

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, July 20, 2021 at 6:00 P.M. with Mayor Chip Johnson presiding. Alderpersons present were: Alderman W.I. "Doc" Harris, Alderwoman Natalie Lynch, Alderman Andrew Miller, Alderman Bruce Robinson, Alderman Chad Wicker, Alderwoman Beth Ross and Alderman Ben Piper. Also present for the meeting were: City Attorney Steve Pittman, City Engineer Joe Frank Lauderdale, Community and Economic Development Director Gia Matheny, Human Resources Director Julie Gates, Zoning Administrator Kristin Duggan, Police Chief Scott Worsham, Assistant Police Chief Shane Ellis, Fire Chief Marshal Berry, Deputy Fire Chief Sam Witt, Public Works Director Lee Germany, Planning Consultant BJ Page, Sports Director Michael Carson, Dolly Brechin, Curtis Bain, Dana Lowry, Amanda Chirly, Mike Foster, Larry Worthy, Sibonie Swatzna, Cindy Gordon, Randy Marth, Derick Biglane, Mark Knight, Rick Sparkman, Blake Coya, Pieter Zee, Greg Drumwright

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### PLEDGE OF ALLEGIANCE

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Pledge of Allegiance by Anne Randal Bryant

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### INVOCATION

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Alderman Harris gave the invocation.

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### AGENDA

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Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

July 20, 2021 6:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance by Anne Randle Bryant
- 3) Invocation
- 4) Approve Agenda
- 5) Approve Docket of Claims No.'s - 43216-43468
- 6) Approve Minutes from July 6, 2021, meeting of the Mayor and Board of Aldermen
- 7) Consent Agenda
  - a. Authorize to pay Estimate Number 3 in the amount of \$4,734.15 payable to Pavecon, Ltd. Co for Conger Park Pathway Project.
  - b. Authorize Eva Ward to attend the Municipal Tax Collection, Sale, and Land Redemptions Workshop on August 11, 2021 in Starkville MS as required for her Masters Class certification and authorize to pay registration and travel expenses.
  - c. Authorize Driver Jason Rice to attend the EMT Basic Certification Course at the Fire Academy in Pearl MS October 4-January 17, 2021 and authorize to pay registration and travel expenses. This class is 12 weeks online and 3 weeks in Pearl MS at the MS State Fire Academy.
  - d. Authorize Joe Jenkins, Josh McCormick, and Jonathan Waggener to attend Fire Fighter 1001 I-II Certification Course for a total of 7 weeks at the Fire Academy in

- Pearl MS beginning on August 2, 2021 and authorize to pay registration and travel expenses.
- e. Authorize B. Pearson and K. Harper to attend Fire Fighter 1001 I-II Certification Course for a total of 7 weeks at the Fire Academy in Pearl MS beginning on August 23, 2021 and authorize to pay registration and travel expenses.
  - f. Authorize Joshua Parrott and Jay Scott to attend Command Control and Leadership class Aug 24-26 in Lebanon, Tennessee and authorize to pay registration and travel expenses.
  - g. Authorize Jacob Bramlett to attend Instructor Development August 2-5 in Oxford, Mississippi on and authorize to pay registration and travel expenses.
  - h. Authorize Michael Carson, the sports director to attend the Registrar's Summit on August 7, 2021 in Flowood, MS and authorize to pay registration and travel expenses.
  - i. Authorize Dewayne Williams, Dolly Brechin, Michael Carson and Brennan Robertson to attend the NRPA National convention on September 20-23 in Nashville, TN and authorize to pay registration and travel expenses.
  - j. Authorize to accept a donation from Elvis and Peggy Martin in the amount of \$100.00 for the Hernando Animal Shelter in Memory of Heman Patel.
  - k. Authorize to accept a donation from Kerry and Liz Odle in the amount of \$50.00 for the Hernando Animal Shelter in Memory of Heman Patel.
- 8) Authorize Mayor Johnson to sign the lease renewal with the Desoto Arts Council on the "Old City Hall" building located at 2465 Highway 51 South.
  - 9) Authorize to purchase 1 Chevrolet Tahoe SSV from Superior Automotive Group for Administrative Staff. This is a budgeted item for FY20/21. Mississippi State Contract price of \$37,617.00
  - 10) Authorization for Chief Worsham to sign cooperative agreement with the United States Drug Enforcement Administration (DEA) Oxford-HIDTA Task Force.
  - 11) Authorize Fire/EMS department to purchase two Stryker PowerLOADS utilizing grant funds from EMSOF and TCTF and budgeted funds for a total of \$45,264.84 with sole source letter provided.
  - 12) Ratify the terms of the City Attorney engagement letter with City Attorney Steven Pittman.
  - 13) Authorize Parks Department to add a \$5 dollar fee for a single Class of Zumba.
  - 14) Authorize to add lighting around the outside of the fitness track at Kuykendall Park
  - 15) Authorize the Parks Department to enter into an agreement with Desoto FC to rent the soccer fields for the fall 2021 and spring 2022 season and authorize Mayor Johnson to sign the agreement.
  - 16) Authorize Mayor Johnson and Alderpersons to attend Destination Downtown in Starkville, MS September 15-17, 2021 and authorize to pay registration and travel expenses.
  - 17) Authorize Thomas Mirth to perform duties as an intern with the City of Hernando
  - 18) Approve the purchase of a refurbished Durapatcher P2 Trailer. (asphalt patching machine)
  - 19) Accept the lowest and best quote for upgrading the water line on Memphis Street for Fire Protection and Economic Development.

- 20) Authorize Joe Lauderdale to produce plans and advertise for bids to run water lines to the Fieldhouse property on Green T Road for fire protection and future economic development.
- 21) Mr. Jim Kimberlin, on behalf of Kimberlin, Inc., the owner of the property, is requesting approval from the Mayor and Board of Aldermen to allow the location of two retaining walls, one within the public right-of-way of South Street and the other within the public right-of-way of Ice Plant Lane, to the extent that those streets border his Ice Plant Townhomes development. The subject property (Parcel Number 3074-1800.3-00031.00) is a 1.0-acre parcel located on the northeast corner of South Street and Ice Plant Lane in Section 18, Township 3 South, Range 8 West, and is currently zoned "PUD," Planned Unit Development District.
- 22) PL-1310 – Request for Approval of Scrivener’s Errors Concerning Lot 24 of Crossroads Subdivision, Phase 1, recorded in Plat Book 128, Page 10, of the DeSoto County records, located on the south side of Natchez Loop, just east of Charleston Cove in Section 1, Township 3 South, Range 8 West, more specifically known as Parcel Number 3081-0125.0-00024.00, correcting the bearing on the east (side) property line, which currently reads, N 00° 44’ 00” E, but should read N 00° 44’ 00” W and correcting the dimension of the north (front) property line, which currently reads 88.98’, but should read 92.32’.
- (This agenda item was approved at the 6-15 Board meeting, but because the plat book number and page number were not included in the minutes, the Chancery Court cannot change the property lines)
- 23) PL-1513 – Request to Rezone a 13.55-acre tract of land located on the north side of Green "T" Road, east of McIngvale Road, and west of Tchulahoma Road, more specifically known as Parcel Number 207932000-0000700 in Section 32, Township 2 South, Range 7 West, Greg Drumwright of Joyce Estes, L.L.C., on behalf of Raymond Wilson, the property-owner.
- 24) PL-1531 – Request for Final Plat Approval for the Kroger Center, Second Revision located on the northeast corner of Mt. Pleasant Road and East Commerce Street, more specifically known as 2380 Mt. Pleasant Road, in Section 18, Township 3 South, Range 7 West, creating a new Lot 4. The property is currently zoned in the "C-2," Highway Commercial District – Andrew Richardson with R&H Engineering, on behalf of David Kelly, Multisite Properties, L.L.C., owner of the property.
- 25) PL-1532 – Request for Preliminary and Final Plat Approval, Wampler 2-Lot Subdivision, 2 residential lots on 1.49 acres located on the northeast corner of Gwynn Road and Nesbit Road in Sections 25 & 26, Township 2 South, Range 8 West, currently zoned "R-20," Single-Family Residential District – Ben Smith, with IPD Civil Engineering, on behalf of Ms. Sandra Wampler, the property-owner.
- 26) Approve Utility Adjustment docket
- 27) Approve Utility Adjustment for Jeremy Williams.
- 28) Executive Session – Dispatch Personnel
- 29) Adjourn

Motion was duly made by Alderman Wicker and seconded by Alderman Robinson to approve the agenda and move item I to the last item on the agenda. A vote was taken with the following results:

Those voting "Aye": Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross and Alderman Piper.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**APPROVE DOCKET OF CLAIMS NO.'S 43216-43468**

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The Board of Aldermen were presented with a docket of claims No. 43216-43468, in the amount of \$30,216.99 for approval.

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

Those voting "Aye": Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**APPROVE MINUTES OF THE REGULAR MAYOR AND BOARD OF ALDERMEN  
MEETING ON JULY 6, 2021**

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Motion was duly made by Alderman Wicker and seconded by Alderman Robinson to approve the minutes from the regular Mayor and Board of Aldermen Meeting on July 6, 2021, as presented. A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, and Alderwoman Lynch.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**CONSENT AGENDA**

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- a. Authorize to pay Estimate Number 3 in the amount of \$4,734.15 payable to Pavecon, Ltd. Co for Conger Park Pathway Project.
- b. Authorize Eva Ward to attend the Municipal Tax Collection, Sale, and Land Redemptions Workshop on August 11, 2021 in Starkville MS and authorize to pay registration and travel expenses.
- c. Authorize Driver Jason Rice to attend the EMT Basic Certification Course at the Fire Academy in Pearl MS October 4-January 17, 2021 and authorize to pay registration and travel expenses. This class is 12 weeks online and 3 weeks in Pearl MS at the MS State Fire Academy.
- d. Authorize Joe Jenkins, Josh McCormick, and Jonathan Waggener to attend Fire Fighter 1001 I-II Certification Course for a total of 7 weeks at the Fire Academy in Pearl MS beginning on August 2, 2021 and authorize to pay registration and travel expenses.
- e. Authorize B. Pearson and K. Harper to attend Fire Fighter 1001 I-II Certification Course for a total of 7 weeks at the Fire Academy in Pearl MS beginning on August 23, 2021 and authorize to pay registration and travel expenses.
- f. Authorize Joshua Parrott and Jay Scott to attend Command Control and Leadership class Aug 24-26 in Lebanon, Tennessee and authorize to pay registration and travel expenses.
- g. Authorize Jacob Bramlett to attend Instructor Development August 2-5 in Oxford, Mississippi on and authorize to pay registration and travel expenses.
- h. Authorize Michael Carson, the sports director to attend the Registrar's Summit on August 7, 2021 in Flowood, MS and authorize to pay registration and travel expenses.
- i. Authorize Dewayne Williams, Dolly Brechin, Michael Carson and Brennan Robertson to attend the NRPA National convention on September 20-23 in Nashville, TN and authorize to pay registration and travel expenses.
- j. Authorize to accept a donation from Elvis and Peggy Martin in the amount of \$100.00 for the Hernando Animal Shelter in Memory of Heman Patel.

- k. Authorize to accept a donation from Kerry and Liz Odle in the amount of \$50.00 for the Hernando Animal Shelter in Memory of Heman Patel.

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

Those voting "Aye": Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE MAYOR JOHNSON TO SIGN LEASE RENEWAL WITH DESOTO ARTS COUNCIL ON THE "OLD CITY HALL" BUILDING LOCATED AT 2465 HIGHWAY 51 SOUTH.**

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Motion was duly made by Alderman Miller and seconded by Alderman Robinson to authorize Mayor Johnson to sign the renewal agreement with Desoto Arts Council and striking the last sentence in line number 5 in the agreement.

Those voting "Aye": Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, and Alderman Robinson.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE TO PURCHASE 1 CHEVROLET TAHOE SSV FROM SUPERIOR AUTOMOTIVE GROUP FOR ADMINISTRATIVE STAFF**

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Motion was duly made by Alderman Robinson and seconded by Alderwoman Lynch to approve the FY20/21 budgeted vehicle with a Mississippi State Contract price of \$37,617.00.

A vote was taken with the following results:

Those voting "Aye": Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, and Alderman Wicker.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE CHIEF WORSHAM TO SIGN COOPERATIVE AGREEMENT WITH THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA) OXFORD-HIDTA TASK FORCE.**

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Motion was duly made by Alderman Wicker and seconded by Alderman Robinson to authorize Chief Worsham to sign the Cooperative Agreement with The United States Drug Enforcement Administration (DEA) Oxford -HIDTA Task Force.

A vote was taken with the following results:

Those voting "Aye": Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, and Alderwoman Ross.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE FIRE/EMS DEPARTMENT TO PURCHASE TWO STRYKER POWERLOADS UTILIZING GRANT FUNDS FROM EMSOF/TCTF AND BUDGETED FUNDS TOTALING \$45,264.84 WITH SOLE SOURCE LETTER PROVIDED.**

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Motion was duly made by Alderman Miller and seconded by Alderman Robinson to authorize Fire/EMS department to purchase two Stryker PowerLOADS utilizing grant funds from EMSOF and TCTF and budgeted funds for a total of \$45,264.84 with sole source letter provided.

A vote was taken with the following results:

Those voting "Aye": Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, and Alderman Piper.

Those voting "Nay": None

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**RATIFY THE TERMS OF THE CITY ATTORNEY ENGAGEMENT LETTER WITH ATTORNEY STEVEN PITTMAN.**

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Motion was duly made by Alderman Lynch and seconded by Alderman Wicker to ratify the terms of the City Attorney engagement letter with City Attorney Steven Pittman.

A vote was taken with the following results:

Those voting "Aye": Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE PARKS DEPARTMENT TO ADD A \$5 FEE FOR A SINGLE CLASS OF ZUMBA**

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Motion was duly made by Alderman Robinson and seconded by Alderman Wicker to authorize Parks Department to add a \$5 fee for a single Class of Zumba.

A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, and Alderwoman Lynch.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE TO ADD LIGHTING AROUND THE OUTSIDE OF THE FITNESS TRACK AT KUYKENDALL PARK.**

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Mayor Johnson stated that Entergy would put the lights in at no cost, and the city pays the monthly energy bill. Alderwoman Lynch stated that she preferred the Traditional light design over the Acorn light design. Alderman Miller wants to be sure that any damage done by the workers will be repaired prior to payment. Mayor Johnson stated that Vince Malavasi will make sure that any damage repairs are complete before payment.

Motion s duly made by Alderman Lynch and seconded by Alderman Wicker to add the Traditional design lighting and any damages be repaired prior to payment.

A vote was taken with the following results:

Those voting "Aye": Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE THE PARKS DEPARTMENT TO ENTER AN AGREEMENT WITH DESOTO FC TO RENT THE SOCCER FIELDS FOR FALL 2021 AND SPRING 2022 SEASON AND AUTHORIZE MAYOR JOHNSON TO SIGN THE AGREEMENT.**

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Motion was duly made by Alderman Piper and seconded by Alderman Miller to Table Agenda item #15 until the August 3, 2021 meeting so more concrete scheduling information can be gathered.

A vote was taken with the following results:

Those voting "Aye": Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, and Alderman Robinson.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE MAYOR JOHNSON AND ALDERPERSONS TO ATTEND  
DESTINATION DOWNTOWN IN STARKVILLE, MS SEPTEMBER 15-17, 2021, AND  
AUTHORIZE TO PAY REGISTRATION AND TRAVEL EXPENSES.**

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Motion was duly made by Alderman Harris and seconded by Alderman Robinson to authorize Mayor Johnson and Alderpersons to attend Destination Downtown in Starkville, MS September 15-17, 2021 and authorize to pay registration and travel expenses.

A vote was taken with the following results:

Those voting "Aye": Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, and Alderman Wicker.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE THOMAS MIRTH AS INTERN AND AUTHORIZE MAYOR JOHNSON  
TO SIGN AGREEMENT**

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Motion was duly made by Alderman Wicker and seconded by Alderman Miller to Authorize Thomas Mirth to perform duties as an intern with the City of Hernando, and authorize Mayor Johnson to sign the agreement.

A vote was taken with the following results:

Those voting "Aye": Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, and Alderwoman Ross.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**APPROVE PURCHASE OF A REFURBISHED DURAPATCHER P2 TRAILER**

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Alderman Miller asked if there would be any training and if that would add to the quote. Lee Germany stated that the quote included training and there would be no additional cost.

Motion was duly made by Alderman Wicker and seconded by Alderwoman Ross to approve the purchase of a refurbished Durapatcher P2 Trailer (asphalt patching machine).

A vote was taken with the following results:

Those voting "Aye": Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, and Alderman Piper.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**ACCEPT THE LOWEST AND BEST QUOTE FOR UPGRADING THE WATER LINE  
ON MEMPHIS STREET FOR FIRE PROTECTION AND ECONOMIC  
DEVELOPMENT**

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Motion was duly made by Alderman Miller and seconded by Alderman Harris to accept the lowest and best quote of \$29,760.20 for upgrading the water line on Memphis Street for Fire Protection and Economic Development to Cleveland Construction, Inc. Mayor Johnson stated that there is enough money in the Water Department contingency budget that can be amended to the Capital Improvements budget.

A vote was taken with the following results:

Those voting "Aye": Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**AUTHORIZE JOE LAUDERDALE TO PRODUCE PLANS AND ADVERTISE FOR  
BIDS TO RUN WATER LINES TO THE FIELDHOUSE PROPERTY ON GREEN T  
ROAD FOR FIRE PROTECTION AND FUTURE ECONOMIC DEVELOPMENT**

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Mayor Johnson stated that we would have to go to bid since the project would be over \$50,000.00. Joe Lauderdale stated that it would take approximately two months to get a bid completed and would not be ready until the 2021/2022 budget year.

Greg Drumwright with the Fieldhouse property stated that at this time there is no water service. He is required to have a fire protection system, and thought that partnering with the city to help create an avenue to for new business in this area would be beneficial. He can, however put in his own water system and open by his target date sometime in September.

Alderman Harris asked Joe Lauderdale if this project would help Madison Lakes, and could the projects be combined? Joe Lauderdale stated that he would have to find out, but we would not be able to meet Greg Drumwright's timeline.

There was discussion on whether the city is obligated to pay for the installation of these services, and if the city has provided this for other projects. Alderman Miller was concerned that the city should not pay for the installation and private business should pay for it themselves to be good stewards of the taxpayers' dollars.

Mayor Johnson stated that we would have to get a loan to fund any project this large.

Motion to deny was duly made by Alderman Wicker and seconded by Alderman Miller to authorize Joe Lauderdale to produce plans and advertise for bids to run water lines to the Fieldhouse property on Green T Road for fire protection and future economic development.

A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, and Alderwoman Lynch.

Those voting "Nay": Alderman Robinson

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.

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**KIMBERLIN, INC. IS REQUESTING APPROVAL TO ALLOW THE LOCATION OF TWO RETAINING WALLS IN THE PUBLIC ROW OF SOUTH STREET AND ICE PLANT LANE**

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Interim Planning Director BJ Page presented the information.

Mr. Jim Kimberlin, on behalf of Kimberlin, Inc., the owner of the property, is requesting approval from the Mayor and Board of Aldermen to allow the location of two retaining walls, one within the public right-of-way of South Street and the other within the public right-of-way of Ice Plant Lane, to the extent that those streets border his Ice Plant Townhomes development. The subject property (Parcel Number 3074-1800.3-00031.00) is a 1.0-acre parcel located on the northeast corner of South Street and Ice Plant Lane in Section 18, Township 3 South, Range 8 West, and is currently zoned "PUD," Planned Unit Development District.

There was discussion as to who is responsible for the maintenance of the retaining wall. Rick Sparkman, representing Kimberlin, Inc. stated that there are no written documents against the wall and it looks a lot better as developed.

Mayor Johnson stated he would like to approve 3B which would hold the cities liability harmless.

Motion was duly made by Alderman Miller and seconded by Alderman Robinson to authorize option 3B for the subject property (Parcel Number 3074-1800.3-00031.00) is a 1.0-acre parcel located on the northeast corner of South Street and Ice Plant Lane in Section 18, Township 3 South, Range 8 West, and is currently zoned "PUD," Planned Unit Development District.

A vote was taken with the following results:

Those voting "Aye": Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller and Alderman Robinson.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.





**City of  
Hernando**  
MISSISSIPPI

**BOARD OF ALDERMEN  
STAFF REPORT**

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**Request:** Request approval from the Mayor and Board of Aldermen allowing the location of two retaining walls, one within the public right-of-way of South Street and one within the public right-of-way of Ice Plant Lane.

**Location:** Subject Property Located on the Northeast Corner South Street and Ice Plant Lane in Section 18, Township 3 South, Range 7 West.

**Applicant:** Jim Kimberlin, on behalf of Kimberlin, Inc., Owner of the Property

**Date:** July 20, 2021

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**INTRODUCTION:**

Mr. Jim Kimberlin, on behalf of Kimberlin, Inc., the owner of the property, is requesting approval from the Mayor and Board of Aldermen to allow the location of two retaining walls, one within the public right-of-way of South Street and the other within the public right-of-way of Ice Plant Lane, to the extent that those streets border his Ice Plant Townhomes development. The subject property (Parcel Number 3074-1800.3-00031.00) is a 1.0-acre parcel located on the northeast corner of South Street and Ice Plant Lane in Section 18, Township 3 South, Range 8 West, and is currently zoned "PUD," Planned Unit Development District.

The subject property was the site of an old City swimming pool that was filled-in and built-up from surrounding properties many years ago. However, because of the slope of the property to the street, the applicant had to build retaining walls to create sufficiently level areas for installation of the public sidewalks along South Street, and a portion of Ice Plant Lane.

The public sidewalk, as currently constructed by the applicant on South Street is 40", or 3½ feet in width from the retaining wall that runs parallel to South Street on this property, and the back of the South Street curb. The applicant has also indicated that the retaining wall along South Street will have a brick veneer matching the brick on the townhomes facing South Street. Assuming that the brick is 4" wide, installation of the brick veneer will reduce the actual travel width of the sidewalk to 3 feet in width. Since the South Street sidewalk is located directly behind the curb of South Street, this will place the face of the retaining wall 3 feet from the street. The public sidewalk along Ice Plant Lane, as currently constructed by the applicant, is 5 feet wide as required by the Ordinance, but is also located directly behind the curb along Ice Plant Lane, placing the face of the retaining wall along Ice Plant Lane 5 feet from the street. (Please see attached photographs.)

Article 7, "Minimum Standards of Design," Section "e," "Pedestrian Circulation," Item "I," of the City's Adopted Design Standards Ordinance states:

"Where the subject property does not already provide a public sidewalk, a five (5) foot wide sidewalk shall be constructed along the entire street frontage of the property. The sidewalk shall be constructed to align with existing sidewalks on adjacent properties. Where sidewalks are not yet present on adjacent properties, the sidewalk shall be constructed at least five (5) feet back from

the curb to allow for green space. In the instance of a corner lot, the sidewalk will be constructed along both street frontages, and handicapped access ramps will be constructed at the street corner.”

As a statutory public improvement, the location of sidewalks within the public right-of-way and their ownership and maintenance by the City are established by City Ordinance. However, the retaining walls are not statutory public improvements, and as a result, their location within the public right-of-way and/or their acceptance by the City for ownership and maintenance must be approved by the Mayor and Board of Aldermen representing the City as the property-owner of the public rights-of-way, thereby generating this request.

**STAFF COMMENTS:**

1. The applicant requested and received a variance from the Planning Commission on June 8, 2021, allowing construction of the sidewalk on South Street at 3 feet in width rather than the required 5 feet in width, as well as a variance allowing the location of both sidewalks on South Street and Ice Plant Lane immediately behind the curb, rather than the 5 feet behind the curb required by the Ordinance. The staff tried to make it plain to the applicant, that although the Ordinance allows the Planning Commission to approve dimensional variances of the Design Standards Ordinance, the Commission does not have the authority to authorize the construction of private improvements, such as the retaining walls, within the public right-of-way. Only the Mayor and Board of Aldermen have that authority as elected representatives of the City, the property-owner of the City rights-of-way.
2. A visit to the site will reveal that the retaining wall and sidewalks are already in place on South Street and partially in place on Ice Plant Lane. In conversations with the applicant, he indicated that the retaining walls and sidewalks were constructed in this fashion following discussions with the late Keith Briley. Of course, there is no way to verify this as we have no correspondence or e-mails to support this claim. Additionally, the applicant indicated that Mr. Joe Frank Lauderdale, the City Engineer, had approved the engineering construction plans with the retaining walls and sidewalks proposed in this fashion. However, even if this may have been the case, the City Engineer’s review and approval of these construction plans is limited to reviewing them for conformance with the City’s Design Standards and requirements. The City Engineer does not have the authority to unilaterally grant variances of City Ordinance requirements or allow the construction of private improvements on City property as part of his approval of those plans.
3. The Board of Aldermen has essentially three courses of action:
  - A. The Board can accept and take ownership of the retaining walls as public improvements. This approach, of course, obligates the City not only for the long-term maintenance of these retaining walls, but also involves an acceptance of liability. If someone jumps the curb on South Street and runs into the retaining wall, the City could be liable as the property-owner and for allowing the retaining wall to be there in the first place.
  - B. The Board can authorize a private improvement on public property, but then issues of maintenance and liability would have to be worked out. In this instance, it would have to extend beyond the involvement of the applicant, as the developer of the

Hernando Planning Commission  
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project. Once all of the townhomes have been sold, and the applicant is no longer in the picture, responsibility for maintenance of the retaining walls as common elements and acceptance of the liability must transfer to a home-owners association. In particular, a “hold-harmless” agreement would be necessary to protect the City from liability for not only allowing the retaining walls to be there in the first place, but for allowing their continued presence over time.

- C. Since the retaining walls were constructed within the public rights-of-way of South Street and Ice Plant Lane without first securing the approval of the Mayor and Board of Aldermen, the Board can require that the retaining walls be removed and reconstructed outside of the public right-of-way.

Hernando Planning Commission  
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**PL – 1310 – REQUEST FOR APPROVAL OF SCRIVENER’S ERRORS CONCERNING LOT 24 OF CROSSROADS SUBDIVISION, PHASE 1, RECORDED IN PLAT BOOK 128, PAGE 10, OF THE DESOTO COUNTY RECORDS LOCATED ON THE SOUTH SIDE OF NATCHEZ LOOP, JUST EAST OF CHARLESTON COVE IN SECTION 1, TOWNSHIP 3 SOUTH, RANGE 8 WEST, PARCEL NUMBER 3081-0125.0-00024.00**

Interim Planning Director BJ Page presented the information.

The approved 6/15/2021 Scriveners Error was not complete. It says East instead of West and reads 88.98’ but should read 92.32’ and must have the plat book and page numbers in the minutes.

Motion was duly made by Alderman Robinson and seconded by Alderman Wicker to authorize to approve Scrivener’s errors concerning Lot 24 of Crossroads Subdivision, Phase 1, recorded in Plat Book 128, Page 10, of the DeSoto County records, located on the south side of Natchez Loop, just east of Charleston Cove in Section 1, Township 3 South, Range 8 West, more specifically known as Parcel Number 3081-0125.0-00024.00, correcting the bearing on the east

(side) property line, which currently reads, N 00° 44' 00" E, but should read N 00° 44' 00" W and correcting the dimension of the north (front) property line, which currently reads 88.98', but should read 92.32'.

A vote was taken with the following results:

Those voting "Aye": Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson and Alderman Wicker.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.



City of  
**Hernando**  
MISSISSIPPI

## BOARD OF ALDERMEN STAFF REPORT

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**Project No.:** PL-1310  
**Request:** Request for Approval of Correction of Scrivener's Error Concerning Lot 24 of Crossroads Subdivision, Phase 1.  
**Location:** Located on the East side of U. S. Highway 51, south of Grenn "T" Road in Section 1, Township 3 South, Range 8 West.  
**Applicant:** Mr. Bob Ginn of Land development Resources, Inc., on behalf of Mr. Cal Wilkins, the property-owner  
**Date:** June 15, 2021

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### INTRODUCTION:

Mr. Bob Ginn of Land Development Resources, Inc., on behalf of Mr. Cal Wilkins, the property-owner, is requesting approval of a correction of a Scrivener's Error concerning Lot 24 of Crossroads subdivision, Phase 1. The subdivision was approved by the Planning Commission on March 13, 2018, and subsequently by the Board of Aldermen on March 20, 2018. Lot 24 is located on the south side of Natchez Loop, just east of Charleston Cove, and is now being constructed on. As a result of that project, it has come to light that two errors were made on the recorded plat concerning Lot 24. Although the lot, as represented on the plat is drawn correctly, an error was made in the bearing on the east side property line, which currently reads, N 00° 44' 00" E, but should read N 00° 44' 00" W. This error resulted in mistake on the labelled width of Lot 24 along its northern, front property line, which currently reads 88.98', but should read 92.32'.

Article VI., "Errors," of the City's Subdivision Regulations states:

"Errors on recorded subdivision plats may be corrected by the subdivider by making a written request to the Mayor and Board of Aldermen to have such correction made. The Mayor and the Board of Aldermen may direct that the correction be made directly on the existing recorded plat, or they may direct that a complete new plat be filed..."

The applicant has submitted a written request to allow these corrections to be made (see attached letter).

### STAFF COMMENTS:

1. Since the proposed corrections will not affect a change to the plat drawing, only these two relatively minor numerical changes, and since the proposed corrections will have no impact on any other lot beyond Lot 24, the staff recommends that the Board authorize that the changes be made directly to the recorded plat rather than requiring the applicant to have a completely new plat to be prepared.

2. If the Board approves allowing the applicant to make the changes directly to the recorded plat, the Chancery Clerk's office requires that the applicant secure a certified copy of the Board of Aldermen's order authorizing such correction for submission to the Chancery Clerk before they will allow the correction to be made.

**PROPOSED MOTION:**

A motion approving the correction of two Scrivener's Errors concerning Lot 24 of Crossroads Subdivision, Phase 1, located in Section 1, Township 3 South, Range 8 West, more specifically authorizing the following corrections to be made directly onto the Crossroads Subdivision, Phase 1, plat recorded in the DeSoto County Chancery Clerk's office in Plat Book 128 on Page 10, as follows:

1. Revise the bearing on the east side property line of Lot 24 **from** N 00° 44' 00" E **to** N 00° 44' 00" W.
2. Revise the dimension on the north front property line of Lot 24 **from** 88.98' **to** 92.32'.

Hernando Planning Commission  
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**PL-1513-REQUEST TO REZONE A 13.55 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF GREEN "T" ROAD, EAST OF MCINGVALE ROAD, AND WEST OF TCHULAHOMA ROAD, PARCEL NUMBER 207932000-0000700 IN SECTION 32, TOWNSHIP 2 SOUTH, RANGE 7 WEST, GREG DRUMWRGHT OF JOYCE ESTES, LLC, ON BEHALF OF RAYMOND WILSON, THE PROPERTY OWNER**

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Mark Knight lives next door to this property and is having many dirt and water issues during the construction process of the Fieldhouse project. He stated he is trying to be a good neighbor and needs some relief.

Greg Drumwright stated that there will be a drainage pipe installed, but it is on order and was supposed to be here 6 weeks ago. Once it arrives, it will be installed and will give the water flow an outlet.

Mr. Knight and Mr. Drumwright are in agreement that an open dialog is in place. They are working together to find solutions and keeping communication open.

Mayor Johnson suggested that they meet with him as things progress.

Motion was duly made by Alderman Robinson and seconded by Alderman Harris for approval to Rezone a 13.55-acre tract of land located on the north side of Green "T" Road, east of McIngvale Road, and west of Tchulahoma Road, more specifically known as Parcel Number 207932000-0000700 in Section 32, Township 2 South, Range 7 West, Greg Drumwright of Joyce Estes, L.L.C., on behalf of Raymond Wilson, the property-owner.

A vote was taken with the following results:

Those voting "Aye": Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, and Alderwoman Ross

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.



City of  
**Hernando**  
MISSISSIPPI

## BOARD OF ALDERMEN STAFF REPORT

**Project No.:** PL-1513  
**Request:** Zoning Map Amendment from the "A," Agricultural District to the "C-2," Highway Commercial District  
**Location:** North side of Green "T" Road, East of McIngvale Road and West of Tchulahoma Road in Section 32, Township 2 South, Range 7 West  
**Applicant:** Greg Drumwright with Joyce Estes L.L.C., representing Raymond Wilson, the owner of the property  
**Date:** July 20, 2021

### INTRODUCTION:

Mr. Greg Drumwright with Joyce Estes, L.L.C., representing Raymond Wilson, the owner of the property, is requesting the rezoning of a 13.55-acre parcel of land from the current zoning of the "A," Agricultural District to the "C-2," Highway Commercial District. The subject property (Parcel No. 207932000-00007.00) is located on the north side of Green "T" Road, between McIngvale Road and Tchulahoma Road.

The Future Land Use Map for the City's currently adopted General Development Plan identifies the subject property in the "Master Plan Residential – Low Density" land use designation. This category is to provide for modern, attractive, and efficient development with access needs that demand location along major arterial roadways. This category strives for the highest quality private- and public-sector development. This includes nodes at interchanges along the I-269/Highway 304 corridor. It does not allow distribution centers, and open space dedication is required, and clustering of residential uses encouraged.

The purpose of the Master Planned Residential – Low Density designation is intended to give the developer the ability to be flexible and creative for development of a residential project, while at the same time giving the City adequate control over the design and impact of the project. The MPR designation allows the developer, and the City, the opportunity for a well-integrated design that is responsive to the unique locational and physical features of a site.

It is intended that MPR designated land be developed based on an overall plan (master plan) prepared by the developers of the property and approved by the City. In instances where this designation covers contiguous parcels, all individual parcels should be included in the master planning effort. The master plan should detail the site and include Hernando General Development Plan 2007 - 2027 street improvements, as well as the timing (phasing) of the project. The overall plan will be evaluated upon its adequacy in the following areas: (1) Compatibility with the natural contours of the land and a drainage/erosion control plan that emphasizes water quality as well as erosion control and flooding issues. (2) The development is well connected to surrounding areas, with stub out streets on all sides. (3) The development provides a complete circulation system within the neighborhood. (4) The development preserves mature tree canopy as much as possible

and provides for appropriate street trees and landscaped entrance features. (5) The development provides a variety of housing types in a single project. (6) The development provides a residential pattern book detailing the quality of the architectural features of the housing units, accessory structures, lighting, landscaping, mailboxes, traffic signs, and amenity buildings and structures.

The zoning classification recommended by the General Development Plan for properties identified as the "Master Planned Residential – Low Density" land use designation is the Planned Unit Development District. Therefore, the applicant's request to rezone the property to the "C-2," Highway Commercial District, would not conform to the recommendations of the General Development Plan since the Plan recommends the Planned Unit Development District as the preferred zoning district for the MPR designated properties.

**DISCUSSION:**

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 addresses the following criteria for the zoning amendment.

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

**Applicant Response:** Current "A" zoning is less conducive to higher traffic and commercialization caused by construction of I-69 and the New McIngvale interchange/access.

**Staff Comments:** The applicant's request to rezone the subject property to the "C-2," Highway Commercial District does not conform to the recommendations of the City's adopted General Development Plan, which recommends the Planned Unit Development District as the preferred zoning district for properties identified as the "Master Planned Residential – Low Density" land use designation.

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

**Applicant Response:** The 2020 comprehensive plan recognizes the change caused by I-269 and McIngvale access and it supports changing "A" zoning to commercial zoning such as the request "C-2" zoning district.

**Staff Comments:** The current "A," Agricultural District zoning is not appropriate as it does not conform with the "Master Planned Residential – Low Density" land use designation recommended in the Future Land Use Plan. However, although the General Development Plan does recognize I-269 and its impacts, it does not recommend commercial zoning for the properties in this area.

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.

Hernando Planning Commission  
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**Applicant Response:** The 2020 Comprehensive Plan shows this area to be developed as suburban corridor and transitioning to suburban center to the south with preferred commercial land uses such as retail, dining, personal services and offices.

**Staff Comments:** The key to this criterion is whether changes have occurred that **were not anticipated** by the General Development Plan. The adopted General Development Plan included the proposed interchange between McIngvale Road and Interstate 269 and evaluated its impacts in identifying the land use designations of the properties in this area. In this instance, the subject property and all of the property to the north and east of the subject property falls within the “Master Planned Residential – Low Density” land use designation, while to the south of Green “T” Road is the Madison Lakes PUD. Therefore, these changes **were anticipated** by the General Development Plan in establishing these land use designations. Finally, it should also be noted that the, as yet unadopted, 2020 Comprehensive Plan designates these same properties for “Suburban Neighborhood – Medium Density” land use, not as commercial.

**STAFF COMMENTS:**

1. This request is for a rezoning of the subject property from the “A,” Agricultural District to the “C-2,” Highway Commercial District.
2. Any future division of the property shall occur through the subdivision process as defined in the City of Hernando Subdivision Regulations. Because the “C-2” district is not a planned district, such as “PUD” or an overlay district, subdivision plat approval is not a part of this request.
3. Copies of the “A,” Agricultural District and the “C-2,” Highway Commercial District regulations from the Zoning Ordinance are attached for your review. In evaluating this rezoning request, the Board should keep in mind that it is less important what the applicant may be specifically proposing to use the property for, and more importantly as to all of the uses permitted in the “C-2” district and what the subject property could be potentially used at some point in the future, and the appropriateness of those commercial uses in light of the adjacent surrounding land uses.
4. In evaluating this rezoning application, the staff would note that since the Madison Lakes PUD is located south of Green “T” Road, the land use there is relatively fixed. However, as noted above, the subject property and all of the property to the north and west of the subject property are all large acreage properties that fall within the Master Planned Residential – Low Density land use designation. If the Commission should consider approving the requested rezoning to the “C-2” district the question that the Commission must ask is how far east along Green “T” Road will any future commercial zoning be considered?
5. The Planning Commission reviewed this request by Greg Drumwright on behalf of the property-owner, Raymond Wilson, for a Rezoning of a 13.55-acre parcel of land, known as (Parcel No. 207932000-00007.00), being located on the north side of Green “T” Road, between McIngvale Road and Tchulahoma Road in Section 32, Township 2 South, Range 7 West, from its current zoning of the “A,” Agricultural District to the “C-2,” Highway Commercial District, at their meeting on June 8, 2021, and voted unanimously, with Commissioner Wicker

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abstaining from the vote, to recommend **denial** of the Rezoning request to the Board of Aldermen, based upon the findings specified below under the proposed "Motion to Deny."

**PROPOSED MOTION:**

***Motion to Approve:***

A motion to approve the rezoning of Parcel No. 207932000-00007.00, the Raymond Wilson property, which is a 13.55-acre tract located on the north side of Green "T" Road, east of McIngvale Road and west of Tchulahoma Road, in Section 32, Township 2 South, Range 7 West, from the "A," Agricultural District to the "C-2," Highway Commercial District, based upon the following findings:

1. How the proposed amendment would conform to the General Development Plan.  
The subject property is zoned "A" which is an agricultural district with a minimum lot size of 1.5 acres. The current "A" zoning is less conducive to higher traffic and commercialization caused by construction of I-69 and the New McIngvale interchange/access.
2. Why the existing zoning district classification of the property in question is inappropriate or improper.  
The 2020 comprehensive plan recognizes the change caused by I-269 and McIngvale access and it supports changing "A" zoning to commercial zoning, such as the requested "C-2" zoning district.
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.  
The 2020 Comprehensive Plan shows this area to be developed as suburban corridor and transitioning to suburban center to the south with preferred commercial land uses such as retail, dining, personal services and offices.

***Motion to Deny:***

A motion to deny the request to rezone Parcel No. 207932000-00007.00, the Raymond Wilson property, which is a 13.55-acre tract located on the north side of Green "T" Road, east of McIngvale Road and west of Tchulahoma Road, in Section 32, Township 2 South, Range 7 West, from the "A," Agricultural District to the "C-2," Highway Commercial District, based upon the following findings:

1. How the proposed amendment would conform to the General Development Plan.  
The applicant's request to rezone the subject property to the "C-2," Highway Commercial District does not conform to the recommendations of the City's adopted General Development Plan, which recommends the Planned Unit Development District as the preferred zoning district for properties identified as the "Master Planned Residential – Low

Hernando Planning Commission  
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Density” land use designation, which would also require submission of a master plan for the entire development as part of the rezoning approval process.

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

The current “A,” Agricultural District zoning is not appropriate as it does not conform with the “Master Planned Residential – Low Density” land use designation recommended in the Future Land Use Plan. However, although the General Development Plan does recognize I-269 and its impacts, it does not recommend commercial zoning for the properties in this area.

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.

The key to this criterion is whether changes have occurred that were not anticipated by the General Development Plan. The adopted General Development Plan included the proposed interchange between McIngvale Road and Interstate 269 and evaluated its impacts in identifying the land use designations of the properties in this area. In this instance, the subject property, and all of the property to the north and east of the subject property, falls within the “Master Planned Residential – Low Density” land use designation, while to the south of Green “T” Road is the Madison Lakes PUD. Therefore, these changes were anticipated by the General Development Plan. Finally, it should also be noted that the, as yet, unadopted, 2020 Comprehensive Plan designates these same properties for “Suburban Neighborhood – Medium Density” land use, not as commercial.

***Motion to Table:***

The Board of Aldermen may wish to table the item to the next regularly scheduled meeting in the event the Board should feel that they need additional information submitted by the applicant or if the Board feels that they need more time to consider the request.

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**PL-1531- REQUEST FOR FINAL PLAT APPROVAL FOR THE KROGER CENTER, SECOND REVISION LOCATED ON THE NORTHEAST CORNER OF MT. PLEASANT ROAD AND EAST COMMERCE STREET, KNOWN AS 2380 MT. PLEASANT ROAD, IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 7 WEST, CREATING A NEW LOT 4. CURRENTLY ZONED “C-2”, HIGHWAY COMMERCIAL DISTRICT-ANDREW RICHARDSON WITH R&H ENGINEERING ON BEHALF OF DAVID KELLY, MULTISITE PROPERTIES, LLC, OWNER OF THE PROPERTY**

Motion was duly made by Alderman Piper and seconded by Alderman Robinson for Final Plat Approval for the Kroger Center, Second Revision located on the northeast corner of Mt. Pleasant Road and East Commerce Street, more specifically known as 2380 Mt. Pleasant Road, in Section 18, Township 3 South, Range 7 West, creating a new Lot 4. The property is currently zoned in the “C-2,” Highway Commercial District – Andrew Richardson with R&H Engineering, on behalf of David Kelly, Multisite Properties, L.L.C., owner of the property.

A vote was taken with the following results:

Those voting "Aye": Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, and Alderman Piper

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021.



City of  
**Hernando**  
MISSISSIPPI

## BOARD OF ALDERMEN STAFF REPORT

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**Project No.:** PL-1531  
**Request:** Final Plat Approval for Kroger Center, Revision 2  
**Location:** Northeast Corner of Mt. Pleasant Road and East Commerce Street, more specifically known as 2380 Mt. Pleasant Road, in Section 18, Township 3 South, Range 7 West  
**Applicant:** Andrew Richardson with R&H Engineering, on behalf of David Kelly, Multisite Properties, L.L.C., owner of the property  
**Date:** July 20, 2021

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### INTRODUCTION:

Mr. Andrew Richardson with R&H Engineering, on behalf of David Kelly, Multisite Properties, L.L.C., owner of the property, is requesting Final Plat approval for the Kroger Center, Second Revision. The currently recorded plat consists of 3 lots, while the proposed revision will create a new Lot 4. The subject property consists of 23.41 acres located on the northeast corner of Mt. Pleasant Road and East Commerce Street in Section 18, Township 3 South, Range 8 West, and is more specifically known as 2380 Mt. Pleasant Road. The property designated as Lot 4 on the proposed revision is currently vacant. and zoned in the "C-2," Highway Commercial District

### DISCUSSION:

The original Kroger Center Subdivision plat was approved by the Planning Commission on December 14, 1999, and subsequently by the Board of Aldermen on December 21, 1999, and finally recorded in the DeSoto Count Chancery Clerks office on September 20, 2000.

A Replat of the Kroger Center Subdivision (PL-1096) was approved by the Planning Commission on April 14, 2015, approved by the Board of Aldermen on May 5, 2015, and was recorded in the DeSoto County Chancery Court Clerk's office on October 2, 2015.

The final plat for Kroger Center Revision 1 (PL-1207) was approved by the Planning Commission on January 10, 2017, approved by the Board of Aldermen on October 17, 2017, and was recorded in the DeSoto Count Chancery Clerks office on November 1, 2017.

A previous Kroger Center Revision 2 (PL-1358) was approved by the Planning Commission on November 13, 2018, and subsequently by the Board of Aldermen on November 20, 2018, but never recorded.

The applicant's request is for final plat approval of a new Second Revision of the Kroger Center Subdivision, that proposes to subdivide Lot 1 into two (2) lots. The portion of Lot 1 that was the

former location of the Kroger Fuel Center along the East Commerce Street frontage of the property is proposed to be removed from Lot 1 and re-designated as Lot 4. The existing drive access to East Commerce Street is to remain a part of Lot 1 and will be designated as an ingress/egress easement. Lot 1 will contain the area around the existing fuel center ground sign.

**STAFF COMMENTS:**

1. All of the development's public improvements are in place.
2. The Planning Commission reviewed this request for a Final Plat approval for Kroger Center, Second Revision, consisting of 4 lots on 23.41 acres located on the northeast corner of Mt. Pleasant Road and East Commerce Street in Section 18, Township 3 South, Range 8 West, more specifically known as 2380 Mt. Pleasant Road, at their meeting on July 13, 2021, based upon a finding that the submitted final plat generally conforms to the approved preliminary plat for the development, and meets the requirements of the City's codes and ordinances, the Commission voted unanimously to recommend **approval** of the Final Plat request to the Board of Aldermen.

**PROPOSED MOTION:**

Motion to grant Final Plat approval for the Kroger Center, Second Revision, a 23.41 acre, 4-lot commercial subdivision located on the northeast corner of Mt. Pleasant Road and East Commerce Street in Section 18, Township 3 South, Range 7 West, based upon a finding that the submitted final plat generally conforms to the approved preliminary plat for the development, and conforms to the requirements of the City's codes and ordinances.

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**PL-1532-REQUEST FOR PRELIMINARY AND FINAL PLAT APPROVAL, WAMPLER 2-LOT SUBDIVISION, 2 RESIDENTIAL LOTS ON 1.49 ACRES LOCATED ON THE NORTHEAST CORNER OF GWYNN ROAD AND NESBIT ROAD IN SECTIONS 25 & 26, TOWNSHIP 2 SOUTH, RANGE 8 WEST, ZONED "R-20," SINGLE-FAMILY RESIDENTIAL DISTRICT-BEN SMITH, WITH IPD CIVIL ENGINEERING, ON BEHALF OF MS. SANDRA WAMPLER, THE PROPERTY OWNER.**

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Motion was duly made by Alderman Harris and seconded by Alderman Wicker to approve as written in the Staff Report.

A vote was taken with the following results:

Those voting "Aye": Alderwoman Lynch, Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, and Alderman Harris

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021



**City of  
Hernando**  
MISSISSIPPI

**BOARD OF ALDERMEN  
STAFF REPORT**

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**Project No.:** PL-1532  
**Request:** Preliminary and Final Plat approval for Wampler 2-Lot Subdivision  
**Location:** Northeast corner of Gwynn Road and Nesbit Road in Sections 25 & 26, Township 2 South, Range 8 West  
**Applicant:** Ben Smith with IPD Civil Engineering, representing Ms. Sandra Wampler, the owner of the property  
**Date:** July 20, 2021

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**INTRODUCTION:**

Mr. Ben Smith with IPD Civil Engineering, representing Ms. Sandra Wampler, the owner of the property, is requesting preliminary and final plat approval for Wampler 2-Lot Subdivision, the subdivision of a 1.49-acre parcel of land. The subject property is currently zoned in the "R-20," Residential Single-Family District (Low Density), which has a minimum lot size of 20,000 sq. ft. Lot 1, which contains the existing residence, will consist of 25,922 sq. ft., or 0.60-acres, while Lot 2, which is currently vacant, will consist of 34,150 sq. ft., or 0.78-acres. Each lot meets the required development regulations of the "R-20" District.

Minimum Lot Size	20,000 sq. ft.
Minimum Lot Width	75 ft.
Front Yard Setback	30 ft.
Side Yard Setback	15 ft. each side
Rear Yard Setback	25 ft.
Minimum Building Height	35 ft.

Lot 1 will have direct access to Gwynn Road along 105.80 feet of frontage, while Lot 2 will have access to both Gwynn Road along 123.86 feet of frontage and to Nesbit Road along 184.02 feet of frontage. Both lots have access to sanitary sewer service through the City of Hernando and centralized water service through the Nesbit Water Association. The subject property is located on the northeast corner of Gwynn Road and Nesbit Road.

**STAFF COMMENTS:**

1. This request is for a subdivision of land. The question of the zoning of the subject property to the "R-20," Residential Single-Family (Low Density) District has already been established by the approval of that zoning by the Board of Aldermen on June 15, 2021.
2. Because this is considered a "minor" subdivision (a division of 4-lots or less), preliminary and final plat approval can be granted as a single action rather than separate actions.

3. The staff would draw your attention to Standard Condition of Approval #3, below, which addresses the installation of public improvements, particularly as it relates to road and sidewalk improvements along Nesbit and Gwynn Roads. The Commission voted unanimously to recommend that the Board of Aldermen waive the road and sidewalk improvements on both Gwynn Road and Nesbit Road. The Commission noted that there are currently no road or sidewalk improvements on this segment of Gwynn Road, which is largely characterized by other large-lot single family residential development without curb, gutter, and sidewalks. Additionally, the Board of Aldermen approved the 4-lot Duley Subdivision on the west side of Gwynn Road, across from the Wampler property, on February 9, 2021, and also waived the road and sidewalk improvements in that case, as well.

On Nesbit Road, although there are some curb, gutter, and sidewalk improvements, they are essentially along Winningham Estates, a large, smaller lot, single-family residential subdivision, as well as a few nearby commercial and industrially zoned projects on the south side of Nesbit Road. None of the areas where improvements have been made on Nesbit Road adjoin the Wampler property, which is separated from it by either the road, itself, or other residential properties zoned in the "A," Agricultural District.

The Commission also noted that this is only a 2-lot subdivision, with the applicant living in the existing residence on Lot 1. Even though it is the intent of the applicant to sell Lot 2, the Commission questioned whether there would be an economic return sufficient in size to cover the cost of road and sidewalk improvements to both of the roads.

Finally, the Commission also noted that the proposed final plat reflects the required dedication of the right-of-way for both Gwynn and Nesbit Roads, which will provide for the improvement of the roads by the City at some point in the future without the need to secure additional right-of-way at that time.

The Board of Aldermen may approve the following motion with Standard Condition of Approval #3, "as is," requiring improvements on both roads, or the Board may waive the road and/or sidewalk improvements on one or both of the roads in this case.

4. The Planning Commission reviewed this request for a Final Plat approval for Wampler 2-Lot Subdivision, consisting of 2 lots on 1.49 acres located on the northeast corner of Gwynn Road and Nesbit Road in Sections 25 & 26, Township 2 South, Range 8 West, at their meeting on July 13, 2021, based upon a finding that the submitted final plat generally meets the requirements of the City's codes and ordinances; therefore, the Commission voted unanimously to recommend **approval** of the Final Plat request to the Board of Aldermen, subject to the conditions of approval specified below, further recommending that Standard Condition of Approval #3 be revised to waive the road and sidewalk improvements on both Gwynn Road and Nesbit Road.

**PROPOSED MOTION:**

A motion to approve the final plat for the Wampler 2-Lot Subdivision, a division of Parcel No. 208726010-00030.00, which is a 1.49-acre tract located on the northeast corner of Gwynn Road and Nesbit Road, in Sections 25 & 26, Township 2 South, Range 8 West, into two lots currently zoned in the "R-20," Residential Single-Family District (Low Density), based upon a finding that

Hernando Planning Commission  
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the submitted plat conforms to the requirements of the City's ordinances, and subject to the following conditions:

1. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
2. Grading, drainage, and engineering construction plans shall be submitted to the Office of Planning for review and approval by the City Engineer and Public Works Director.
3. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, including ½ the right-of-way of Nesbit Road and Gwynn Road, to the extent that those roads border the subdivision, before the plat of the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to recording the final plat, any Public Improvements shall be installed, completed, and accepted by the City of Hernando.

OR

*(Planning Commission Alternative)* The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, ~~curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, including ½ the right-of-way of Nesbit Road and Gwynn Road, to the extent that those roads border the subdivision,~~ before the plat of the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. ~~This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks.~~ Prior to recording the final plat, any Public Improvements shall be installed, completed, and accepted by the City of Hernando.

4. Streetlights shall be installed at the developer's expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
5. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
6. No relocated buildings will be allowed.
7. Following Final Plat Approval by the Board of Aldermen, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
8. Following Final Plat Approval by the Board of Aldermen and prior to the beginning of construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements.
9. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning.

Hernando Planning Commission  
Page 3 of 3

### APPROVE UTILITY ADJUSTMENTS

Motion was duly made by Alderman Robinson and seconded by Alderman Piper to approve Utility Adjustments for Shannon Cummings for \$617.88.

A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, and Alderwoman Lynch.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021

Utility Bill Adjustment Docket  
7/20/2021

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

1  
2  
3  
4  
5

House #	Street	Adjusted Amount	Reason for Leak Adjustment
350	Bedford Lane	617.88	Leak was on the outside of the house

7-15-21  
 APPROVED *[Signature]*  
 APPROVED due to leak being on the outside of the house.

**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) Karen Gutierrez  
 Name as it appears on bill Shannon Cummings  
 Service address 350 Bedford Lane, Hernando MS  
 Daytime phone number ( ) 901-652-9422  
 Do you rent the property at this service address? N If yes, the property owner or manager must complete the remainder of this form.

**REPAIR INFORMATION** (please print)  
 Property owner or managers name Shannon Cumings Date of repair 5/20/21  
 Daytime phone number ( ) 901-652-9422  
 Type of repair and location of property Repair of broken pipe on swimming pool auto-fill. Owners were out of town at time of initial incident. Repair took place under warranty, hence \$0 invoice attached.

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 Shannon D. Cummings

For Office use only  
 Account Number 09-8067651 billing period's ending 6-30-21  
 Prior (6) month average gallons = \_\_\_\_\_ x 2 = \_\_\_\_\_ (A) 123 - 9 = 114  
 Total gallons for two consecutive highest bills = \_\_\_\_\_ (B) \$ 617.88  
 Gallons water and sewer adjustments = (B - A) divided by 2 = \_\_\_\_\_ (C)

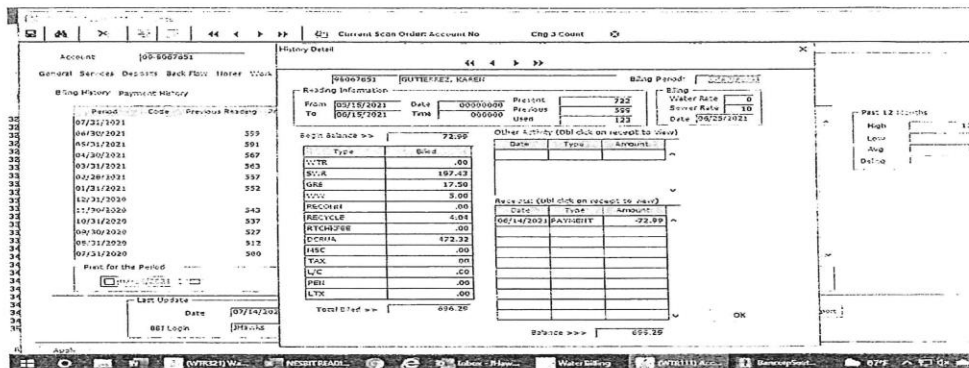


Butler Pool & Spa  
4857 Bynolia Rd  
Hernando, MS 38632 US  
butlerpoolandspa@gmail.com

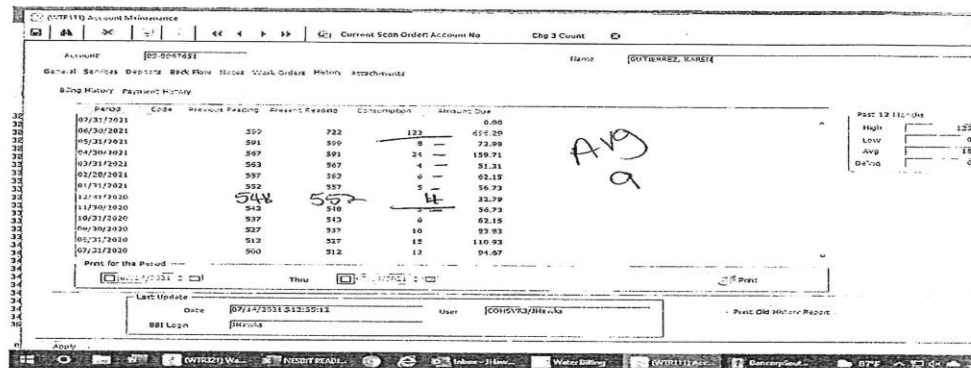
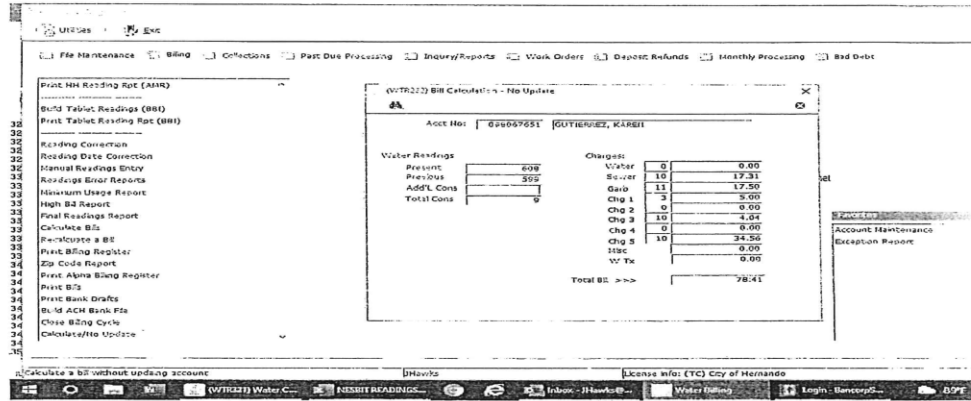
Shannon Cummings  
350 Bedford Ln  
Hernando, Ms 38632

2109  
06/20/2021  
Net 15  
06/21/2021

Warranty Service	Auto Fill busted.	repair and replace pipes.	1	0.00	0.00
					<b>\$0.00</b>
					<b>PAID</b>



180.12  
 437.76  
 -----  
 \$ 617.88 credit



123  
9  
---  
114

**APPROVE UTILITY ADJUSTMENT FOR JEREMY WILLIAMS**

Motion was duly made by Alderman Wicker and seconded by Alderman Ross to approve Utility Adjustments for Jeremy Williams for \$2,281.23.

A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, and Alderwoman Lynch.

Those voting "Nay": None.  
ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021

Mr. Jeremy Williams' leak repair was reviewed at the May 5, 2021 Board Meeting. His claim was denied largely because Mr. Williams was not present at the meeting.  
However, Mr. Williams was not present at the Board Meeting because the City of Hernando neglected to inform him that his presence was recommended.  
For this reason, the Board of Aldermen will review the claim again.



Tabled to may 4<sup>th</sup> TO Katie 4-30-21

TO Lee Approved 4-17-21  
TO Katie 4-9-21

WATER LEAK REPAIR VERIFICATION  
City of Hernando Utility Department  
475 W Commerce St  
Hernando, MS 38632  
662-429-9092

Names as it appears on bill Jeremy Chance Williams  
Service Address 3105 Lambert  
Phone Number 901-486-1228  
Customer Account# 06-3300521

Called 5-5-21

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

Property owner or manager Name & Phone # Chance Williams 901-486-1228  
Date of Repair 4/6/21

Repaired by Williams Mechanical

Explanation & Location of Leak Because of the cold snap, water lines burst in the attic, ~~water~~ outside under a new addition and a exterior hose bib. The house is vacant.

PLEASE READ AND INITIAL THE STATEMENTS BELOW BEFORE SIGNING.

APPLYING FOR A LEAK ADJUSTMENT DOES NOT PREVENT YOUR SERVICES FROM BEING DISCONNECTED. You are still responsible for paying your bill as normal. You will be contacted by the office once the adjustment is complete.

I have attached a receipt for the repairs with the leak adjustment form. (The receipt must show the leak was outside.)

I understand that the leak adjustment must be approved by the board. If it is not approved by the board, I will be responsible for the balance.

I understand that I am only eligible for one leak adjustment per 12 months. THERE ARE NO EXCEPTIONS TO THIS POLICY.

Customer Signature \_\_\_\_\_ Date 4-7-21

For Office Use Only

Account Number 06-3300521 Billing Period Ending 3/31/21  
High month usage 357 minus 6 month average 0 = Amount of Adjustment 357

\$ 2,281.23 Credit  
(Denied) Per Katie

**Williams Mechanical and Property Maintenance LLC**  
 732 shadow view dr  
 Hernando, MS 38632 US  
 williams.maintenance602@gmail.com

**INVOICE**

BILL TO  
**Chance Williams**

INVOICE DATE: **Lambert 04/06/2021**  
 DUE DATE: **04/06/2021**

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
	Service call	Service call	1	65.00	65.00
	Maintenance labor	Capped off lines that busted in attic area , under the conventional area of master bathroom and an exterior hose bib at the back of the house. Job completed	1	195.00	195.00

BALANCE DUE **\$260.00**

Period	Code	Previous Reading	Present Reading	Consumption	Amount Due
04/30/2021	10		1112	237	0.00
03/31/2021	10	855	855		2,322.48
02/28/2021	10	855	855		41.25
01/31/2021	10	855	855		41.25
12/31/2020	10	855	855		41.25
11/30/2020	10	855	855		41.25
10/31/2020	10	855	855		41.25
09/30/2020	10	855	855		41.25
08/31/2020	10	855	855		41.25
07/31/2020	10	855	855		41.25
06/30/2020	10	855	855		41.25
05/31/2020	10	855	855		41.25
04/30/2020	10	855	855		41.25

Past 12 Months Summary:  
 High: 237  
 Low: 0  
 Avg: 21  
 Delta: 0

Last Update: Date 03/13/2020@09:39:32 User [COHSVRJ/JHawks]  
 BBI Login [JHawks] Print Old History Report

\$ 2322.48  
 - 41.25  
 \$ 2281.23 Credit

Period	Code	Previous Reading	Present Reading	Consumption	Amount Due
04/30/2021	10	1112	1112		41.25
03/31/2021	10	855	1112	257	2,322.48
02/28/2021	10	855	855		41.25
01/31/2021	10	855	855		41.25
12/31/2020	10	855	855		41.25
11/30/2020	10	855	855		41.25
10/31/2020	10	855	855		41.25
09/30/2020	10	855	855		41.25
08/31/2020	10	855	855		41.25
07/31/2020	10	855	855		41.25
06/30/2020	10	855	855		41.25
05/31/2020	10	855	855		41.25
04/30/2020	10	855	855		41.25

**CONSENT AGENDA ITEM I**

- I. Authorize Dewayne Williams, Dolly Brechin, Michael Carson and Brennan Robertson to attend the NRPA National convention on September 20-23 in Nashville, TN and authorize to pay registration and travel expenses.

Motion was duly made by Alderman Wicker with no second was mad to send only one person to the NRPA National convention.  
No vote was taken.

**CONSENT AGENDA ITEM I**

- I. Authorize Dewayne Williams, Dolly Brechin, Michael Carson and Brennan Robertson to attend the NRPA National convention on September 20-23 in Nashville, TN and authorize to pay registration and travel expenses.

Motion was duly made by Alderman Harris and seconded by Alderman Wicker to Table Item I on the consent agenda until concerns of sending so many at one time are assessed.

A vote was taken with the following results:

Those voting "Aye": Alderman Miller, Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, and Alderwoman Lynch.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021

**AUTHORIZE TO GO INTO CLOSED SESSION TO DISCUSS GOING INTO EXECUTIVE SESSION FOR DISPATCH PERSONNEL**

Motion was duly made by Alderman Robinson and seconded by Alderman Wicker to closed session to discuss going into executive session for Dispatch Personnel.

A vote was taken with the following results:

Those voting "Aye": Alderman Robinson, Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021

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**AUTHORIZE TO GO INTO EXECUTIVE SESSION FOR DISPATCH PERSONNEL**

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Motion was duly made by Alderwoman Wicker and seconded by Alderman Robinson to go into executive session for Dispatch Personnel.

A vote was taken with the following results:

Those voting "Aye": Alderman Wicker, Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, and Alderman Robinson

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021

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**AUTHORIZE TO COME OUT OF CLOSE EXECUTIVE SESSION**

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Motion was duly made by Alderwoman Miller and seconded by Alderman Wicker to come out of executive session for Dispatch Personnel.

A vote was taken with the following results:

Those voting "Aye": Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, and Alderman Wicker

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021

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**EXECUTIVE SESSION-DISPATCH PERSONNEL**

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Motion was duly made by Alderwoman Miller and seconded by Alderman Wicker to immediately terminate Rose Stapleton who was hired as part time at the 7/6/2021 Board Meeting. She was a no call no show, and HR Director Julie Gates will have supporting documentation on actions taken.

A vote was taken with the following results:

Those voting "Aye": Alderwoman Ross, Alderman Piper, Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Robinson, and Alderman Wicker

Those voting "Nay": None.

ORDERED AND DONE this the 20<sup>th</sup> day of July, 2021

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**ADJOURN**

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

Motion passed with a unanimous vote of "Aye".

RESOLVED AND DONE, This 20<sup>th</sup> day of July, 2021

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MAYOR CHIP JOHNSON

ATTEST:

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PAM PYLE, CITY CLERK