

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, April 2, 2019 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: City Clerk Katie Harbin, City Attorney Kenneth Stockton, City Engineer Joe Frank Lauderdale, Police Chief Scott Worsham, Planning Director Keith Briley, Director of Economic and Community Development Gia Matheny, Court Clerk Cassandra Perry, Public Works Director Bobby Burton, Parks and Recreation Director Dewayne Williams, Bubba R Early, Jr., David Trusty, Larry McKibben, Shirley McLendon, Collins Simpson, Bernard Wade, and Bob Bakken

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Higdon gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

April 2, 2019

6:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approve Agenda
- 5) Approve Docket of Claims No.'s 29779 - 30071
- 6) Approve Minutes
- 7) Consent Agenda
 - A) Authorize the SWAT team to attend the Hostage Rescue High Risk Warrant Course in Byhalia, MS on June 11-14, 2019, also authorize to pay registration
 - B) Authorize to accept a donation from Kim Derryberry in the amount of \$205.25 for vetting services for Big Mac
 - C) Authorize to accept a donation from Elizabeth Spell in the amount of \$60.00 for vetting services for Athena
 - D) Authorize to accept a donation from Kayla Hall in the amount of \$90.00 for vetting services for Apollo
 - E) Authorize to accept a donation from Julia Arnold in the amount of \$30.00 for vetting services for Lucy
- 8) Recognize Hernando High School Band for winning the State Championship in 6A division Mississippi High School Athletic Association

- 9) Request from Desoto County Museum for funding
- 10) Authorize to promote Jeffery Hunter Means to the rank of Paramedic at the rate of \$14.81 per hour
- 11) Authorize to give Quamin Moore in the Parks Department a performance raise of \$.50 per hour
- 12) Authorize to give Charles Nelson a 90-day step increase to \$19.00 per hour with a re-evaluation after another 90 days
- 13) Authorize to give Windell Mclain a step increase to \$16.00 per hour with a re-evaluation after 90-days, for added responsibility
- 14) Authorize to give Michael Dyer, Assistant Public Works Director, a pay increase to \$57,500 per year for acquiring spray license
- 15) Authorize to hire Benard Wade as a Certified Full time Police Officer
- 16) Authorize to hire Tyrone Towns in the Parks Department at a rate of \$10.00 per hour
- 17) Authorize to hire Hunter Williams in the Parks Department at a rate of \$10.00 per hour
- 18) Authorize Mayor Ferguson to sign a service agreement with Holly Bigham for Tennis Instructor services
- 19) Authorization to release the Bond/Letter of Credit of the Old Hickory Clay Company for their haul route through the City of Hernando because they are now able to access I-269 and will no longer need to route through the City (tabled 3-19-19)
- 20) Request by Mr. Larry McKibben and Mr. Matthew Baker to have the City of Hernando abandon the right-of-way of an undeveloped street between Lot 7 and Lot 8 of the Juanita Acres Subdivision being located south of Pleasant Hill Road on the east side of Hall Road in Section 30, Township 2 South, Range 7 West
- 21) Adoption of a Tree Ordinance
- 22) Presentation of the Hernando Square Project
- 23) Authorize Fire Department to collect donations for the MDA "Fill the Boot" at intersections to be determined by Fire Chief (at the intersection of Getwell Rd and Byhalia Rd and the intersection of Getwell Rd and Pleasant Hill Rd)
- 24) Authorize Mayor Ferguson to sign a contract with Greg Roberts Fire Hydrant Repair & Supply for servicing fire hydrants
- 25) Authorize the City to apply for the United States Tennis Association and United States Tennis Association Mississippi grants
- 26) Authorize Mayor Ferguson to sign an engagement letter with Fortenberry & Ballard fye 2018 auditing services
- 27) Authorize to bid for Street Paving Overlays
- 28) Authorize the Parks Department to purchase a 2008 Chevrolet Truck, VIN 1GCHC29K78E163737, Unit 429 from the Public Works Department in the amount of \$1,500

- 29) Authorize the Parks Department to purchase a 2017 Dodge Ram 2500, VIN 3C6UR5CJ7HG668031, Unit 425 from the Public Works Department in the amount of \$23,500
- 30) Authorize to adjust utility bill for Carren Krusleski
- 31) Authorize City Engineer to identify and survey the location for the new animal shelter, and boring the soil
- 32) Adopt Resolution of the City of Hernando, Mississippi authorizing the entering into an Interlocal Agreement with Nesbit Water Association, Inc.
- 33) Executive Session for Negotiations and Litigation
- 34) Adjourn

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019.

APPROVE DOCKET OF CLAIMS NO.'S 29779 - 30071

The Board of Aldermen were presented with a docket of claims No. 29779 – 30071 in the amount of \$2,089,198.89 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019.

**APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD MEETING
ON MARCH 19, 2019**

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 March 19, 2019. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019.

CONSENT AGENDA

- A) Authorize the SWAT team to attend the Hostage Rescue High Risk Warrant Course in Byhalia, MS on June 11-14, 2019, also authorize to pay registration
- B) Authorize to accept a donation from Kim Derryberry in the amount of \$205.25 for vetting services for Big Mac
- C) Authorize to accept a donation from Elizabeth Spell in the amount of \$60.00 for vetting services for Athena

- D) Authorize to accept a donation from Kayla Hall in the amount of \$90.00 for vetting services for Apollo
- E) Authorize to accept a donation from Julia Arnold in the amount of \$30.00 for vetting services for Lucy

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

RECOGNIZE HERNANDO HIGH SCHOOL BAND FOR WINNING THE STATE CHAMPIONSHIP IN 6A DIVISION MISSISSIPPI HIGH SCHOOL ATHLETIC ASSOCIATION

The Mayor and Board recognized the Hernando High School Band for winning the State Championship in a 6A Division Mississippi High School Athletic Association, with a proclamation/resolution (not presented at meeting).

Motion was duly made by Alderman McLendon and seconded by Alderwoman Brooks to recognize the Hernando High School Band for winning the State Championship in 6A Division Mississippi High School Athletic Association with a proclamation/resolution (provided at a later date). A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

REQUEST FROM THE DESOTO COUNTY MUSEUM FOR FUNDING

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to approve the request from the Desoto County Museum for funding in the amount of \$6,000.00, to help promote the City of Hernando. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE TO PROMOTE JEFFERY HUNTER MEANS TO THE RANK OF PARAMEDIC AT THE RATE OF \$14.81 PER HOUR

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to promote Jeffery Hunter Means to the rank of Paramedic at the rate of \$14.81 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Fire/EMS Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

**AUTHORIZE TO GIVE QUAMIN MOORE IN THE PARKS DEPARTMENT A
PERFORMANCE RAISE OF \$0.50 PER HOUR**

Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to authorize to give Quamin Moore in the Parks Department a performance raise of \$0.50 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Parks Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

**AUTHORIZE TO GIVE CHARLES NELSON A 90-DAY STEP INCREASE TO \$19.00
PER HOUR WITH A RE-EVALUATION AFTER ANOTHER 90 DAYS**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to give Charles Nelson a 90-day performance step increase to \$19.00 per hour with a re-evaluation after another 90 days, following the recommendation of the Personnel Committee, based on the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

**AUTHORIZE TO GIVE WINDELL MCLAIN A STEP INCREASE TO \$16.00 PER
HOUR WITH A RE-EVALUATION AFTER 90 DAYS, FOR ADDITIONAL DUTIES**

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to authorize to give Windell McLain a step increase to \$16.00 per hour with a re-evaluation after 90 days, for additional duties, following the recommendation of the Personnel Committee, based on the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

**AUTHORIZE TO MICHAEL DYER, ASSISTANT PUBLIC WORKS DIRECTOR, A
PAY INCREASE TO \$57,500 PER YEAR, FOR ACQUIRING SPRAY LICENSE**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to give Michael Dyer, Assistant Public Works Director, a pay increase to \$57,500 per year, for acquiring spray license, following the recommendation of the Personnel Committee, based on the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE TO HIRE BENARD WADE AS A FULL TIME CERTIFIED POLICE OFFICER

Motion was duly made by Alderman Higdon and seconded by Alderman McLendon to authorize to hire Benard Wade as a full time Certified Police Officer, following the recommendation of the Personnel Committee, based on the recommendation of the Police Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE TO HIRE TYRONE TOWNS IN THE PARKS DEPARTMENT AT A RATE OF \$10.00 PER HOUR

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to authorize to hire Tyrone Towns in the Parks Department at a rate of \$10.00 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Parks Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE TO HIRE HUNTER WILLIAMS IN THE PARKS DEPARTMENT AT A RATE OF \$10.00 PER HOUR

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to authorize to hire Hunter Williams in the Parks Department at a rate of \$10.00 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Parks Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE MAYOR FERGUSON TO SIGN A SERVICE AGREEMENT WITH HOLLY BIGHAM FOR TENNIS INSTRUCTOR SERVICES

Motion was duly made by Alderman McLendon and seconded by Alderman Bryant to authorize Mayor Ferguson to sign a service agreement with Holly Bigham for Tennis Instructor Services. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZATION TO RELEASE THE BOND/LETTER OF CREDIT OF THE OLD HICKORY CLAY COMPANY FOR THEIR HAUL ROUTE THROUGH THE CITY OF HERNANDO BECAUSE THEY ARE NOW ABLE TO ACCESS I-269 AND WILL NO LONGER NEED TO ROUTE THROUGH THE CITY

Planning Director Keith Briley presented the staff report.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.:

Request: Release of Road Maintenance Bond
Location: Hernando, MS
Applicant: David Gavin, Old Hickory Clay Company
Date: April 2, 2019

The request is for the Board of Aldermen to release the Road Maintenance Bond that was required of the Old Hickory Clay Company for the use of the City of Hernando's streets as their haul route from the mining location on Getwell Road. The site is located on the west side of Getwell Road, north of Holly Springs Road, and south of Bright Road. The request is made because I-269 allows them to gain interstate highway access without traveling through the heart of the city.

Attachments:

1. Email I received from Mr. Gavin requesting release of the bond
2. Copies of the Letter of Credit
3. Maps from Mr. Gavin illustrating the existing and proposed haul routes

Alderwoman Brooks asked how much damage do we need to be concerned about.

Joe Frank Lauderdale stated that the kind of trucks they use, cause the least amount of damage. They shouldn't be bad on roads.

Mayor Ferguson stated that trying to prove it was them would be difficult.

Alderman Hobbs asked Joe Frank what his recommendation is.

Joe Frank Lauderdale answered that he doesn't see where a bond is necessary.

Alderman McLendon asked how much was the bond.

Joe Frank Lauderdale stated he's trying to figure that out.

Mayor Ferguson stated that he doesn't see it being beneficial.

Joe Frank Lauderdale that its not expired until October.

Alderman Hobbs asked if there is any reason to keep it.

Keith Briley answered no.

Motion was duly made by Alderman Hobbs and seconded by Alderman Harris to release the letter of credit/bond for Old Hickory Clay Company for their haul route through the City of Hernando. 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 2nd day of April, 2019

**REQUEST BY MR. LARRY MCKIBBEN AND MR. MATTHEW BAKER TO HAVE
THE CITY OF HERNANDO ABANDON THE RIGHT-OF-WAY OF AN
UNDEVELOPED STREET BETWEEN LOT 7 AND LOT 8 OF THE JUANITA ACRES
SUBDIVISION BEING LOCATED SOUTH OF PLEASANT HILL ROAD ON THE
EAST SIDE OF HALL ROAD IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 WEST**

Planning Director Keith Briley presented the staff report.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.:		Item No.:
Request:	Request to have the City of Hernando abandon the right-of-way of an undeveloped street	
Location:	Between Lot 7 and Lot 8 of the Juanita Acres Subdivision being located south of Pleasant Hill Road on the east side of Hall Road in Section 30, Township 2 South, Range 7 West	
Applicant:	Mr. Larry McKibben and Mr. Matthew Baker	
Date:	March 19, 2019	

INTRODUCTION:

The request by Mr. Larry McKibben and Mr. Matthew Baker is to have the City of Hernando abandon the right-of-way of an undeveloped street between Lot 7 and Lot 8 of the Juanita Acres Subdivision being located south of Pleasant Hill Road on the east side of Hall Road in Section 30, Township 2 South, Range 7 West

BACKGROUND:

Juanita Acres Subdivision was approved and developed in the unincorporated DeSoto County. The area was annexed into the City of Hernando in 2006.

Table 1: Subdivision History

Subdivision	PC Approval	Board Approval
Juanita Acres	December 30, 1969	January 7, 1970
Juanita Acres Revised	April 1, 1971	June 9, 1971
Juanita Acres 2 nd Revision	1971	February 1, 1972
Juanita Acres 3 rd Revision	May 31, 1979	June 6, 1979
Juanita Acres 4 th Revision	November 29, 1979	December 5, 1979
Juanita Acres Section B	April 1, 1971	May 5, 1971

DISCUSSION:

Throughout the history of the subdivision, a 50-foot right-of-way has always been dedicated on the final plat. However, no public street has ever been developed within the recorded right-of-way. Over the years Mr. McKibben and Mr. Baker have used the right-of-way as a private driveway to provide access to their properties. In addition, Ms. Denise Divine, owner of 1200

Hall Road, Parcel No. 207930000 0005401, also used the drive way to access her property since this was the only way to access her property. With the construction of McIngvale Road, direct road access to McIngvale as provided to Ms. Divine's property by installation of a driveway opening onto her property.

Because a public street has not been constructed, the applicants are requesting the 50-foot right-of-way be abandoned by the Board of Aldermen and dedicated to the adjacent property owners.

At the March 5, 2019, the Board of Aldermen voted to table the request until the March 19, 2019, meeting to allow additional time to contact one of the adjacent property owners, Ms. Denise Divine. Staff sent a certified UPS package Ms. Divine at an address in Visalia, California.

Staff received the attached letter from Ms. Denise Devine Henry on Friday, March 15, 2019. Ms. Henry refers to the right-of-way as Mac's Lane. There is no official road name because there is no road. The area has been used as a private driveway. Aside from the gravel along Mr. Baker's and Mr. McKibben's properties, the travel route is a dirt pathway. When there is rain the pathway is not drivable.

The following quotes from Ms. Henry's letter are addressed by Staff.

I see a variety of problems occurring if the Right of Way is closed from Mac's Lane, and they are as follows:

- *Vehicles will still drive down this Right of Way via access from McIngvale Rd, only to have to turn around, and retrack across my property again. This would be a huge disruption to my Renters, and to myself when I return.*
 - The entire east side of Ms. Henry's property has frontage on McIngvale Road. When McIngvale Road was constructed a driveway, access was installed for access to McIngvale Road (see attached aerial photograph).
- *I would have to change the address of my property, creating a legal nightmare for me, with respect to all documentation concerning this property.*
 - The address for the property should have been revised when McIngvale Road opened.
- *All maps, Google and other directional services, illustrate and dictate directions to my property via Mac's Lane. Should community services such as the Police, or an Emergency vehicle be necessary, they would not be able to find my property, and that could result in a possible injury, or even death.*
 - As part of the address change, the DeSoto County E-911 Commission will be notified and thus all emergency response agencies will have the correct address and will be able to more easily access the site. Additionally, the Post Office will be notified of the change so that mail service will not be interrupted.

STAFF COMMENTS:

1. The applicant has provided photographs of the right-of-way along his property (see attached).
2. Public notice was mailed to the surrounding property owner located within 500-feet of the subject property.
3. Registered return notice was mailed to the three adjacent property owners. See attached mailing materials.
4. If approved the right-of-way will be dedicated to Mr. McKibben and Mr. Baker since the right-of-way runs along their property lines. The area to be dedicated will be from the centerline of the right-of-way to the property owner's property line.
5. If approved, the property with the address of 1200 Hall Road, Parcel No. 207930000 0005401, will be readdressed to have a McIngvale Road Address. See attached Address Creation / Correction sheet.

STAFF RECOMMENDATION:

Staff recommends approval.

PROPOSED MOTION:

I move to approve the abandonment the right-of-way of an undeveloped street between Lot 7 and Lot 8 of the Juanita Acres Subdivision being located south of Pleasant Hill Road on the east side of Hall Road in Section 30, Township 2 South, Range 7 West and to dedicate to Mr. McKibben and Mr. Baker the portion along their property to the centerline of the right-of-way being abandoned.

Alderman Hobbs asked what is Mrs. Divine's reason is for not wanting us to abandon the ROW.

Keith Briley answered that on the plat it is egress/ingress.

Alderman Hobbs asked Kenny what his recommendation was.

Kenny Stockton stated the purpose of the ROW was to access the lot, there is no City Utilities, no lines. Mr. Stockton stated that he doesn't see a need for the City to have the ROW unless the City has future plans to develop it as a road.

Alderman Hobbs asked if we didn't do it, would the City be responsible.

Kenny Stockton answered yes.

David Trusty, 1200 Hall Rd, stated if you close the ROW access, I have no fire hydrant, the utilities are on that side. I maintain it myself. I've never asked anyone to do it. If it is closed, it should be closed at Hall Rd, then Mr. McKibben and Mr. Baker wouldn't be able to access their driveways. He just doesn't want me to use it. I was trimming trees that were hanging off onto the ROW from Mr. Baker's property and he called the police on me. The water shut off is at Hall Rd. McIngvale Rd is a race track, it is dangerous, I've seen people going 120mph.

Alderman Harris asked if Mr. Trusty uses McIngvale Rd now.

David Trusty answered yes, only because the other road has been blocked.

Mayor Ferguson asked Mr. Trusty if he'd be ok if we put a culvert on McIngvale.

David Trusty answered that he'd prefer speed bumps.

Alderman Hobbs asked Police Chief Worsham if he'd recommend reducing the speed limit.

Police Chief Worsham answered no, I've never gotten anyone doing 100 or more out there.

Alderman McLendon asked Mr. Trusty which direction does your house face.

David Trusty answered the front faces Hall Rd.

Alderman Higdon asked why would you want to go all the way out to Hall Rd.

David Trusty answered that McIngvale is too dangerous to pull out onto.

Alderman Higdon asked where is your mailbox.

David Trusty answered It's on McIngvale now, because I moved it since they blocked my road.

Mayor Ferguson asked what the Post Office said to that.

David Trusty answered that I told them, they know.

Mayor Ferguson asked if his garbage pick-up is on McIngvale.

David Trusty answered yes, I had to move it there also because they blocked my way to Hall Rd.

Mr. McKibben, 1170 Hall Rd, asked if the Board has red the petition? UPS, etc., wouldn't go down that road. People don't know how to get to 1200 Hall Rd, we've had an 18-wheeler try to go down there, lots of people back and forth, lots of problems since he moved in back there.

Mr. Trusty stated that he offered to put up a gate.

Mr. McKibben stated that he doesn't want anything there. Mr. McKibben stated that he has already fixed it up.

Alderman Higdon stated that I think if you look at this for the future, we need to abandon it.

Mr. McKibben stated that I think we even paid to do it.

Alderwoman Brooks asked what do you plan to do with it if we abandon it.

Mr. McKibben answered we will still use it as a driveway.

Motion was duly made by Alderman McLendon and seconded by Alderman Higdon to approve the abandonment of the right-of-way between lot 7 and lot 8 of the Juanita Acres Subdivision being located south of Pleasant Hill Road on the east side of Hall Road in Section 30, Township 2 South, Range 7 West and to dedicate to Mr. McKibben and Mr. Baker the portion along their property to the centerline of the right-of-way being abandoned, effective 30 days from today to allow time to change the address. 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 2nd day of April, 2019

ADOPTION OF A TREE ORDINANCE

Planning Director Keith Briley presented the information.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.:

Request: Approval of a Revision to the City's Tree Ordinance

Location: City of Hernando

Applicant: Keith Briley, AICP – Planning Director

Date: April 2, 2019

INTRODUCTION:

The request before you is for approval of an amended Urban Forestry Ordinance that will institute a Tree Cutting Permit process, establish the permit fee, and penalty.

BACKGROUND:

The City of Hernando currently has an Urban Forestry Ordinance that was adopted June 16, 2010, by a 7-0 vote. That ordinance is enforceable only within public right-of-way and on publicly owned lands. There are currently no requirements or permits for the removal of trees on private property. This can result in the clear cutting of properties that are currently forested. At the August 7, 2018 Board of Aldermen meeting the Board voted to table the request for two (2) weeks to allow the public time to review the amendment. At the August 21, 2018, Board of Aldermen meeting, the tree ordinance was heard and the Board voted to table this item for further simplification of the ordinance.

STAFF COMMENTS:

1. The proposed ordinance is formatted so that the blue text is the proposed language of the amendment and the red struck through text is the language to be delete.
2. Hernando is a Certified Tree City USA city.
3. The existing ordinance has established a Tree Board. The Tree Board has no jurisdiction outside of public right-of-way and on publicly owned lands.
4. The Tree Ordinance will be administered and enforced by the Office of Planning.
5. Exceptions are found in Section 5 and in the definition of Existing Tree.
6. The proposed ordinance amendment also provides for tree protection during site construction (Section 21).
7. As part of the permitting process, the ordinance will require Tree Mitigation (Section 8).
8. The ordinance establishes a base permit fee of \$100 (Section 6).
9. The ordinance established a mitigation fee of \$300 per tree (Section 8). This fee will be calculated using the mitigation tables that form the basis for the permit application.
10. Staff has created a permit application for implementing the ordinance (see attachment).

STAFF RECOMMENDATION:

Staff recommends approval.

PROPOSED MOTION:

I move to approve the amendment to the Urban Forestry Ordinance as presented and to waive the reading of the ordinance in its entirety.

Alderman McLendon asked if we consultant with Todd Mathews.
Planning Director Keith Briley answered no sir.

Mayor Ferguson stated that Gia and I did, but not with this ordinance.

Alderman Hobbs asked if Mr. Briley looked at other Cities ordinances.

Keith Briley answered that he has in the past, but didn't have time today.

Alderman Hobbs asked Mr. Briley thinks it is put together as well as other ones. Mr. Hobbs asked if he can walk us through an example of 2 acres covered by trees.

Keith Briley answered that you'd take the area divided by the trees to be mitigated.

Alderman McLendon asked if certain trees are protected and certain ones not.

Keith Briley stated that if you're clearing a large lot, then no.

Alderman McLendon asked if it would hurt to get Mr. Mathews opinion, he's the expert

Keith Briley answered if that's your decision, then I'll be glad to.

Mayor Ferguson stated that he'd have to come up here.

Gia Matheny stated that she thought he'd be glad too.

Alderman Hobbs stated let's get him up here then. Mr. Hobbs asked what exactly is mitigation.

Keith Briley answered moving trees to a different location or paying a fee for removing them. Which would go into the general fund, for whatever the City wanted to use the money for.

Alderman Hobbs stated wouldn't that be the purpose, to use the fee for trees.

Motion was duly made by Alderman Hobbs and seconded by Alderman McLendon to table this until the May 7th Board Meeting, to have time to consult with Todd Mathews. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

PRESENTATION OF THE HERNANDO SQUARE PROJECT

Collins Simpson, Waggoner Engineering, passed out plans for the Hernando Square Project.

Alderman Hobbs asked about the planters.

Collins Simpson answered that they will be removed, they will be an "island", about 6 inches tall.

Alderman Hobbs asked if he'd recommend irrigation and electrical.

Collins Simpson stated that it's not in this plan, but we can get with Public Works during the construction part.

Bobby Burton stated that he'd have to look at plans, I haven't seen them.

Joe Frank Lauderdale stated that we definitely need irrigation for the plants.

Alderman McLendon asked when did we put in the raised planter.

Joe Frank Lauderdale stated back when Mayor Douglas was Mayor, there was actually a clock tower there, until it broke.

Alderman Hobbs stated shouldn't we do electrical as well.

Mayor Ferguson stated I think so.

Alderman McLendon asked if there will be a signal light at crosswalks.

Collins Simpson answered only on Hwy 51.

**AUTHORIZE THE FIRE DEPARTMENT TO COLLECT DONATIONS FOR THE MDA
"FILL THE BOOT" AT INTERSECTIONS TO BE DETERMINED BY THE FIRE
CHIEF**

Motion was duly made by Alderman Harris and seconded by Alderman Bryant to authorize the Fire Department to collect donations for the MDA "Fill the Boot" at intersections determined by the Fire Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

**AUTHORIZE MAYOR FERGUSON TO SIGN A CONTRACT WITH GREG ROBERTS
FIRE HYDRANT REPAIR & SUPPLY FOR SERVICING FIRE HYDRANTS**

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to authorize Mayor Ferguson to sign a contract with Greg Roberts Fire Hydrant Repair & Supply for servicing fire hydrants. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

**AUTHORIZE THE CITY TO APPLY FOR THE UNITED STATES TENNIS
ASSOCIATION AND UNITED STATES TENNIS ASSOCIATION MISSISSIPPI
GRANTS**

Mayor Ferguson went over the information. Mr. Ferguson stated that we will get prices and try to get sponsors for our portion. If we can't, we can decide not to apply.

Gia Matheny stated that one is a national grant and one is from the state.

Motion was duly made by Alderwoman Brooks and seconded by Alderman Harris to authorize the City to apply for the United States Tennis Association and United States Tennis Association Mississippi grants. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE MAYOR FERGUSON TO SIGN AN ENGAGEMENT LETTER WITH FORTENBERRY & BALLARD FYE 2018 AUDITING SERVICES

Motion was duly made by Alderman Harris and seconded by Alderman Bryant to authorize Mayor Ferguson to sign an engagement letter with Fortenberry & Ballard fye 2018 auditing services. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE TO BID FOR STREET PAVING OVERLAYS

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to advertise and accept bids for street paving overlays. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE THE PARKS DEPARTMENT TO PURCHASE A 2008 CHEVROLET TRUCK, VIN 1GCHC29K78E163737, UNIT 429 FROM THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF \$1,500

Motion was duly made by Alderman McLendon and seconded by Alderwoman Brooks to authorize the Parks Department to purchase a 2008 Chevrolet truck, VIN 1GCHC29K78E163737, unit 429 from the Public Works Department in the amount of \$1,500.00. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE THE PARKS DEPARTMENT TO PURCHASE A 2017 DODGE RAM 2500, VIN 3C6UR5CJ7HG668031, UNIT 425 FROM THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF \$23,500

Motion was duly made by Alderwoman Brooks and seconded by Alderman Harris to authorize the Parks Department to purchase a 2017 Dodge Ram 2500, VIN 3C6UR5CJ7HG668031, unit 425 from the Public Works Department in the amount of \$23,500.00. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE TO ADJUST UTILITY BILL FOR CARREN KRUSLESKI

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 CAREN Krusleski
 Service address 702 MADISON CIR
 Daytime phone number () 281-786-9346

Do you rent the property at this address? X If yes, the property owner or manager must complete the remainder of this form.

REPAIR INFORMATION (please print)

Property owner or managers name ALLSTAR PROP MANAGEMENT Date of repair 1/21/19
 Daytime phone number () 866-560-4436
 Type of repair and location of property BROKEN PIPE OUTS. DE - 702 MADISON CIR.

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 Caren Krusleski
 For Office use only

Account Number 07-0261011 Billing period ending 2-28-19
 High month usage 62 minus 6 month average 7 = Amount of Adjustment \$1699.95

OK B.B.H.

Vintage Plumbing Co.
 3400 McCracken Drive Suite 6
 Hernando, MS 38632

RECEIVED FEB 15 2019

Invoice

Date	Invoice #
1/21/2019	3578

DUE BY
 FEB 22 2019

Bill To AllStar Management 1761 Nancy Blvd. Horn Lake, MS 38637
--

Quantity	Description	Rate	Project	
			P.O. No.	Terms
			702 Madison Circle	702 Madison Circle
4	WO#34140 Repaired Leak; Cut Walls in Bedroom to Find Outside Pipe Had Busted	85.00		340.00
	Sales Tax	7.00%		25.80
Thank you for your business.			Total	\$363.80

Period	Code	Previous Reading	Present Reading	Consumption	Amount Due
03/31/2019	10				58.31
02/29/2019	10	1137	1199	62	595.00
01/31/2019	10	1137	1137	10	119.24
12/31/2018	10	1121	1127	6	91.02
11/30/2018	10	1116	1121	5	83.00
10/31/2018	10	1110	1116	6	83.56
09/30/2018	10	1102	1110	8	111.54
08/31/2018	10	1094	1102	8	117.78
07/31/2018	10	1079	1094	15	163.84
06/30/2018	10	1058	1079	21	227.50
05/31/2018	10	1050	1058	8	113.32
04/30/2018	10	1040	1050	10	126.70

$$\begin{array}{r} 62 \\ - 7 \\ \hline \end{array}$$

$$55 \times 3.50 = 192.50$$

$$192.50 \div 2 = 96.25$$

$$55 \times 3.84 = 211.20$$

\$ 499.95 credit

Motion was duly made by Alderman Harris and seconded by Alderman Higdon to authorize to adjust the utility bill for Carren Krusleski in the amount of \$499.95, finding that the customer had a leak and did not receive the benefit of receiving the water services, also request that the water leak repair verification form and attached documents are put in the minutes. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

AUTHORIZE THE CITY ENGINEER TO IDENTIFY AND SURVEY THE LOCATION FOR THE NEW ANIMAL SHELTER AND FOR BORING THE SOIL

Motion was duly made by Alderwoman Brooks and seconded by Alderman Bryant to authorize the City Engineer to identify and survey the location for the new animal shelter and for boring the soil. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

**ADOPT RESOLUTION OF THE CITY OF HERNANDO, MISSISSIPPI AUTHORIZING
THE ENTERING INTO AN INTERLOCAL AGREEMENT WITH NESBIT WATER
ASSOCIATION, INC.**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to adopt Resolution of the City of Hernando, Mississippi authorizing the entering into an Interlocal Agreement with Nesbit Water Association, Inc. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

GO INTO CLOSED SESSION

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

GO INTO EXECUTIVE SESSION FOR NEGOTIATION AND LITIGATION

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to go into executive session for Negotiation and Litigation. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

COME OUT OF EXECUTIVE SESSION

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 2nd day of April, 2019

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR TOM FERGUSON

ATTEST:

KATIE HARBIN, CITY CLERK