

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, May 7, 2019 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: City Clerk Katie Harbin, City Attorney Kenneth Stockton, City Engineer Joe Frank Lauderdale, Fire/EMS Chief Hubert Jones, Police Chief Scott Worsham, Assistant Police Chief Shane Ellis, Planning Director Keith Briley, Director of Economic and Community Development Gia Matheny, Public Works Director Bobby Burton, Diane Franczyk, Ron Franczyk, Kristin Badzak, Rebecca Treadway, Collins Simpson, Tina Taylor and Vickey McLendon.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Miller gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

May 7, 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 30290 - 30586
- 6) Approve Minutes
- 7) Consent Agenda
 - A) Authorize to accept a donation of a grill from Malcolm Reed for Hernando Fire Station #2
 - B) Authorize Susan Huff to attend the Animal Control Training Certification in Little Rock, AR on June 10-14, also authorize to pay registration and travel expenses
 - C) Authorize Robert Scott to attend the Command College in Oxford, MS July 28-August 2nd, 2019, also authorize to pay registration.
 - D) Authorize Julie Harris to attend the 24th Annual Mississippi Human Resource Conference & Expo in Tupelo, MS on September 16-18, 2019, also authorize to pay registration and travel expenses.
 - E) Authorize Building Official Joe Engle to attend the Firestopping Installation Seminar in Oxford, MS on May 21, 2019, also authorize to pay travel expenses (no registration fee)

- F) Authorize Porter Hosie, Alicia McCoy, Robert Scott and John Cotter to attend the Lawfit Challenge class in Olive Branch, on June 27-29, 2019, also authorize to pay registration
 - G) Authorize Police Chief Worsham and Assistant Police Chief Ellis to attend the National Academy Training summer conference in Biloxi, MS on August 25-29, 2019, also authorize to pay registration and travel expenses
 - H) Authorize Steve Atkinson to attend the refresher course Moorhead, MS, also authorize to pay registration (will be reimbursed)
 - I) Authorize Jessica Green to attend the Administrative Assistants Conference in Tupelo, MS on June 5, 2019, also authorize to pay registration and travel expenses.
 - J) Authorize to give Officer Leonardis Cunningham a step increase to P3
 - K) Authorize to give Officer Alicia McCoy to a step increase to P3
 - L) Authorize to accept a donation from Stephen Hodges in the amount of \$10.00 for vet services for "Herbie"
 - M) Authorize Bobby Burton to attend the Pavement Management Bootcamp on May 15th, 2019 in Starkville, MS, also authorize to pay travel expenses.
- 8) Accept the lowest and best bid from Phillips Contracting for the Hernando Square project, also authorize allocation of local funding and any related contract documents to be executed by the Mayor
- 9) Request for funding from The ARC Northwest
- 10) Request from the Interfaith Council on Poverty to temporarily close streets for a Family Fun Run 5 k on April 4, 2020
- 11) Request from the Palmer Home for Children to temporarily close streets for the 16th Annual Mud Bug Bash on April 3rd – April 5th
- 12) Proclaim May 25, 2019 as Hernando Central School Day
- 13) Request from Amanda Smythia with the Mississippi Pharmacists Association to use the Gale Center for no charge to host a town hall meeting on the opioid crisis affecting our state (in May or June, based on availability)
- 14) Authorize to hire Derrell Pickens as a seasonal Parks Maintenance Employee
- 15) Authorize to hire Nick Wilson as a full time Paramedic
- 16) Authorize to promote Austin Crawford to the Certified Firefighter Position with the pay according to the scale
- 17) Authorize to promote Hunter Clayton to the Certified Firefighter Position with the pay according to the scale
- 18) Authorize to give Gia Matheny a 2% raise
- 19) Authorize City Clerk Katie Harbin to apply for the open position of 2nd Vice President with the Mississippi Municipal Clerks and Tax Collectors Association and to fulfill duties if appointed
- 20) Adoption of a Tree Ordinance
- 21) Adoption of a Transient Vendor Ordinance

- 22) Authorize the City to apply for the Mississippi Development Authority Tourism grant for Hernando's Water Tower 10K race to increase tourism to the City (the grant would fund \$6,000 - \$10,000 in advertising, equipment and entertainment)
- 23) Authorize the City to apply for a \$300.00 Mini Grant from the Mississippi Arts Commission for the Parks Department to host four "Gigglin Gertie Blasts off" educational shows (The Hernando Optimist Club has agreed to pay the match of \$300.00)
- 24) Authorize Mayor Ferguson to sign an Engineering Fee Supplemental agreement with Neel-Schaffer for I-269 Sanitary Sewer Crossing Force Main Adjustment, and authorize to pay Neel-Schaffer \$2,717.88 (reimbursed)
- 25) Authorize Mayor Ferguson to sign an agreement with Cummins Sales and Service for maintenance on our generator at Fire Station 2
- 26) Discussion of water tower capacity
- 27) Authorize to accept the utility easement from Mark Anglin
- 28) Rename Green T Lake West and Green T Blvd West to one street name from beginning to end which is Green T Rd and Byhalia Rd
- 29) Adopt Amended Resolution Authorizing City of Hernando Credit Card Users (Visa)
- 30) Authorize to adjust Utility bill for James Hanna
- 31) Authorize to adjust Utility bill for Stacey Spratlin
- 32) Executive Session for Negotiations
- 33) Adjourn

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019.

APPROVE DOCKET OF CLAIMS NO.'S 30290 - 30586

The Board of Aldermen were presented with a docket of claims No. 30290 - 30586 in the amount of \$1,204,001.37 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019.

APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD MEETING ON APRIL 16, 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 April 16, 2019. A vote was taken with the following results:

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

Those voting "Nay": None.

Alderwoman Brooks abstained from voting.

ORDERED AND DONE this the 7th day of May, 2019.

CONSENT AGENDA

- A) Authorize to accept a donation of a grill from Malcolm Reed for Hernando Fire Station #2
- B) Authorize Susan Huff to attend the Animal Control Training Certification in Little Rock, AR on June 10-14, also authorize to pay registration and travel expenses
- C) Authorize Robert Scott to attend the Command College in Oxford, MS July 28-August 2nd, 2019, also authorize to pay registration.
- D) Authorize Julie Harris to attend the 24th Annual Mississippi Human Resource Conference & Expo in Tupelo, MS on September 16-18, 2019, also authorize to pay registration and travel expenses.
- E) Authorize Building Official Joe Engle to attend the Firestopping Installation Seminar in Oxford, MS on May 21, 2019, also authorize to pay travel expenses (no registration fee)
- F) Authorize Porter Hosie, Alicia McCoy, Robert Scott and John Cotter to attend the Lawfit Challenge class in Olive Branch, on June 27-29, 2019, also authorize to pay registration
- G) Authorize Police Chief Worsham and Assistant Police Chief Ellis to attend the National Academy Training summer conference in Biloxi, MS on August 25-29, 2019, also authorize to pay registration and travel expenses
- H) Authorize Steve Atkinson to attend the refresher course Moorhead, MS, also authorize to pay registration (will be reimbursed)
- I) Authorize Jessica Green to attend the Administrative Assistants Conference in Tupelo, MS on June 5, 2019, also authorize to pay registration and travel expenses.
- J) Authorize to give Officer Leonardis Cunningham a step increase to P3
- K) Authorize to give Officer Alicia McCoy to a step increase to P3
- L) Authorize to accept a donation from Stephen Hodges in the amount of \$10.00 for vet services for "Herbie"
- M) Authorize Bobby Burton to attend the Pavement Management Bootcamp on May 15th, 2019 in Starkville, MS, also authorize to pay travel expenses.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

ACCEPT THE LOWEST AND BEST BID FROM PHILLIPS CONTRACTING FOR THE HERNANDO SQUARE PROJECT, ALSO AUTHORIZE ALLOCATION OF LOCAL FUNDING AND ANY RELATED CONTRACT DOCUMENTS TO BE EXECUTED BY THE MAYOR

Collins Simpson, Waggoneer Engineering, presented the information on the project and bids. The total project cost is \$611,250.00. The City's portion is \$122,250.00.

Mayor Ferguson asked the timeline.

Collins Simpson answered 64 working days.

Alderman Hobbs asked if we have coordinated for the water lines for irrigation going in.

Collins Simpson answered that he will, its not a part of the project though.

Motion was duly made by Alderwoman Brooks and seconded by Alderman Miller to accept the lowest and best bid from Phillips Contracting for the Hernando Square Project, also authorize allocation of local funding and any related contract documents to be executed by the Mayor. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

REQUEST FOR FUNDING FROM THE ARC NORTHWEST

Rebecca Treadway, The ARC Northwest MS, passed out information to the Mayor and Board and presented their request. Rebecca stated that their membership from Hernando is growing. They have a close relationship with the High School Interact Club. The ARC is offering the ALEC program to police officers and firefighters, for free, to help them learn how to have successful interactions with people with Autism and other intellectual and developmental disabilities. Mrs. Treadway stated that they have started a 'jobs' program that teaches kids pre employment skills. We work with some businesses to allow our kids to see what it's like to work.

Alderman Higdon asked where does Hernando fit in, as far as members.

Rebecca Treadway answered about 30 member families. Hernando is 3rd. Olive Branch is 1st, Southaven 2nd, then Hernando.

Alderman Miller stated that some of those members actually can live in another city, but attend a Hernando school, or vice versa.

Alderman McLendon asked Mrs. Treadway if she could explain the iPad program.

Rebecca Treadway stated that they have iPad training, they purchase, with funding, 25 iPads, train special education teachers on how to use them and then allow the teacher to keep it.

Alderman Miller stated he would like to get closer to the \$5,000 if we could.

Mayor Ferguson asked if he wanted to discuss it at budget time.

Alderman Miller answered yes.

Dianne Franczyk, 724 Shadow View Cove, stated that she loves The ARC. They have helped her grandson. He has learned so much through the school and their program. He has gotten a job, it pays \$12 per hour, which is a big deal for someone with disabilities. He meets there the last Friday of the month for a dinner, for social time. It has helped a lot.

Rebecca Treadway stated it is a supper club, it has grown a lot.

Mayor stated that we will review this request during budget time.

**REQUEST FROM THE INTERFAITH COUNCIL ON POVERTY TO TEMPORARILY
CLOSE STREETS FOR A FAMILY FUN RUN 5K ON APRIL 4, 2020**

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to approve the request from the Interfaith Council on Poverty to temporarily close streets for a Family Fun Run 5K on April 4, 2020. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

**REQUEST FROM PALMER HOME FOR CHILDREN TO TEMPORARILY CLOSE
STREETS FOR THE 16TH ANNUAL MUD BUG BASH ON APRIL 4, 2020**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to approve the request from the Palmer Home for Children to temporarily close streets for the 16th Annual Mud Bug Bash on April 4, 2020, closing streets on April 3 – 5, 2020. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

PROCLAIM MAY 25, 2019 AS HERNANDO CENTRAL SCHOOL DAY

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to proclaim May 25, 2019 as Hernando Central School Day, and waive the reading. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

**REQUEST FROM AMANDA SMYTHIA WITH THE MISSISSIPPI PHARMACISTS
ASSOCIATION TO USE THE GALE CENTER FOR NO CHARGE TO HOST A TOWN
HALL MEETING ON THE OPIOID CRISIS AFFECTING OUR STATE (IN MAY OR
JUNE, BASED ON AVAILABILITY)**

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to approve the request from Amanda Smythia with the Mississippi Pharmacists Association to use the Gale Center for no charge to host a Town Hall Meeting on the Opioid Crisis affecting our State, in May or June based on availability. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

**AUTHORIZE TO HIRE DERRELL PICKENS AS A SEASONAL PARKS
MAINTENANCE EMPLOYEE**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to hire Derrell Pickens as a Seasonal Parks Maintenance Employee 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 Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

AUTHORIZE TO HIRE NICK WILSON AS A FULL TIME PARAMEDIC

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to hire Nick Wilson as a full time Paramedic at a 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 Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

**AUTHORIZE TO PROMOTE AUSTIN CRAWFORD TO THE CERTIFIED
FIREFIGHTER POSITION WITH THE PAY ACCORDING TO THE SCALE**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to promote Austin Crawford to the Certified Firefighter position with the pay according to the scale, 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 Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

**AUTHORIZE TO PROMOTE HUNTER CLAYTON TO THE CERTIFIED
FIREFIGHTER POSITION WITH THE PAY ACCORDING TO THE SCALE**

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to promote Hunter Clayton to the Certified Firefighter position with the pay according to the scale, 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 Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

AUTHORIZE TO GIVE GIA MATHENY A 2% RAISE

Motion was duly made by Alderman Harris and seconded by Alderman Bryant to authorize to give Gia Matheny a 2% raise, following the recommendation of the Personnel Committee, based on the recommendation of the Mayor. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

AUTHORIZE CITY CLERK KATIE HARBIN TO APPLY FOR THE OPEN POSITION OF 2ND VICE PRESIDENT WITH THE MISSISSIPPI MUNICIPAL CLERKS AND TAX COLLECTORS ASSOCIATION AND TO FULFILL DUTIES IF APPOINTED

Alderman Millet stated that North Mississippi could possibly have a president of the MML and the MMCCA at the same time. Tunica is applying for 2nd Vice President this year as well.

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to authorize City Clerk Katie Harbin to apply for the open position of 2nd Vice President with the Mississippi Municipal Clerks and Tax Collectors Association and to fulfill duties if appointed. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

ADOPTION OF TREE ORDINANCE



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.:

Request: Approval of a Tree Ordinance

Location: City of Hernando

Applicant: Keith Briley, AICP – Planning Director

Date: May 7, 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. At the April 2, 2019, Board of Aldermen meeting, the Board voted to table the adoption of a tree ordinance to allow for the Mississippi Urban Forestry Coordinator to review the proposed ordinance.

STAFF COMMENTS:

1. The existing Urban Forestry Ordinance has established a Tree Board. The Tree Board has no jurisdiction outside of public right-of-way and publicly owned lands.
2. The proposed ordinance will not replace the previously adopted Urban Forestry Ordinance.
3. Hernando is a Certified Tree City USA city.
4. The proposed Tree Ordinance will be administered and enforced by the Office of Planning.
5. Exceptions are found in the definition of Existing Tree and in Section 5.
6. The ordinance establishes a base permit fee of \$100 (Section 6).
7. The proposed ordinance provides for tree protection during site construction (Section 7).
8. As part of the permitting process, the ordinance will require Tree Mitigation (Section 8).
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).
11. Staff has included examples of two (2) currently developing sites to illustrate how the proposed ordinance and mitigation requirements will work when adopted.
12. Todd Matthews, Mississippi Urban Forestry Coordinator, was sent a copy of the proposed ordinance on April 3, 2019. Mr. Matthews replied on April 24, 2019, stating, "I think the ordinance looks good but maybe the mitigation formula is a little complex."
13. After examining the other methods of calculating mitigation, Staff is of the opinion that the method proposed as in the ordinance is simpler, more flexible, and offers a quicker approval process.

STAFF RECOMENDATION:

Staff recommends approval.

PROPOSED MOTION:

I move to approve the proposed Tree Ordinance as presented and to waive the reading of the ordinance in its entirety.

**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF HERNANDO, MISSISSIPPI PROVIDING FOR
PLANNING AND MANAGEMENT OF THE PLANTING AND
MAINTENANCE OF TREES AND OTHER PLANTS, AND FOR
PENALTY FOR VIOLATIONS OF SUCH PROVISIONS**

SHORT TITLE: CITY OF HERNANDO TREE ORDINANCE

An Ordinance in pursuit of promoting the health, safety, and general welfare, and to protect the tree and plant resources of the City of Hernando, Mississippi by establishing policies, regulations, and standards necessary to ensure that the City of Hernando will continue to realize the benefits of shade, beauty, and other environmental benefits of its urban trees, plants, and forests and to maintain such trees, plants, and forest in a healthy and nonhazardous condition through good arboricultural practices.

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Hernando, Mississippi as follows to wit:

TREE ORDINANCE

SECTION 1. SHORT TITLE

This article shall be known and may be cited as the "Tree Ordinance for the City of Hernando."

SECTION 2. STATEMENT OF PURPOSE

- A. The purpose of this article is to promote the public health, safety and welfare of the citizens of the City and to enhance the economic, environmental, and aesthetic qualities of the urban surroundings by preventing the unwarranted clear cutting of urban forest for the purpose of expediting development.
- B. The goal of this article is to protect through preservation, to promote the establishment of, and to maintain a 40 percent urban tree canopy cover in the city.

SECTION 3. DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means the diameter of the plant stem six inches above the ground, for trees with a caliper of four inches or less. Trees possessing a caliper in excess of four inches are measured 54 inches above the ground.

Clear Cut means cutting more than 60 percent of the tree canopy cover on any commercial, industrial or residential tract of land.

DBH (diameter at breast height) means the diameter of a tree trunk measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below feet 4½ feet, then the trunk is measured at its most narrow point beneath the split.

Existing tree means all trees located within the boundaries of a parcel of property to which this ordinance applies, except the following:

- A. A tree demonstrated to be dead or dying;
- B. A tree that is diseased and likely to die;
- C. A tree that is damaged or injured to the extent that it is likely to die or become diseased;
or
- D. A tree that is an unsafe tree;

In-Lieu Fund means a city fund established to provide that trees may be planted on a site such as a school, public park, public use land, or public right-of-way, where the owner/developer shall donate funds and the city shall plant the required trees when it is not feasible to plant the required trees within a site's project area.

Forested Land means includes areas that are predominantly covered with trees and woody vegetation and may be open or closed-canopy, deciduous wooded areas or wooded areas dominated by pine and other coniferous tree species.

Forestry Activities means any activity on merchantable forest land associated with the reforestation, growing, managing, protecting or harvesting of timber, wood, or forest products, including non-game species.

Merchantable Forest Land means any land in the city devoted to the growing of trees or the commercial production of timber, wood, or forest products where the land is classified by the county with a forestry designation or an agricultural crop designation and is being used as forest land in the performance of forestry activities.

Mitigation Tree means a new tree planted to replace the loss of existing tree canopy cover prorated at 20 trees per acre of existing tree canopy cover per site. An acceptable mitigation tree shall be a minimum of two inches in caliper and have a minimum height of ten feet. Acceptable tree species can be found in Table 3 of Section 13.

On-Site Mitigation means planting trees within the boundaries of the project applying for a tree removal permit to replace trees which are to be permitted for removal from the tree canopy cover, including any and all protected trees.

Person means an individual, firm, partnership, association, corporation, company, or organization of any kind.

Property Owner means the person owning such property according to the land records of the county.

Protected Trees means any woody perennial plant with a single trunk that has reached a diameter of eight inches or 25 inches in circumference when measured 54 inches above the ground and multi-trunked trees that are five inches in diameter or 16 inches in circumference when measured 18 inches above the ground which is not an undesirable tree listed in the city's tree board manual.

Small Trees means those with a mature height of up to 40 feet.

Tree Canopy Cover means the boundaries of the area or areas surrounding trees which must remain undisturbed to prevent damage and loss of trees which are to be retained on site during the development and building process. This area is to be measured at the drip line of a tree or group of trees.

SECTION 4. APPLICABILITY TO ZONING AREAS

This article applies to the following zoning areas:

- A. Commercial: Applies to all commercial zoning classifications.
- B. Industrial: Applies to all industrial zoning classifications.
- C. Residential: Applies to all residential zoning classifications.

SECTION 5. EXEMPTIONS

- A. Residential parcels less than one acre are exempt from the requirements of this article.
- B. Residential parcels less than five acres on which owners have filed homestead exemption are exempt from the requirements of this article.
- C. Forestry operations on designated merchantable forestry land.
- D. Electric utilities and their contractors when trimming or removing trees within or growing into utility easements or that otherwise pose a hazard to power lines.

SECTION 6. PERMIT REQUIRED

- A. A tree removal permit shall be required when any person intends to clear or clear-cut

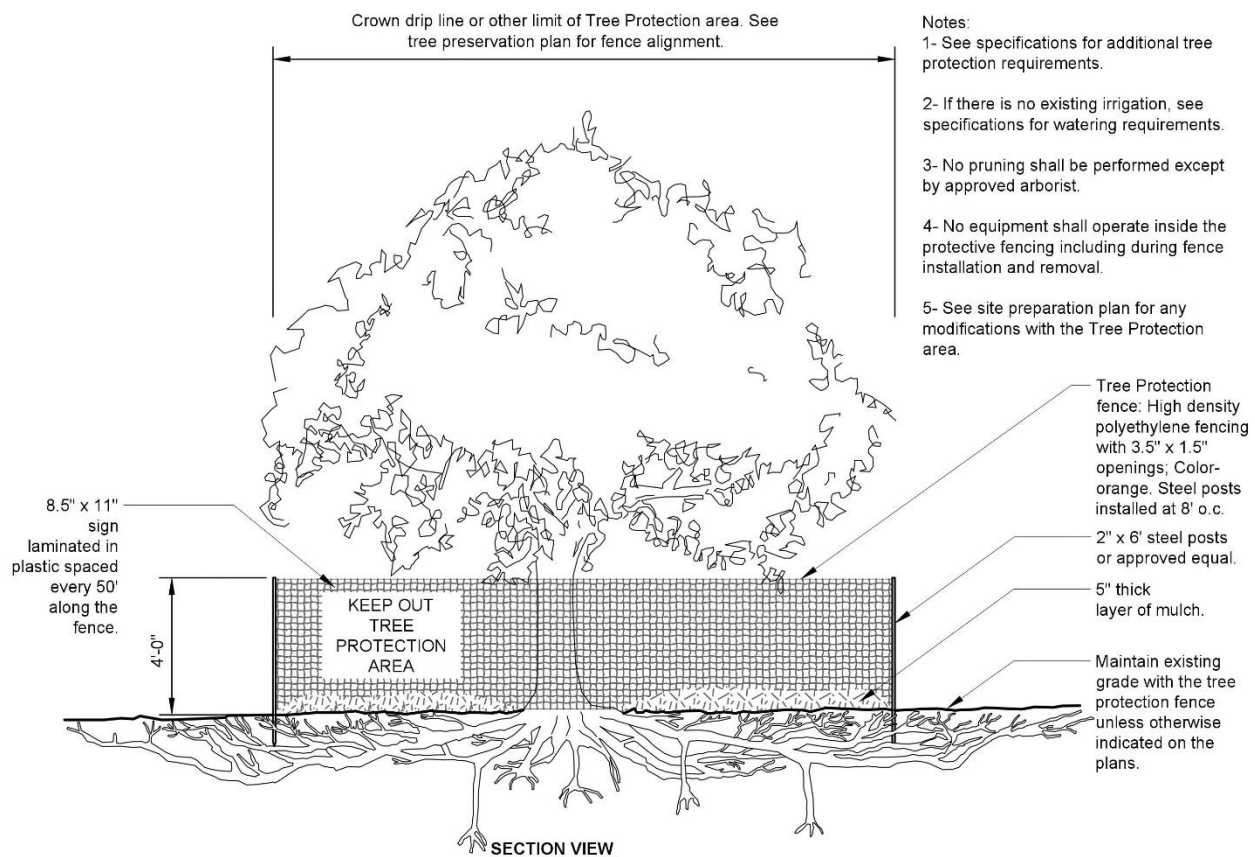
protected trees from private property zoned commercial, industrial, or residential for any purpose other than legitimate forestry activities as defined herein.

- B. Procedure. Unless exempt as specified in Section 5, no person shall remove or disturb any protected tree on property zoned commercial, industrial, or residential without filing an application and procuring a permit from the planning department director or director's designee.
- C. Application. When applying for a tree removal permit, the applicant shall illustrate the area of tree canopy cover showing where the drip lines of the existing trees and/or groups of trees are delineated and measured. If available, current aerial photography may be utilized to delineate the existing tree canopy cover. A \$100.00 filing fee will be required with the application.
- D. Criteria. The applicant shall demonstrate the area or areas of existing tree canopy cover that will be maintained after the proposed improvements to the property. Likewise, the areas to be removed from the tree canopy cover are to be identified. Areas without tree canopy cover also shall be identified. The applicant shall demonstrate how the existing tree canopy cover is to be maintained on any given site whether by preservation, on-site mitigation or through utilization of the in-lieu fund. The applicant shall graphically demonstrate this information as an exhibit to accompany the proposed site plan for the property. The tabulated areas shall be shown in the provided table format as a part of this exhibit.
- E. Permit. Based on the criteria of this article, the Planning Director or Director's Designee shall determine whether a permit should be granted and if conditions will be placed on the permit.
- F. Review. If the applicant is aggrieved by the failure to issue a permit or by conditions imposed, the applicant may request that the Mayor and Board of Aldermen determine whether a tree removal permit shall be granted and whether conditions or restrictions are required.
- G. Conflict. Nothing in this article shall be construed to conflict with or abrogate any of the rights or privileges granted by the Mississippi Agricultural and Forestry Activity Act.
- H. Inspection. Notice of completion of the project shall be given to the Planning Department for inspection.
- I. Variance. The requirements of this article may be reduced or eliminated by the Mayor and Board of Aldermen, if after review the Board determines that it would be in the best interest of the city and its citizens that the strict enforcement of requirements contained herein should not be enforced.

SECTION 7. PROTECTION OF PROTECTED TREES

Unless removal is authorized, the entire area within the dripline of an existing protected tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade with no trenching or cutting of roots. There shall be no storage of fill or compaction of the soil by heavy equipment or otherwise, nor shall concrete, paint, harmful chemicals, or other harmful foreign substances be placed on the soil within the dripline area.

Image 1: Tree Protection Detail



Source: Urban Tree Foundation Open Source Free to Use

SECTION 8. TREE MITIGATION.

- The removal of tree canopy cover from a site shall require mitigation. Preservation, on-site mitigation, contribution to the in-lieu fund, or a combination thereof can be used at the discretion of the applicant to satisfy the mitigation requirement.
- The mitigation requirement shall be computed at the rate of 20 trees per acre of total existing tree canopy cover.
- In an effort to encourage preservation, credit shall be given at the rate of one mitigation tree per 1,000 square feet of tree canopy cover preserved on the site.
- Should the applicant fail to preserve an adequate area of the existing tree canopy cover, on-site mitigation may occur by the planting of the appropriate number of mitigation trees to accomplish the required tree mitigation.
- In the event that preservation or on-site mitigation cannot be achieved, the applicant shall contribute to the in-lieu fund at the rate of \$300.00 per required mitigation tree.
- Mitigation Bank
 - A Mitigation Bank account is hereby established to receive funds from Developer in lieu of on-site mitigation.
 - All planting projects will have Board of Aldermen approval prior to disbursing any funds from the Mitigation Bank account and will be in accordance with the Hernando Comprehensive Beautification Plan.
 - All planting sites will be documented in the Hernando Comprehensive Beautification Plan.
- One of the following tables shall be included in the applicant's petition for a permit:

Table 1: Mitigation Table for use with Sites less than 10 acres

Line	Item	Quantity	Unit
A	Total Existing Canopy Coverage of site		(Square Feet)
B	Baseline for Mitigation (Line A times 20 divided by 43,560SF)		(Mitigation Trees)
C	Existing Canopy Coverage to be Preserved		(Square Feet)
D	Preservation Tree Credit (Line C divided by 1000 SF)		(Mitigation Trees)
E	Total Mitigation Requirement (Line B minus Line D)		(Mitigation Trees)
F	Mitigation Option A - On-site Mitigation (Number of Mitigation Units Applicant prefers to use for On-site Mitigation)		(Mitigation Trees)
G	Mitigation Option B - Contribution to the In-Lieu Fund (Line E minus Line F times \$300.00)		(Dollars)

Note: Preservation, on-site mitigation, contribution to the in-lieu fund, or a combination thereof can be used at the discretion of the applicant to satisfy the mitigation requirements.

Table 2: Mitigation Table for use with Sites greater than or equal to 10 acres

Line	Item	Quantity	Unit
A	Total Existing Canopy Coverage of site		(acres)
B	Baseline for Mitigation (Line A times 20)		(Mitigation Trees)
C	Existing Canopy Coverage to be Preserved		(Square Feet)
D	Preservation Tree Credit (Line C divided by 1000 SF)		(Mitigation Trees)
E	Total Mitigation Requirement (Line B minus Line D)		(Mitigation Trees)
F	Mitigation Option A - On-site Mitigation (Number of Mitigation Units Applicant prefers to use for On-site Mitigation)		(Mitigation Trees)
G	Mitigation Option B - Contribution to the In-Lieu Fund (Line E minus Line F times \$300.00)		(Dollars)

Note: Preservation, on-site mitigation, contribution to the in-lieu fund, or a combination thereof can be used at the discretion of the Applicant to satisfy the mitigation requirements.

SECTION 9. APPEAL

Any person or persons aggrieved by the refusal of the permit or by the terms imposed by the permit, may appeal within 10 days to the City of Hernando and the City of Hernando may affirm, reverse, remand, or modify the decision as may be proper. Parties aggrieved by decisions of the City of Hernando may seek review by a Court of Record as provided by law.

SECTION 10. ENFORCEMENT AND PENALTY

- A. The Planning Director or Director's Designee will enforce the provisions of this article. Any owner, occupant, lessor, lessee, tenant, manager, licensee, or other person having control over or use of a building, structure, or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of this article or fails to perform any act or duty required by this article shall be guilty of a misdemeanor and may be fined in an amount not exceeding \$1,000.00 and/or imprisoned for a term not exceeding 90 days. Any violator found guilty of a second or subsequent violation of this article shall be fined a minimum of \$250.00 for each such violation. Each day a violation of any provision of this article or a failure to perform any act or duty required by this article exists shall constitute a separate offense or violation.
- B. If the violation of this article is found to be done willfully or in reckless disregard of its

requirements, no building permit shall be issued for any improvements to the property nor shall any preliminary plat approval be granted until the requirements of this article are met.

SECTION 11. TEMPORARY WAIVER FOLLOWING DISASTER

Under any state of emergencies, such as windstorms, ice storms, fire or other disasters, the Mayor and Board of Aldermen may waive the requirements of this article during the emergency period so the requirements of this article would not hamper private or public work to restore order in the city. This shall not be interpreted as a license to circumvent the intent of this article.

SECTION 12. CONFLICTS

Should any section, clause, or provision of this article be found in conflict with any other law or ordinance, the provisions of this article shall prevail.

SECTION 13. ACCEPTABLE TREES

Table 3: Acceptable Replacement Trees

Deciduous

Ash, White (*Fraxinus Americana*)
 Bald-cypress (*Taxodium distichum*)
 Birch-River (*Betula nigra*)
 Elm, Lacebark (*Ulmus parvifolia*)
 Ginkgo (*Ginkgo biloba*)
 Oak, Laurel (*Quercus laurifolia*)
 Oak, Pin (*Quercus palustris*)
 Oak, Sawtooth (*Quercus acutissima*)
 Oak, Shumard (*Quercus shumardii*)
 Oak, Southern Red (*Quercus falcata*)
 Oak, Water (*Quercus nigra*)
 Oak, White (*Quercus alba*)
 Oak, Willow (*Quercus phellos*)
 Pagoda Tree, Japanese (*Sophora japonica*)
 Pine, Austrian (*Pinus nigra*)
 Pine, Loblolly (*Pinus taeda*)
 Pine, Virginia (*Pinus virginiana*)
 Planetree, London (*Plantanus acerifolia*)
 Tupelo, Black Gum (*Nyssa aquatica*)
 Tulip-Poplar (*Liriodendron tulipifera*)

Evergreen

Cypress, Leland (*Cupressocyparis leylandii*)
 Hemlock, Canadian (*Tsuga Canadensis*)
 Magnolia, Southern (*Magnolia grandiflora*)

Flowering

Cherry Kwanzan (*Prunus serrulata*)
 Cherry Yoshino (*Prunus yedoensis*)
 Crapemyrtle (*Lagerstroemia indica*)
 Dogwood, flowering (*Cornus florida*)
 Dogwood, Kousa (*Cornus kousa*)
 Hawthorne (*Crateagus viridis*)
 Magnolia, Saucer (*Magnolia soulangeana*)
 Plum, Purpleleaf (*Pyrus calleryana*)

Nonflowering

Cherry, Laurel, Carolina (*Prunus caroliniana*)
 Holly, Foster #2 (*Ilex attenuata* "foster")
 Holly, Savannah (*Ilex attenuata*)
 Maple, Hedge (*Acer palmatum*)
 Maple, Japanese (*Acer palmatum*)
 Myrtle Wax "bayberry" (*Myrica cerifera*)
 Hornbeam, American (*Carpinus caroliniana*)

Unacceptable Replacement Trees

Pear, all species of ornamental
 Crabapple
 Mimosa
 Slash Pine
 Sweet Gum, native
 Sycamore

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication hereof.

SO Adopted, on this the 7th day of May 2019.

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

By:

N. C. "TOM" FERGUSON, MAYOR

ATTESTED TO:

KATIE HARBIN, CITY CLERK
(SEAL)

Planning Director Keith Briley presented the Tree Ordinance and went over the information, the mitigation fee will be \$300. Mr. Briley recommended approval.

Alderman Hobbs asked if Mr. Briley could go through an example.

Keith Briley answered surely. Mr. Briley went over an example using the granted than 10 acres situation, on page 2 of the staff report. Mr. Briley stated that the money collected would go to a separate fund, to be used in the beautification fund. Mr. Briley stated that they do get credit for ones planted, even if in a buffer zone.

Alderman Higdon asked do we have a size requirement for tree size to be planted.

Keith Briley answered he doesn't have that language with him.

Alderman McLendon stated that we need to.

Keith Briley answered we can.

Alderman Higdon asked how do the developers feel.

Keith Briley answered it is mixed.

Alderman Hobbs asked how do you determine the canopy coverage.

Keith Briley answered he's used ariel, and looks at them over the course of history.

Mayor Ferguson stated on page 7 it lists acceptable and unacceptable trees.

Keith Briley stated yes, y'all asked for that. Other cities have that listed as well.

Mayor Ferguson stated I think it's a start.

Alderman Higdon asked if Mr. Briley was happy with it.

Keith Briley answered yes,

Mayor Ferguson asked Mr. Stockton if he was happy with it.

Kenny Stockton answered that he thinks it will be incumbent for Keith, but I've worked with him on this.

Alderman Miller asked about having a workshop, to inform people. It's a major change.

Mayor Ferguson asked what if the developer comes in, tears trees down, when does he pay the mitigation fee?

Keith Briley answered prior.

Mayor Ferguson stated what if they clear it, put streets in, then sell it and the next guy doesn't want to pay it. Could we mitigate it all?

Keith Briley answered we could.

Mayor Ferguson asked if we could put a lien on it.

Kenny Stockton answered I don't know if you can do that. You can pull permits and stop the work being done.

Mayor Ferguson asked if there were any safeguards.

Kenny Stockton stated the only other option is 100% on the front end and then take the credit out.

Keith Briley stated the way it's set up I don't think it will be an issue. If they agree to x number of trees per lot, we can put that on the plot.

Kenny Stockton stated yes; you could do that. Or not give them the ok to occupy.

Alderman Hobbs asked will we need to change something in this ordinance.

Keith Briley answered no. We can add it to the subdivision contract.

Alderman McLendon stated that they will end up going to get the pine trees, the cheapest.

Keith Briley stated in the buffer, it has to be hardwood, smaller trees.

Alderman McLendon stated so the size of the trees depends on....

Keith Briley stated there are tree sizes in the design review. I don't know what they are without looking.

Alderman Hobbs stated that they won't be the small trees.

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to adopt the Tree Ordinance and waive the reading. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

ADOPTION OF A TRANSIENT VENDOR ORDINANCE



City of
Hernando
MISSISSIPPI

BOARD OF ALDERMEN
STAFF REPORT

Project No.:**Request:** Adoption of a Transient Vendor Ordinance**Location:** City of Hernando**Applicant:** Keith Briley, AICP – Planning Director**Date:** May 7, 2019

INTRODUCTION:

The request before you is for approval of a transient vendor ordinance.

BACKGROUND:

At the Mayor's request, the Office of Planning has developed language for a transient vendor ordinance which will establish the issuance of a Transient Vendor License, Ice Cream Truck License, permit fees, operation procedures, and penalty of violation. The City of Hernando does not currently have an ordinance that allows for transient vendors.

STAFF COMMENTS:

14. Staff examined the Transient Vendor License Ordinance of Southaven, Olive Branch, and Horn Lake.
15. Staff examined §21-19-35 and §75-85-1 – §75-85-19 of the Mississippi Code Annotated 1972.
16. Vendors at civic events such as Water Tower Festival and A-Fair shall fall under the Exceptions Section and no transient vendor license is required.
17. Staff reminds the Board to consider the long-term implication of the ordinance versus the short-term implications to the City as a whole.

PROPOSED MOTION:

I move to adopt the Transient Vendor Ordinance and to waive the reading of the ordinance in its entirety.

Alderman Higdon stated that he read this all the way through and I still don't understand it.

Alderman Miller asked if we really want people to go house to house.

Keith Briley stated that he put this together very broad.

Alderman Hobbs asked if this will be for any type of vendor.

Keith Briley answered yes.

Alderman Hobbs stated that I won't agree with that. I don't mind food trucks. I think other cities are going to that.

Keith Briley stated that he wanted to give you something broad and narrow it down.

Alderman Hobbs stated what we have now doesn't allow anything.

Mayor Ferguson stated yes, we do, the state allows it.

Kenny Stockton stated that the state will allow it, but they refer to the local municipality to decide.

Mayor Ferguson asked if we could limit to food trucks.

Kenny Stockton answered yes.

Alderwoman Brooks asked if we could limit the area they go in.

Keith Briley answered yes.

Alderman Miller stated check out the on Tupelo has for me. They just did one. I don't see anything wrong with food trucks, if they are regulated.

Alderwoman Brooks stated I don't mind food trucks, I don't necessarily want anything else.

Alderman Miller stated we need to make sure before we restrict certain ones, that it is legal.

Alderman Hobbs stated Mayor, you requested this, what was your intent.

Mayor Ferguson answered food trucks.

Kenny Stockton stated there can be restrictions. Maybe certain commercial zones, parking, etc. You need to think about where you want it.

Alderman McLendon asked what the cost was to start up a business, to open doors.

Keith Briley answered it depends if it is a refurbishing or new building, it could be \$200,000 to \$1,000,000.

Alderman McLendon stated this fee is \$250.

Kenny Stockton stated that he thinks it should be looked at carefully. We need to find one that has been tried and true. Also, you have to consider the brick and mortar businesses. How will we enforce this, how will we make sure it is safe?

Alderman McLendon asked Kenny about the \$500 fine, is that State regulated.

Kenny Stockton answered I let me look.

Keith Briley answered it is.

Kenny Stockton answered yes, 6 months in jail or \$500.

Keith Briley stated that everyday would be a separate occurrence.

Alderman Miller thanked Keith for putting this together.

Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to table this item for further study. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

AUTHORIZE THE CITY TO APPLY FOR THE MISSISSIPPI DEVELOPMENT AUTHORITY TOURISM GRANT FOR HERNANDO'S WATER TOWER 10K RACE TO INCREASE TOURISM TO THE CITY (THE GRANT WOULD FUND \$6,000 - \$10,000 IN ADVERTISING, EQUIPMENT AND ENTERTAINMENT)

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize the City to apply for the Mississippi Development Authority Tourism grant for Hernando's Water Tower 10K race to increase tourism to the City. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

AUTHORIZE THE CITY TO APPLY FOR A \$300 MINI GRANT FROM THE MISSISSIPPI ARTS COMMISSION FOR THE PARKS DEPARTMENT TO HOST FOUR "GIGGLIN GERTIE BLASTS OFF" EDUCATIONAL SHOWS (THE HERNANDO OPTIMIST CLUB HAS AGREED TO PAY THE MATCH OF \$300)

Motion was duly made by Alderman Harris and seconded by Alderwoman Brooks to authorize the City to apply for a \$300 Mini Grant from the Mississippi Arts Commission for the Parks Department to host four "Gigglin Gertie Blasts Off" educational shows. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

AUTHORIZE MAYOR FERGUSON TO SIGN AN ENGINEERING FEE SUPPLEMENTAL AGREEMENT WITH NEEL-SCHAFFER FOR I-269 SANITARY SEWER CROSSING FORCE MAIN ADJUSTMENT, AND AUTHORIZE TO PAY NEEL-SCHAFFER \$2,717.88 (REIMBURSED)

Motion was duly made by Alderman Higdon and seconded by Alderman Miller to authorize Mayor Ferguson to sign an Engineering Fee Supplemental Agreement with Neel-Schaffer for I-269 Sanitary Sewer Crossing Force Main Adjustment, and authorize to pay Neel-Schaffer \$2,717.88. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

AUTHORIZE MAYOR FERGUSON TO SIGN AN AGREEMENT WITH CUMMINS SALES AND SERVICE FOR MAINTENANCE ON OUR GENERATOR AT FIRE STATION 2

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to authorize Mayor Ferguson to sign an agreement with Cummins Sales and Service for maintenance on our generator at Fire Station 2. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

DISCUSSION OF WATER TOWER CAPACITY

Public Works Director, Bobby Burton, presented information on water tower capacity to the Mayor and Board of Aldermen.

Alderman Miller stated that in the last budget meeting you said we were at 85% capacity. Bobby Burton stated that he said we would be at 85% if growth kept going like it has been.

Alderman Miller asked where are we at then?

Bobby Burton stated that at the East Parkway one we are at 80% of design capacity. We have a total of 5971 connections including equivalent, industrial connections. Anytime you are at 80% of capacity you need to look at the design capacity, to increase. We need to add a treatment facility. We also need to put a facility on Robinson Rd near Hawthorn. There is already a connection there, a 12 inch. Those improvements were for this. We also need 2 acres of land to put this on. At the Laughter Road system we are only at 18%, there is no industry on it. The system on Jaybird is at 84%. I plan on taking some off of Jaybird and putting them on the Laughter Rd system, that will help a little, but we will still need an additional one. We can put it to where it would be seen from I-269, and it would be good advertising.

Alderman Higdon asked if we had a major problem on East Parkway, can we get service from another system.

Bobby Burton answered yes.

Alderman Miller stated that you said 2-4 years, and next budget year.

Bobby Burton stated it depends on development. Even if I take some off at Jaybird and put on Laughter, we will still need to look at getting a new system.

Alderman Miller asked how much does a new plant cost.

Joe Frank Lauderdale answered at least \$1,000,000.

Alderman Miller stated a new plant, lines and the improvements.

Joe Frank Lauderdale answered at least \$2,000,000.

Alderman Miller stated that we were broke and had to raise rates.

Alderman Hobbs stated we raised them because of this same discussion we had before.

Mayor Ferguson stated we'd have to do CAP loans.

Alderman Hobbs asked if you do the connections on Laughter from Jaybird, what will that bring Jaybird to?

Bobby Burton answered maybe 75%. At 80% we still need to do something.

Alderman Hobbs asked how long would that buy us.

Bobby Burton answered if that subdivision goes in at Green T, we still need it soon. Mr. Burton stated that making interconnection changes isn't that expensive and it may buy us a little breathing time, but not much. We still have to look at doing this.

Alderman McLendon asked why do the people that live in Hernando now have to pay for new people that move here.

Alderman Hobbs stated 4,5,6 years ago, Hernando West said they would put in a water tower there.

Alderman McLendon stated that Madison Lakes said they would put in a water tower for their development also.

Alderman Hobbs said hold them to that.

Alderman Higdon asked if the Jaybird plant can handle another well or two.

Bobby Burton answered I think so, but wouldn't feel comfortable saying yes for sure.

Alderman Higdon stated that Parkway for sure needs something done. Mr. Higdon stated that Hernando West development definitely agreed to put a water tower in.

Bobby Burton stated that a treatment plant would be better and you don't have to do it all at one time. We will need land to put this on and expand.

Alderman Miller asked on the conservative side, \$1,000,000 next year or \$2,000,000.

Alderman McLendon asked if we can look at putting the cost on new residents and not current ones. How bad do they want to be here?

AUTHORIZE TO ACCEPT THE UTILITY EASEMENT FROM MARK ANGLIN

Joe Frank Lauderdale presented the information. It is the property on the corner of Holly Springs and McIngvale Rd South. It will not be any cost to the City.

Mayor Ferguson asked Joe Frank if he was engineering the water and sewer.

Joe Frank Lauderdale answered yes.

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to accept the Utility Easement from Mark Anglin. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

RENAME GREEN T LAKE WEST AND GREEN T BLVD WEST TO ONE STREET NAME FROM BEGINNING TO END WHICH IS GREEN TO RD AND BYHALIA RD

Planning Director Keith Briley presented the information, stated that from his research Green T Lake Blvd West.

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to rename Green T Lake West and Green T Blvd West to Green T Lake Blvd West. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

ADOPT AMENDED RESOLUTION AUTHORIZING CITY OF HERNANDO CRED CARD USERS (VISA)

**ADOPT AMENDED RESOLUTION AUTHORIZING CITY OF HERNANDO CREDIT
CARD USERS (VISA)**

BOARD MEMBER Hobbs moved the adoption of the following Resolution and Order:

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN, THE GOVERNING BODY (“THE BOARD”) OF THE CITY OF HERNANDO, MISSISSIPPI FINDING IT NECESSARY TO ACQUIRE A CREDIT CARD FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH CREDIT CARD: FINDING THAT THE FIRST SECURITY BANK, HERNANDO, MISSISSIPPI, HAS OFFERED TO ACQUIRE SUCH CREDIT CARD: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE BORROWER AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK (THE “AUTHORIZED OFFICERS”) TO EXECUTE AN APPLICATION AND RESOLUTION.

WHEREAS, the Board has determined that it is necessary to acquire a credit card for purposes authorized by law and

WHEREAS, the Board does by these presents determine that it would be in the public interest to acquire a credit card; and

WHEREAS, the Board anticipates that it will not purchase more than \$5,000.00 in any month; and

WHEREAS, the First Security Bank of Hernando, Mississippi, has proposed to acquire said credit card with no annual fee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1: The Board hereby accepts the aforementioned proposal of First Security Bank pursuant to the terms and conditions thereto.

SECTION 2: The Authorized Officers are hereby authorized and directed to execute an Agreement for said credit card making the City of Hernando responsible for the payments charged on said credit card.

SECTION 3: The Board of Aldermen authorizes the following persons to use said credit cards:

Scott Worsham Police Chief

BOARD MEMBER Higdon seconded the motion and after a full discussion, the same was put to vote with the following results:

Alderman Harris	Voted: “Aye”
Alderman Bryant	Voted: “Aye”
Alderman Miller	Voted: “Aye”
Alderman Higdon	Voted: “Aye”
Alderman McLendon	Voted: “Aye”
Alderwoman Brooks	Voted: “Aye”
Alderman Hobbs	Voted: “Aye”

The motion, having received an affirmative vote, was carried and the resolution adopted, this the 7TH day of May 2019.

By: _____

Tom Ferguson

Mayor, City of Hernando

{Seal}

By: _____

Katie Harbin

City Clerk, City of Hernando

AUTHORIZE TO ADJUST UTILITY BILL FOR JAMES HANNA

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 James Hanna
Service address 509 Ridgeview Dr. S.
Daytime phone number () 901-359-6231

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

REPAIR INFORMATION (please print)

Property owner or managers name James Hanna Date of repair 4/10/19
Daytime phone number () 901-359-6231
Type of repair and location of property Leak repair at the meter in the yard.

Documentation and property owner's or manager's signature

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

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

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

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

Signature James E. Hanna
For Office use only

Account Number 09-8082400 Billing period ending 4-30-19

High month usage 256 minus 6 month average 9 = Amount of Adjustment 247

OK
BB

\$ 1337.51

Dennis Wright Plumbing LLC
PO BOX 791
SOUTHAVEN, MS 38671
(662)429-1116
jdwlsh103@aol.com

Invoice

BILL TO
Chris Hanna
509 Ridge View Drive
Hernando, Ms 38632

INVOICE # 34833
DATE 04/12/2019
DUE DATE 04/12/2019
TERMS Due on receipt

MECHANIC
103JW

ACTIVITY	QTY	RATE	AMOUNT
Labor Water was leaking at the meter.	1	448.00	448.00T

SLV TOTAL	448.00
TAX (7%)	31.36
TOTAL	479.36
PAYMENT	479.36
BALANCE DUE	\$0.00

PAYMENT DUE UPON RECEIPT

Janet Hawks

From: James Hanna <chris.hanna2@gmail.com>
Sent: Wednesday, April 24, 2019 8:58 AM
To: Janet Hawks
Subject: Re: Water Leak Form
Attachments: Nesbit Water Adjustment 509 Ridgeview.pdf; Water Leak Verif. & Plumbing Bill for Repair.pdf

Janet,

Thank you for the water leak verification document. This matter is in regards to a to a leak which was fixed last week on 4/10/19 at my property 509 Ridgeview Dr. Hernando, MS 38632. Attached are all the required documents. The billing information on the account and on my residence is in my name James Christopher Hanna and the property is in my name. I included the plumber's bill, the Hernando leak verification form, and Nesbit's adjustment to my bill. Please note that no water entered the sewage, the leak was outside in the yard next to the water meter. Please let me know if you need anything else.

Thanks!

Chris (James) Hanna

On Tue, Apr 23, 2019 at 8:59 AM Janet Hawks <JHawks@cityofhernando.org> wrote:

Any adjustments have to be approved by our Board of Alderman. Please attach the repair bills and documentation from Nesbit Water showing their adjustment.

1

4/24/2019
 8:38:47AM
 NESBIT WATER ASSOC.

AUDIT HISTORY
 Program Version 19.3.100
HANNA, JAMES
 LT58 509 RIDGEVIEW S

Page 1 of 1

Account: 1119

Date	Amount	Description	Balance
		Beginning Month Balance	\$30.68
3/8/2019	(\$30.68)	Payment Bank Draft	\$0.00
3/19/2019	\$31.07	Usage of 8190 Water	\$31.07
3/30/2019	\$8.69	Corrected Usage of 8190 Water	\$39.76
		Beginning Month Balance	\$39.76
4/10/2019	(\$39.76)	Payment Bank Draft	\$0.00
4/17/2019	\$1,031.44	Usage of 256110 Water	\$1,031.44
4/18/2019	(\$495.40)	Adjustment-Water leak on customer side	\$536.04
4/18/2019		LEAK ADJ	\$336.04
Totals for Water		1,071.20	
Totals for Adjustments		-495.40	
Payments Received		70.44	
Total Usage Amount		8,190	
Qualified By: Account # 1119 Nesbit Water Association			

Period	Code	Previous Reading	Present Reading	Consumption	Amount Due
04/30/2019		512	1768 = 256		0.00
03/31/2019		504	512	8	68.95
02/28/2019		496	504	8	68.95
01/31/2019		489	496	7	63.53
12/31/2018		482	489	7	63.53
11/30/2018		475	482	7	63.53
10/31/2018		458	475	17	117.73
09/30/2018		445	458	13	96.05
08/31/2018		430	445	15	106.89
07/31/2018		414	430	16	112.31
06/30/2018		400	414	14	101.47
05/31/2018		388	400	12	90.63

Nesbit Water

$$\begin{array}{r}
 256 \\
 - 9 \\
 \hline
 247 \times 3.15 = 778.05 \\
 \text{SWR } 778.05 \div 2 = 389.03 \\
 \text{OCR } 247 \times 3.84 = 948.48 \\
 \hline
 \$ 1,337.51
 \end{array}$$

Motion was duly made by Alderman McLendon and seconded by Alderman Higdon to authorize to adjust the utility bill for James Hanna in the amount of \$1,337.51, 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 Hobbs, Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, and Alderwoman Brooks.

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

AUTHORIZE TO ADJUST UTILITY BILL FOR STACEY SPRATLIN

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 Stacey Spratin
 Service address 3255 Shady Lake Dr.
 Daytime phone number (901) 649-8522

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

REPAIR INFORMATION (please print)

Property owner or managers name Stacey Spratin Date of repair 4/26/2019
 Daytime phone number () 901 649 8522

Type of repair and location of property plumbing under ground * yard

Documentation and property owner's or manager's signature

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

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

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

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

Signature Stacey Spratin
 For Office use only

Account Number 04-0501602 Billing period ending 4-30-19

High month usage 59 minus 6 month average 50 = Amount of Adjustment \$ 490.86 credit

OK B B

Michael Robertson DBA Superior Painting
 1190 Double Shovel Drive
 Hernando, MS 38632
 901-282-7702

Invoice

Date	Invoice #
4/29/2019	9811

Bill To Stacy Spratin 3255 Shady Lake Dr. Hernando, MS 38632
--

Quantity	Description	Rate	Amount
	dig up and replace broken section of main water line in front yard	265.00	265.00
Total			\$265.00

Period	Code	Previous Reading	Present Reading	Consumption	Amount Due
09/30/2018	10		250	59	0.00
12/30/2018	10	191	191	59	50.79
03/31/2019	10	185	191	6	74.41
06/30/2018	10	182	186	4	72.48
09/30/2018	10	178	182	4	58.07
12/31/2018	10	174	178	4	74.43
03/31/2019	10	168	174	6	83.25
06/30/2018	10				0.00

$$\begin{array}{r} 59 \\ - 5 \\ \hline 54 \end{array}$$

$$54 \times 3.50 = 189.00$$

$$189.00 - 2 = 187.00$$

$$54 \times 3.84 = 207.36$$

$$\underline{\hspace{1.5cm}} \\ \$ 490.86 \text{ credit}$$

Motion was duly made by Alderman Harris and seconded by Alderman Hobbs to authorize to adjust the utility bill for Stacey Spratlin in the amount of \$490.86, finding that the customer had a leak and did not receive the benefit of receiving the water services, also request that the water leak repair verification form and attached documents are put in the minutes. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

Dianne Franczyk, 724 Shadow View Cove, requested to speak to the board about a few concerns she had. Mrs. Franczyk stated she has tried to contact the city with no response. Mrs. Franczyk stated that the handicap spots at the Gale Center need to be repainted. Laurel Wood HOA would like new stops signs in their neighborhood. Mrs. Franczyk stated that the HOA is willing to help with the cost.

Alderman Miller asked what is wrong with them.

Dianne Franczyk answered that some people in the HOA are complaining that they are old and faded.

Alderman Miller stated that we have to be careful of changing some and not others.

Dianne Franczyk stated that they are offering to help pay for them.

Dianne Franczyk stated that they would like a traffic light at Hwy 51 and Green T Rd W. It is getting harder to pull out and dangerous. Mrs. Franczyk stated that she has contacted MDOT, but they advised her that she would have to contact the City, since there are no additional entrances off of Hwy 51 there.

Mayor Ferguson stated that MDOT controls Hwy 51, asked who told you that.

Dianne Franczyk answered that MDOT told her, she didn't get a name.

Alderman Miller stated that this isn't a Board item. These things can be handled in the Mayors Office. Some of the concerns should go to the Department heads and not the Board.

Dianne Franczyk stated that she has tried to contact the city office, but did not get a call back.

**GO INTO CLOSED SESSION TO DISCUSS GOING INTO EXECUTIVE SESSION FOR
NEGOTIATIONS**

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

GO INTO EXECUTIVE SESSION FOR NEGOTIATIONS

Motion was duly made by Alderwoman Brooks and seconded by Alderman Hobbs to go into executive session for negotiations. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

COME OUT OF EXECUTIVE SESSION

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 7th day of May, 2019

PURCHASE OF BUILDING FOR PUBLIC WORKS

Motion was duly made by Alderman Harris and seconded by Alderman Higdon to authorize Mayor Ferguson to sign a Real Estate Sales Agreement to purchase the building located at 630 Whitfield Drive for the price of \$520,000.00. A vote was taken with the following results:

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

Those voting "Nay": Alderman Miller and Alderman Hobbs.

ORDERED AND DONE this the 7th day of May, 2019

Alderman Miller stated that he is voting no because he thinks the City hasn't done due diligence and it will be an unsafe entrance and exit there.

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