber stated this project will be quality design, it will be an asset to the area and all of Hernando. The character of the area has changed. Hernando West is now in the picture, Chapel Grove PUD, I-269 opening, Weatherby build out, Improvements to Tulane Road, Montclair build out, sewer expansion, the sight was annexed. These are all proof of the character of the area changing. There is a public need. Hernando needs housing choice, public policy. The design is desirable, geographically balanced growth, economic development efforts, Hernando is growing.

Alderwoman Brooks asked about the alley way, will the HOA take care of that. History has proven to be problematic. Do the citizens understand that they, the HOA, is responsible for it? Is there something that can be done. What's the benefit?

Bob Barber answered that it is proposed as private. The City usually doesn't want it. We have multiple mechanisms for setting it up correctly.

Alderman McLendon asked if Royal Lane a cut through.

Bob Barber stated the County and City policy is to connect street stubs, if the City doesn't want us to that's fine, we are doing what the policy says. The homeowners requested we not do curb and gutter / sidewalks.

Mayor Ferguson stated our ordinance requires it, correct.

Kenny Stockton answered yes, in some areas you can waive them.

Alderman McLendon stated you stress quality of life in your MML classes, how does traffic and population affect the quality of life.

Bob Barber answered a City needs choices, a variety of housing. That is what you plan does. So there are all types of housing in Hernando. Your City plan tells us that it is appropriate.

Alderman McLendon stated wonder why we are changing it.

Bob Barber stated you are supposed to change it ever so often.

Alderman McLendon asked do you think this enhances the larger lots around them.

Bob Barber answered there is no doubt in my mind. Your plan calls for 2 to 3 units per acre. Lakes of Cedar Grove backs up to large lots and they are small. It's all in the design. This is a quality developer and a proven developer.

Alderman Harris asked was there a concern.

Bob Barber stated the comment that came was to put larger lots on the buffer, we did, with larger homes.

Alderman McLendon stated most are smaller on the inside.

Bob Barber stated we changed things based on the requests.

Darla Mirth, 1897 Gracie, presented her request for the Board to not approve this rezoning. Mrs. Mirth passed out the following letter:

June 16, 2002

Note: I am speaking only for myself, not on behalf of any other person or group.

Regarding the pending decision of rezoning of land from agricultural to PUD – 140 plus acres detailed in agenda item #10 – the end result of the rezoning would be to establish a neighborhood currently known as Weatherby Place West – IS THAT CORRECT?

This is extremely ill-advised for the following reasons:

1. The Planning Commission voted against such rezoning based on the following factors: drainage issues, housing density, issues with entrances and other factors. This is reason enough to vote against the rezoning.

BUT ALSO CONSIDER THESE FACTORS:

2. Any time property is developed in a city the city incurs an obligation to provide services to that property such as fire, police, and trash pickup. In order for the city (or county, if applicable) to provide these services the funds must be available. The City of Hernando is in dire financial straights – key word dire. I am paraphrasing now from a September, 2019 article in the DeSoto Times as reported by WMCAActionNews5.com:

Hernando city leaders have passed a budget for the new fiscal year after issuing cuts to all city departments and moving around funds. Despite the cuts, city employees will see a 2 percent pay raise. Members of the Board of Aldermen will not receive the raise. Funds to cover street overlays will take a big hit. Approximately \$243,000 from

the overlay fund will cover city employee raises and \$100,000 will move to a contingency fund.

A counterargument could be made that the city needs to expand in order to raise more tax money. I believe that argument to be totally false. In fact, it has been tried before by our neighbor to the north, the City of Memphis. Realizing its grave error, the City of Memphis is now in the process of "centralizing" the city. In fact, their slogan is, and I am quoting here, "In our third century, Memphis will build up, not out."

The City of Hernando relies on its tax base. Development that has not been properly thought out and vetted degrades the tax base (what that means is that services are more spread out without the necessary revenues needed to support them).

3. Critical infrastructure is currently in a state of extreme disrepair. I am talking about the roads. While driving here I drove over hundreds of cracks in the roads. Hundreds. Is the city prepared to fix those roads? No, because it has no money to do so. But new developments exacerbate the poor quality of the already existing roads. Is the city prepared to raise taxes in order to ensure adequate roads for all current and future road users? I think not.
4. The General Development Plan is out of date as it was written over ten years ago. Additionally, Bob Barber is listed on plan as Director of Planning. He is also listed on item #10 on the agenda, presumably as a representative of someone who would stand to benefit from the rezoning. Possibly conflict of interest issues should be addressed before moving forward with the rezoning.
5. Finally, we are now living in a time in which change is constant and several factors are out of our control (such as the virus). My

recommendation is to put the rezoning on hold until there is stabilization in the city finances, the General Development Plan is updated, and there is time to see if demand for these new homes is a sure thing (that means people who move in and continue paying the related mortgages).

Finally, vote no on the proposed rezoning. Your duty is to your fellow taxpayers and the City, not the developer. Mind you don't forget it.

Dawn Carson, lives in Weatherby, 1871 Gracie Rd. I am representing a group, not as an attorney. We originally opposed, but we came up with a plan. The developer met with us and came up with an agreement that both sides were ok with.

Chris Muller, 1887 Cotton Dr, we did meet with the developer and he did meet a number of our concerns. On the flooding, we heard earlier that checks and balances will be implemented down the road. Maybe being pro active rather than waiting on the checks and balances, I'm not opposing the development, just suggesting a way to be pro active about flooding.

Alderman Miller stated if approved, they will come back with a drainage plan if needed.

Pat McGarrity, this was my wife's family's property, we were annexed 10 years ago. We don't use the City service but pay City taxes for it. The City is growing, changing. You will have more tax revenue with this development. There is a drainage pipe on Oak Grove Rd, not a culvert, it drains fine most of the time, but that issue will need to be addressed with a culvert.

Carol Scott McGarrity, stated we used to live on Oak Grove Rd. George Emerson Scott was my father, Scott Road was named after him. My sister and I are the only siblings left. We would really love for this land to be a blessing to the people of Hernando. We think that this

development will be. My family and I want it to the best it can be for my family, my father and the citizens.

Bob Barber addressed a concern regarding his involvement. Mr. Barber stated he is a member of the Institute of Certified Planners, I'm a Fellow of the American Institute of Certified Planners, served twice as a Chairman of the College of Fellows of the American Institute of Certified Planners, I'm on the National Ethics Committee. I know the ethics code of planners. There is no conflict or issue here. I can represent anything after 3 years of ending employment with the City. I didn't write the comprehensive plan, the City of Hernando Board adopted it.

Billy Myers stated we will follow the ordinances; we've proved this will enhance the area and Hernando.

Mr. Bob Barber asked that the presentation be made a part of the minutes. Mayor Ferguson agreed.

Alderman McLendon stated from him, the homeowners did not have representation from their Alderman tonight.

Motion was duly made by Alderman McLendon to table this item until the Alderman that represents this area can be in attendance.

The motion died due to lack of a second.

MOTION FAILED.

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to approve the request to rezone 145.5 acres of land being a portion of Parcel No. 308515000 0000502, Parcel No. 308614000 0000700, and Parcel No. 308614000 0000713 located on the north side of West Oak Grove Road, east of Oak Crossing Drive, and south of West Commerce Street from A Agricultural to PUD Planned Unit Development, subject to staff comments. . A vote was taken with the following results:

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

Those voting "Nay": Alderman McLendon.

ORDERED AND DONE this the 16th day of June, 2020.

**PL – 1439 REQUEST APPROVAL OF AN AMENDMENT TO A SITE ZONED C-4
PLANNED COMMERCIAL – PARCEL NUMBER 308624000 0001302 LOCATED ON
THE WEST SIDE OF HIGHWAY 51 AND SOUTH OF WEST OAK GROVE ROAD –
BEN SMITH WITH IPD, LLC.**

Planning Director Keith Briley presented the information.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.:	PL-1439	Item No.:	__
Request:	Request Approval of an Amendment to a Site Zoned C-4 Planned Commercial		
Location:	Parcel Number 308624000 0001302 Located on the West Side of Highway 51 and South of West Oak Grove Road		
Applicant:	Ben Smith with IPD, LLC.		
Date:	June 16, 2020		

INTRODUCTION:

Mr. Ben Smith with IPD, LLC. is requesting approval of an Amendment to a Site Zoned C-4 Planned Commercial.

BACKGROUND:

The subject property is located on the west side of Highway 51, south of West Oak Grove Road, and north of Packing Plant Road and is Parcel ID Number 308624000 0001302.

DISCUSSION:

Staff researched the acquisition of Renasant Park by the City and the Rezoning of the two parcels along Highway 51. The research reveals that the rezoning of the two parcels from R-10 Single Family Residential to C-4 Planned Commercial was approved by the Planning Commission on June 14, 2011, and by the Board of Aldermen on June 21, 2011.

In accordance with Article IX Planned and Overlay Districts, the rezoning was accompanied with a list of allowable uses. These uses included Any permitted or conditional use contained in C-1 Neighborhood Commercial Districts, C-2 Highway Commercial District, and/or C-3 General Commercial Districts and any permitted use contained in O Office District, P-O Planned Corporate Office Districts, and/or P-B Planned Business Districts. See the attached copy of the June 14, 2011, Planning Commission minutes.

The above referenced uses are allowable by right and by conditional use. They are found in the City of Hernando Zoning Ordinance under the corresponding section of each zoning district.

REZONING ANALYSIS:

Article XVIII Amendments of the City of Hernando Zoning Ordinance allows for the amendment of the text or map of the Zoning Ordinance provided the applicant demonstrates the appropriateness of the change and address the following criteria for the zoning amendment.

1. How the proposed amendment would conform to the General Development Plan.

Applicant: No

Planning Staff: The Future Land Use Plans designates this area as Residential – Master Planned Low Density. This designation cannot be supported by the C-4 Planned Commercial Zoning District.

2. Why the existing zoning district classification of the property in question is inappropriate or improper.

Applicant: Yes

Planning Staff: The existing zoning is not inappropriate as the C-4 Planned Commercial District allows more flexibility in the determination of uses to be allowed.

3. That major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the General Development Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate;

Applicant: Yes

Planning Staff: The properties to the east are zoned C-2 Highway Commercial. The property to the west is zoned C-4 Planned Commercial and is developing as Renasant Park. The property to the south is zoned A Agricultural and has developed as a church. The property to the north is zoned R-10 Single-Family Residential with the properties along Highway 51 developed as residential housing.

PLANNED COMMERCIAL DISTRICT ANALYSIS:

Permitted Uses

In the documentation provided by the applicant, language has been included that states the allowable uses of the C-4 Planned Commercial District for the subject property. One of the uses stated therein is an RV Storage Yard with open and closed bays.

Prohibited Uses

Article IX Planned and Overlay Districts §a. “C-4” Planned Commercial Districts ¶ iii. Prohibits the following uses.

1. Adult Entertainment
2. Night Clubs, Bars, and Taverns
3. Salvage Yards
4. Outside Storage

The applicant is requesting to omit the outside storage item.

Site Plan

The applicant has supplied a site plan showing a proposed for the development. Driveway entrance to the site is proposed on the southside of the property. The RV Storage units are proposed to line the periphery of the property.

Site Development Regulations

The bulk regulation requirements are found in Article IX Planned and Overlay Districts §a. “C-4” Planned Commercial Districts ¶ v. of the City of Hernando Zoning Ordinance. The subject property is 5.64 acres in size.

Landscape Bufferyard Requirements

There will be landscaped bufferyards along all four sides of the property. These bufferyards shall meet the requirements of Article IX Planned and Overlay Districts §a. “C-4” Planned Commercial Districts ¶ vi. Landscaped Bufferyard Requirements.

Visibility Area at Entrances / Intersections

The site driveway will be from the road that runs along the south side of the property. Landscaping and turning radii shall be designed to allow for property visibility.

Traffic Access Control Standards

1. The proposed drive way is 40-feet wide.
2. Article IX. §a. ¶ix. (1) allows for a maximum driveway opening of 35-feet.
3. The driveway is located approximately 250-feet west of Highway 51 and is the mid-point of the south property line.

PLANNING COMMISSION ACTION:

The Planning Commission met on Tuesday, June 9, 2020 and voted to recommend approval to the Board of Aldermen an amendment to the C-4 Planned Commercial zoning of Parcel ID

Number 308624000 0001302, subject to Staff Comments. The vote was 3 in favor and 2 opposed.

STAFF COMMENTS:

18. If approved by the Board of Aldermen, the applicant shall submit for Certificate of Development approval.
19. After Certificate of Development approval, the applicant shall submit for Construction Permit approval.
20. The applicant is reminded that Chapter 7. §F. of the Design Standards Ordinance requires that a five (5) foot wide sidewalk shall be constructed along the entire street frontage of the property. Neither Highway 51 or the site access road currently have a sidewalk.
21. The following is an excerpt from the allowable uses in Article VII Commercial Districts. §b. "C-2" Highway Commercial District.

(35) Used car, trailer, boat sales, recreation vehicles, campers sales and storage lots with the following guidelines

- (a) Hard surface parking areas will be provided for all areas in the front of the building;*
- (b) No placement of vehicles in any road right-of-way*
- (c) Landscape screening will be provided along the exterior of the property to be approved by the Planning Commission with an emphasis on low shrubs in front and taller trees & shrubs along sides and rear*
- (d) No banners and/or signs obstructing entry or exit sight lines*
- (e) No inoperable vehicles will be located outside of an opaque screening;*
- (f) Site review and approval, including lighting plan, is required by the Planning Commission;*

STAFF RECOMMENDATION:

Staff recommendation is withheld.

PROPOSED MOTION:

Motion to Approve

Because the requested zoning amendment is in keeping with the flexibility of the C-4 Planned Commercial Zoning District, I move to grant approval to an amendment to the C-4 Planned Commercial zoning of Parcel ID Number 308624000 0001302, subject to Staff Comments.

Motion to Deny

Because _____ *INSERT REASON HERE* _____, I move to deny the amendment to the C-4 Planned Commercial zoning of Parcel ID Number 308624000 0001302.

Alderman Brooks asked Keith to explain the outside storage.

Keith Briley stated that this is to omit that as prohibition, so it would be allowed.

Alderman Brooks asked is this storage strictly for RV's
Keith Briley answered yes.

Alderman Brooks asked if it would be under cover storage.

Keith Briley answered yes, except for the middle.

Mayor Ferguson asked anything on the donation.

Keith Briley answered no.

Kenny Stockton stated when the Board discussed it, Renasant didn't think it was a proper park for a dog park. The City has some what it was supposed to do, per the agreement.

Mayor Ferguson stated I think we'd need to get permission from the bank.

Alderman Miller stated no, we don't.

Kenny Stockton stated we don't.

Alderman McLendon stated anything prohibited other than these 4 on the list.

Alderman Brooks stated there is 10 listed.

Alderman McLendon asked if there is any height restriction.

Keith Briley answered 35 feet.

Alderman McLendon stated so you won't see the park.

Keith Briley stated I don't have the height the building will be yet, logic would say they'd be tall enough for a RV.

Ben Smith, 2700 Stonebrook, stated Renasant Bank owns the property and they are selling it to the applicant, they know what it is for. We deliberately put the open space in the middle and put a 20 foot buffer. Mr. Smith stated his experience, outside storage, related to material. This is a permitted use, the seller agrees.

Alderwoman Brooks asked if the back side of the units will be a solid back.

Ben Smith answered solid masonry, with veneer. You won't be able to see the RV's, or boats from the road.

Alderwoman Brooks asked what the capacity is.

Ben Smith answered he's not sure, but typically a bay is 12 feet, with a few up to 80 feet.

Alderwoman Brooks asked Keith Briley, is the material he is referencing acceptable.

Keith Briley answered I would have to look at them.

Mayor Ferguson stated I feel like we should have something from Renasant Bank saying they are ok with this.

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to approve the amendment to a site zoned C-4 Planned Commercial – Parcel Number 308624000 0001302 located on the West Side of Highway 51 and South of West Oak Grove Road, subject to the City receiving a letter from Renasant Bank stating their approval with this type of business going in there, also subject to staff comments. A vote was taken with the following results:

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

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

Mayor Ferguson broke the tie vote by voting "Aye".

ORDERED AND DONE this the 16th day of June, 2020.

**PL – 1450 REQUEST FOR APPROVAL OF A ZONING ORDINANCE TEXT
AMENDMENT TO ALLOW COVERED PATIOS TO ENCROACH INTO THE
REQUIRED FRONT YARD SETBACK OF THE C-2 HIGHWAY COMMERCIAL
ZONING DISTRICT AS A CONDITIONAL USE – KEITH BRILEY, AICP, PLANNING
DIRECTOR**

Planning Director Keith Briley presented the information.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.: PL-1450

Item No.: __

Request: Approval of a Zoning Ordinance Text Amendment to Allow Covered Patios to Encroach

into the Required Front Yard Setback of the C-2 Highway Commercial Zoning District as a Conditional Use

Location: 475 West Commerce Street
Applicant: Keith Briley, AICP
Date: June 17, 2020

INTRODUCTION:

Mr. Keith Briley, AICP, Planning Director for the City of Hernando, is requesting approval of a zoning ordinance text amendment to allow covered patios to encroach into the required front yard setback of the C-2 Highway Commercial Zoning District as a Conditional Use.

BACKGROUND:

The City of Hernando Zoning Ordinance does not allow for a building to extend into the required building setbacks or for an accessory structure to be located within the required front yard setback.

The proposed amendment is presented in an effort encourage economic growth and sustainability and to make Hernando more business friendly.

DISCUSSION:

ARTICLE VII COMMERCIAL DISTRICTS

b. "C-2" Highway Commercial District

ii. Conditional uses:

- (19) Covered patio located within the required front yard setback.
- (a) A covered patio may encroach into the required front yard setback a maximum distance of fifteen (15) feet.
 - (b) A nonconforming structure shall be allowed to have a covered patio that encroaches a maximum of thirty percent (30%) of the remaining front yard available.
 - (c) Certificate of Development approval shall be required prior to building permit approval.
 - (d) The roofing of a covered patio shall be of a material similar to that of the primary building.
 - (e) The sides of covered patios shall not be enclosed permanently or temporarily.
 - (f) All building codes and fire codes adopted by the City of Hernando shall apply to the construction of a patio covering.

PLANNING COMMISSION ACTION:

The Planning Commission met on Tuesday, June 9, 2020 and voted to recommend to the Board of Aldermen Approval of a Zoning Ordinance Text Amendment that will allow covered patios to

encroach into the required front yard setback a maximum of 15-feet in the C-2 Highway Commercial Zoning District as a Conditional Use.

STAFF COMMENTS:

22. Under the current ordinances, any roof covering a patio that is attached to the principal structure results in an addition to the principal structure. The principal structure must be located within the required setbacks of the lot on which it is erected.
23. Under the current ordinances, any roof covering a patio that is not attached to the principal structure results in an accessory structure. All accessory structures must be located 10-feet from the principal structure and cannot be located within the required front yard setback.
24. Under the current ordinances, any addition to the principal structure that will encroach into the required front yard setbacks must apply for a variance from the setback requirements.
25. Under the current ordinances, any accessory structure that is located closer than 10-feet from the principal structure requires a variance.
26. The proposed amendment, as presented, would apply to all properties within the C-2 Zoning District and not just a certain select few businesses.
27. The proposed amendment along with Planning Commission recommendations will go to the Board of Aldermen on Tuesday, June 26, 2020.

STAFF RECOMMENDATION:

Staff Recommendation is withheld

PROPOSED MOTION:

Motion to Approve

I move to grant Approval of a Zoning Ordinance Text Amendment that will allow covered patios to encroach into the required front yard setback a maximum of 15-feet in the C-2 Highway Commercial Zoning District as a Conditional Use, and to forgo the reading of the ordinance in its entirety.

Motion to Deny

Because _____ *INSERT REASON HERE* _____ I move to deny the Zoning Ordinance Text Amendment that will allow covered patios to encroach into the required front yard setback a maximum of 15-feet in the C-2 Highway Commercial Zoning District as a Conditional Use.

Planning Director Keith Briley asked to withdraw this item.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize withdraw this item. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

**AUTHORIZE TO ACCEPT THE BEST QUOTE TO RESURFACE ADDIE BALDWIN
PARK FROM HI-TECH ATHLETIC SURFACES**

Motion was duly made by Alderman Harris and seconded by Alderman Hobbs to authorize to accept the best quote to resurface Addie Baldwin Park from Hi-Tech Athletic Surfaces, subject to the Public Works Director and City Engineer fixing the drainage issues before the resurfacing is done. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

APPROVE BUDGET AMENDMENTS FYE 2020

**ORDER AMENDING BUDGET FOR FISCAL YEAR ENDING
SEPTEMBER 30, 2020**

Pursuant to Section 21-35-25 of the Mississippi Code 1972, Annotated, it is hereby ordered by the Mayor and Board of Aldermen of the City of Hernando, DeSoto County, State of Mississippi, that the budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020, be amended and approved to wit:

	<u>PRIOR BUDGET</u>	<u>AMENDMENT</u>	<u>NEW BUDGET</u>
<u>GENERAL FUND</u>			
REVENUE			
State Shared Revenues	\$5,211,957.00	\$8,514.17	\$5,220,471.17
EXPENDITURES			
General Government - Other Services & Charges	\$468,600.00	\$6,000.00	\$474,600.00
Public Safety - Supplies	\$244,186.00	\$141.07	\$244,044.93
Public Safety - Other Services & Charges	\$300,925.00	\$2,849.24	\$303,774.24
Health & Welfare - Other Services & Charges	\$35,700.00	\$5,244.00	\$40,944.00

Health & Welfare - Capital Outlay	\$0.00	\$562.00	\$562.00
Contingency	\$100,000.00	\$6,000.00	\$94,000.00

PARKS**Revenue**

Miscellaneous	\$732,645.00	\$7,292.00	\$739,937.00
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Expenditures

Supplies	\$133,150.00	\$3,500.00	\$129,650.00
Other Services & Charges	\$292,500.00	\$3,240.00	\$295,740.00
Capital Outlay	\$140,200.00	\$260.00	\$140,460.00

UTILITY FUND**Expenditures**

Supplies	\$355,150.00	\$12,000.00	\$367,150.00
Other Services & Charges	\$3,680,700.00	\$12,000.00	\$3,668,700.00

BE IT ORDERED, that the Budget of Estimated Revenues and Expenditures for the Fiscal Year Ending September 30, 2020, for the City of Hernando, Mississippi be amended in the following respects:

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

General Fund – Amended expenses to cover for unexpected vehicle repairs and COVID cleaning.

Parks Fund – Amended expenses to cover for unexpected equipment repairs.

Utility Fund – Amended expenses to cover for storm drain repairs.

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

Each amendment having been presented separately and as a whole, motion was duly made by Alderman Miller seconded by Alderman Harris to adopt the foregoing resolution amending the budget of the City of Hernando. A roll call vote was taken with the following results:

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

Those voting: None.

ORDERED AND DONE this the 16th day of June 2020.

Tom Ferguson, Mayor

Attest:

Katie Harbin, City Clerk

APPROVE UTILITY BILL ADJUSTMENT DOCKET

Utility Bill Adjustment Docket

6/16/2020

The addresses listed below experienced a leak and did not receive the benefit of receiving water service.

	House #	Street	Adjusted Amount	Reason for Leak Adjustment
1	3564	Flat Rock Dr	78.12	water pipe busted next to the meter

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 Brannon + Emily Kirby
Service address 3564 Flat Rock Dr Hernando, MS
Daytime phone number 725 603 0856

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 same Date of repair 5/21/20
Daytime phone number 725 603 0856
Type of repair and location of property fix leak pipe repair
in front yard by meter
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 [Handwritten Signature]
FOR Office use only

Account Number 041759901 Billing period ending 6-30-20

High month usage 15 minus 6 month average 7 = Amount of Adjustment 8

\$ 78.12 credit
[Handwritten Signature]
6-12-20

766471

NAME		DATE				
Brannon Kirby		5-21-20				
ADDRESS		ORDER NO.				
3564 FlatFork DR						
CITY, STATE, ZIP						
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MOSE. RETD.	PAID OUT
QUAN.	DESCRIPTION			PRICE	AMOUNT	
1	Water Leak					
2	at Meter					
3						
4						
5					200 ⁰⁰	
6						
7						
8						
9						
10						
11						
12						
13						
14						
RECEIVED BY				TAX		
				TOTAL	200 ⁰⁰	

© Adams 24705

Period	Code	Previous Reading	Present Reading	Consumption	Amount Due
06/30/2020	30	105	105	0	0.00
05/31/2020	30	104	113	9	96.86
04/30/2020	30	97	104	7	77.78
03/31/2020	30	90	97	7	77.78
02/28/2020	30	84	90	6	68.24
01/31/2020	30	78	84	6	68.24
12/31/2019	30	72	78	6	68.51
11/30/2019	30	54	72	18	182.72
10/31/2019	30	51	54	3	33.97
09/30/2019	30	39	51	12	125.48
08/31/2019	30	33	39	6	68.24
07/31/2019	30	28	33	5	58.70
06/30/2019	30	19	28	9	98.86

$$\begin{array}{r}
 15 \\
 - 7 \\
 \hline
 8 \times 3.95 = 31.60 \\
 8 \times 3.84 = 30.72 \\
 \hline
 78.12 \text{ Credit}
 \end{array}$$

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to approve the Utility Bill Adjustment Docket, finding that the customers 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 Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

REVIEW OF GARBAGE COLLECTION BIDS

Public Works Director Mikey Dyer presented the information on the bids received. Mr. Dyer stated the prices came back really high, and he recommends to reject the bids and rebid.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to reject the bids received for garbage collection service due to the price being higher than expected and rebid the services. 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 16th day of June, 2020.

AUTHORIZE MAYOR FERGUSON TO SIGN AN AGREEMENT AND JOINT RESOLUTION BETWEEN THE CITY OF HERNANDO, MISSISSIPPI AND THE VILLAGE OF SLATE SPRINGS, MISSISSIPPI, ETC. FOR THE SALE OF A FIRE TRUCK

Motion was duly made by Alderman Higdon and seconded by Alderman Miller to authorize Mayor Ferguson to sign an agreement and joint resolution between the City of Hernando, Mississippi and the Village of Slate Springs, Mississippi, etc., for the sale of a 1988 Ford CB Model D80 Fire Truck with VIN 1FEYD80USJVA04313. 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 16th day of June, 2020.

AUTHORIZE MAYOR FERGUSON TO SIGN THE BILL OF SALE FOR THE SALE OF A FIRE TRUCK

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize Mayor Ferguson to sign the Bill of Sale for the Sale of a 1988 Ford CB Model D80 VIN 1FEYD80USJVA04313 Fire Truck. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

GO INTO CLOSED SESSION

Motion was duly made by Alderman Higdon and seconded by Alderman Miller go into closed session to discuss going into executive session. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

GO INTO EXECUTIVE SESSION FOR NEGOTIATIONS AND FIRE PERSONNEL

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to go into executive session for negotiations and fire personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

COME OUT OF EXECUTIVE SESSION

Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to come out of executive session. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16th day of June, 2020.

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR TOM FERGUSON

ATTEST:

KATIE HARBIN, CITY CLERK