

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, August 6, 2019 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, 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, Assistant Police Chief Shane Ellis, Public Works Director Bobby Burton, Court Clerk Cassaundra Perry, Planning Director Keith Briley, Community and Economic Development Director Gia Matheny, Dolly Brechin, Kristine Slaughter, Anthony L Scott, David L Knox, Robert Long, Paul Whitfield, Joe Kelley, Janet Allinder, Susan J. Gladney, Thomas E. Allinder, Patrick and Janet Ward, Benjamin Boren, Pam Whitfield, Sally Williams, Susan Kelley, Susan Sanders, Williams Sanders and Jerry Pitts.

---

### PLEDGE OF ALLEGIANCE

---

Pledge of Allegiance

---

### INVOCATION

---

Alderman Miller gave the invocation.

---

### AGENDA

---

Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

August 6, 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 31791 – 32107
- 6) Approve Minutes
- 7) Consent Agenda
  - A) Authorize to accept a donation from Summit Church in the amount of \$60.00 for a sponsorship of a magazine ad
  - B) Authorize to accept a donation from Gisele Hankins in the amount of \$60.00 for a sponsorship of a magazine ad
  - C) Authorize to accept a donation from Andrew Miller in the amount of \$100.00 for a sponsorship of a magazine ad
  - D) Authorize to accept a donation from Laura Matlock in the amount of \$60.00 for a sponsorship of a magazine ad
  - E) Authorize to accept a donation from Heather Strickland in the amount of \$50.00 for a sponsorship of the Scavenger Hunt
  - F) Authorize to accept a donation from the Gymnastic Group, LLC in the amount of \$50.00 for a sponsorship of a magazine ad

- G) Authorize to accept a donation from Coooke Insurance in the amount of \$100.00 for a sponsorship of a magazine ad
  - H) Authorize to accept a donation from Cynthia Ivey, Ivey Corp., in the amount of \$60.00 for a sponsorship of a magazine ad
  - I) Authorize to accept a donation from Four Seasons in the amount of \$150.00 for a sponsorship of the Scavenger Hunt
  - J) Authorize to accept a donation from Ross Sod Farms in the amount of \$60.00 for a sponsorship of a Magazine Ad
  - K) Authorize to accept a donation from Marquita Thurman in the amount of \$100.00 for a sponsorship of a Magazine Ad
  - L) Authorize to accept a donation in the amount of \$30.00 from Lorinda Woodey for the Animal Control Department
  - M) Authorize to accept a donation in the amount of \$20.00 from Gonda and Tony Riggs in the memory of Polo the cat, for the Animal Control Department
  - N) Authorize to accept a donation in the amount of \$10.00 from James Burrows for the Animal Control Department
  - O) Authorize to accept a donation in the amount of \$10.00 from Shelly Bintz for the Animal Control Department
  - P) Authorize to accept a donation in the amount of \$10.00 from Melanie Sowell for the Animal Control Department
  - Q) Authorize to accept a donation in the amount of \$10.00 from Christi Carter for the Animal Control Department
  - R) Authorize to accept a donation in the amount of \$10.00 from Joyce Seymour for the Animal Control Department
  - S) Authorize to accept a donation in the amount of \$100.00 from Fairway Independent Mortgage for a Sponsorship of a magazine ad
  - T) Authorize to accept a donation in the amount of \$100.00 from Endurance Physical Therapy for sponsorship of a magazine ad
  - U) Authorize to accept a donation in the amount of \$300.00 from Eldridge Services for a Scavenger Hunt Sponsor
  - V) Authorize Cassaundra Perry to attend the Municipal Court Clerks Conference in Biloxi, MS on September 10 – 13, 2019, also authorize to pay travel expenses (mostly reimbursed by MS Judicial College)
  - W) Authorize Joanna Herring to attend the MEMTA Board Meeting in Louisville, MS on August 23-24, 2019, and also authorize to pay travel
  - X) Authorize Brian Spenser to attend the CPAT Exam in Pearl, MS at the MS State Fire Academy (date to be determined), also authorize to pay registration and travel expenses
  - Y) Authorize Neil Waldrop to attend the 44<sup>th</sup> Annual MWPCOA South Mississippi Short Course in Biloxi, MS on September 9-13, 2019, also authorize to pay registration and travel expenses
  - Z) Authorize Mayor Ferguson, Board of Aldermen and Katie Harbin to attend the North Delta PDD meeting in Batesville, MS on August 21, 2019
  - AA) Authorize to declare the 2003 Ford Crown Vitoria in the Planning Department surplus VIN # 2FAHP711123X183942 and dispose of
- 8) Request from the Desoto County Museum for funding
- 9) Request from the Healing Hearts Child Advocacy Center
- 10) PL-1394 – Appeal of the Planning Commission’s Denial of a Request for a Variance in the Rear Yard Setback Requirements of the C-2 Zoning District – 284 Pleasant Hill Road – Fasil Kebede with Beruk Properties
- 11) PL-1399 – Appeal of the Planning Commission’s Denial of Request for a Variance in the Allowable Sign Area – 1225 Monteith Avenue – Joe Kelly with Colonial Hills Church
- 12) Discussion of the City of Hernando’s Grass Ordinance

- 13) Authorize to accept the lowest and best quote from Cleveland Construction for the Animal Shelter Foundation project
- 14) Authorize Mayor Ferguson to sign an agreement with Desoto County for SRO
- 15) Authorize to advertise for a new SRO position
- 16) Adopt Amended Resolution Authorizing City of Hernando Credit Card Users for the Visa (adding Michael Carson)
- 17) Authorize Mayor Ferguson to sign an agreement with Entergy for Lights on Jefferson Loop
- 18) Approve the Movie Night Vendor Application and fee (Parks Department)
- 19) Adopt Order Amending the budget FYE 2019
- 20) Authorize Utility Adjustment for Russel Doyle
- 21) Authorize to accept the lowest and best quote from Riley Paving Co. for asphalt part of the Renasant Trail, in the amount of \$34,160.00
- 22) Authorize to advertise to hold a Public Hearing on August 22, 2019 for the proposed budget and tax levies fye 2020
- 23) Executive Session – Public Works Personnel, Court Personnel and Negotiations
- 24) Adjourn

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant 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, Alderwoman Brooks, and Alderman Hobbs.

Those voting “Nay”: None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019.

---

#### **APPROVE DOCKET OF CLAIMS NO.’S 31791 - 32107**

---

The Board of Aldermen were presented with a docket of claims No. 31791 – 32107 in the amount of \$631,175.99 for approval.

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

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

Those voting “Nay”: None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019.

---

#### **APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD MEETING ON JULY 16, 2019**

---

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to approve the Minutes from the regular Mayor and Board of Aldermen meeting on July 16, 2019. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019.

---

**CONSENT AGENDA**

---

- A) Authorize to accept a donation from Summit Church in the amount of \$60.00 for a sponsorship of a magazine ad
- B) Authorize to accept a donation from Gisele Hankins in the amount of \$60.00 for a sponsorship of a magazine ad
- C) Authorize to accept a donation from Andrew Miller in the amount of \$100.00 for a sponsorship of a magazine ad
- D) Authorize to accept a donation from Laura Matlock in the amount of \$60.00 for a sponsorship of a magazine ad
- E) Authorize to accept a donation from Heather Strickland in the amount of \$50.00 for a sponsorship of the Scavenger Hunt
- F) Authorize to accept a donation from the Gymnastic Group, LLC in the amount of \$50.00 for a sponsorship of a magazine ad
- G) Authorize to accept a donation from Coooke Insurance in the amount of \$100.00 for a sponsorship of a magazine ad
- H) Authorize to accept a donation from Cynthia Ivey, Ivey Corp., in the amount of \$60.00 for a sponsorship of a magazine ad
- I) Authorize to accept a donation from Four Seasons in the amount of \$150.00 for a sponsorship of the Scavenger Hunt
- J) Authorize to accept a donation from Ross Sod Farms in the amount of \$60.00 for a sponsorship of a Magazine Ad
- K) Authorize to accept a donation from Marquita Thurman in the amount of \$100.00 for a sponsorship of a Magazine Ad
- L) Authorize to accept a donation in the amount of \$30.00 from Lorinda Woodey for the Animal Control Department
- M) Authorize to accept a donation in the amount of \$20.00 from Gonda and Tony Riggs in the memory of Polo the cat, for the Animal Control Department
- N) Authorize to accept a donation in the amount of \$10.00 from James Burrows for the Animal Control Department
- O) Authorize to accept a donation in the amount of \$10.00 from Shelly Bintz for the Animal Control Department
- P) Authorize to accept a donation in the amount of \$10.00 from Melanie Sowell for the Animal Control Department
- Q) Authorize to accept a donation in the amount of \$10.00 from Christi Carter for the Animal Control Department
- R) Authorize to accept a donation in the amount of \$10.00 from Joyce Seymour for the Animal Control Department
- S) Authorize to accept a donation in the amount of \$100.00 from Fairway Independent Mortgage for a Sponsorship of a magazine ad
- T) Authorize to accept a donation in the amount of \$100.00 from Endurance Physical Therapy for sponsorship of a magazine ad
- U) Authorize to accept a donation in the amount of \$300.00 from Eldridge Services for a Scavenger Hunt Sponsor
- V) Authorize Cassandra Perry to attend the Municipal Court Clerks Conference in Biloxi, MS on September 10 – 13, 2019, also authorize to pay travel expenses (mostly reimbursed by MS Judicial College)
- W) Authorize Joanna Herring to attend the MEMTA Board Meeting in Louisville, MS on August 23-24, 2019, and also authorize to pay travel
- X) Authorize Brian Spenser to attend the CPAT Exam in Pearl, MS at the MS State Fire Academy (date to be determined), also authorize to pay registration and travel expenses
- Y) Authorize Neil Waldrop to attend the 44<sup>th</sup> Annual MWPCOA South Mississippi Short Course in Biloxi, MS on September 9-13, 2019, also authorize to pay registration and travel expenses
- Z) Authorize Mayor Ferguson, Board of Aldermen and Katie Harbin to attend the North Delta PDD meeting in Batesville, MS on August 21, 2019

AA) Authorize to declare the 2003 Ford Crown Victoria in the Planning Department surplus VIN # 2FAHP711123X183942 and dispose of

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 Higdon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, Alderman Bryant, and Alderman Miller.

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019.

---

**REQUEST FROM THE DESOTO COUNTY MUSEUM FOR FUNDING**

---

Robert Long presented the request on behalf of the Desoto County Museum. Mr. Long went over what the museum does for the community, the new exhibits they have along with the current ones. Mr. Long went over how important the museum is to the community by helping keep history alive, education new and old residents, and helping with the tourism of the City.

The Mayor advised that we will keep this request in mind when doing the new budget.

---

**REQUEST FROM THE HEALING HEARTS CHILD ADVOCACY CENTER**

---

Sally Williams, Executive Director, presented the request on behalf of Healing Hearts Child Advocacy Center. Mrs. Williams went over what the Healing Hearts Child Advocacy Center is and does for the community. They are a 501C3 and are accredited. They support children and families that have and are dealing with child abuse. The advocacy center helps bring awareness to the community. When a child is dealing with child abuse, with Healing Hearts Child Advocacy Center, the child will only have to tell their story once, and it will get to everyone involved. Healing Hearts Child Advocacy Center helps several families from Hernando and surrounding cities in Desoto and Tate county.

The Mayor advised that we will keep this request in mind when doing the new budget.

---

**PL – 1394 – APPEAL OF THE PLANNING COMMISSION’S DENIAL OF A REQUEST FOR A VARIANCE IN THE REAR YARD SETBACK REQUIREMENTS OF THE C-2 ZONING DISTRICT – 284 PLEASANT HILL ROAD – FASIL KEBEDE WITH BERUK PROPERTIES**

---

Planning Director Keith Birley stated that the applicant requests to table this item to the September 3<sup>rd</sup> Board Meeting.

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to table this item, per the applicant’s request, to the September 3<sup>rd</sup> Board Meeting. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**PL – 1399 – APPEAL OF THE PLANNING COMMISSION’S DENIAL OF REQUEST FOR A VARIANCE IN THE ALLOWABLE SIGN AREA – 1225 MONTEITH AVENUE – JOE KELLY WITH COLONIAL HILLS CHURCH**

---

Planning Director Keith Briley presented the information.



City of  
**Hernando**  
MISSISSIPPI

BOARD OF ALDERMEN  
STAFF REPORT

---

Project No.:	PL-1399	Item No.:	__
Request:	Variance in Allowable Sign Area		
Location:	1225 Monteith Avenue		
Applicant:	Joe Kelly with Colonial Hills Church		
Date:	August 6, 2019		

---

**INTRODUCTION:**

Mr. Joe Kelly with Colonial Hills Church is requesting a Variance in the Allowable Sign Area for a wall sign for Colonial Hills Church located at 1225 Monteith Avenue.

**BACKGROUND:**

The subject property is located at 1225 Monteith Avenue and is Lot 2 of Lee's Summit PUD Phase 5A. Phase 5A final plat was approved by the Planning Commission on October 10, 2017, and by the Board of Aldermen on October 17, 2017. The property is zoned PUD with the RM-6, Multi-Family Residential designation of uses.

A first request for a variance in the allowable sign area came before Planning Commission on July 10, 2018, as Case Number PL-1337. The Planning Commission voted to deny the request because there are no special conditions which are peculiar to the site and because the applicant would receive a special privilege of having a wall sign the exceeds the maximum allowable size by 310%.

A second request for a variance in the allowable sign area came before Planning Commission on September 11, 2018, as Case Number PL-1343. The Planning Commission voted to deny the request because the proposed sign exceeded the allowable wall sign area of 35.0 square feet in a Residential Zoning District with a proposed sign area of 61.4 square feet which is an increase of 75.5% over the allowable sign area.

**PLANNING COMMISSION ACTION:**

The Planning Commission met on July 9, 2019, and voted to deny the variance request, because proposed sign exceeds the allowable wall sign area of 35.0 square feet in a Residential Zoning District by 62.2 square feet which is an increase of 2.5 times over the allowable sign area and because approval of the variance will confer on the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

**DISCUSSION:**

A variance from the requirements of the zoning ordinance shall not be granted by the Planning Commission unless and until the applicant submits a written explanation along with the application for a variance that demonstrates the following criteria found in Article XVI the Planning Commission, §c., ¶ii., (1) of the Zoning Ordinance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same district.

Applicant: Given the size of building, 175' frontage and the distance the building is from the road, 115-foot ROW, it is difficult to achieve the proper legible branding that the

owner would like to convey in the allowed 35 sq. feet. Churches are accepted per the R zoning but churches in other zones are allowed 62.5 sq. feet.

Staff: There are no special conditions which are peculiar to the land, structure, or building involved as churches are an allowable use in all residential and commercial districts. Additionally, all wall mounted signs in residential zones must adhere to the same maximum sign area requirement of 35.0 s.f.

2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

Applicant: Churches in other areas (zones) are allowed more square footage on wall signs.

Staff: A literal interpretation of the provisions of this ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance. Other allowable nonresidential uses in the residential zoning districts are allowed a maximum size of 35.0 s.f. in a wall sign.

3. That special conditions and circumstances do not result from the actions of the applicant.

Applicant: Approval would allow equal conditions to others in our area

Staff: Special conditions and circumstances will result from the actions of the applicant as the applicant's proposed sign will be a 2.5 times increase over that which is allowable.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Applicant: I cannot confirm that if approved this wouldn't be a special privilege. Only making the sign fit the frontage and R.O.W.

Staff: If approved the applicant will receive the special privilege of having a wall sign that exceeds the maximum allowable size by 2.5 times.

#### *Article XI Sign Regulations*

##### *b. Sign Requirements for Permanent Signs by Zone District*

##### *ii. "R" Residential Districts: This section shall apply to all districts designated by the zoning ordinance as Agricultural-Residential, Traditional Neighborhood Development or Planned Unit Development*

##### *(1) Allowable Signs*

*(b) Signs for schools, churches, hospitals, nursing homes and day care centers. Commercial signs in TND and PUD zones shall adhere to the Master Plan requirements for signage in the development*

##### *(2) Size*

*(b) Signs for schools, churches, hospitals, nursing homes and day care centers. The sign area for one face shall not exceed a total of thirty-five (35) square feet. In no case shall the total sign area exceed sixty-two and one-half (62.5) square feet.*

#### **STAFF COMMENTS:**

1. On May 30, 2019, the applicant was mailed a letter acknowledging the fact that the applicant had installed a wall sign without a permit and that the sign that was installed exceeds the allowable sign area for a residentially zoned property.
2. The applicant is proposing a sign that when Staff measured in the field calculates to be 73.42 sq. ft. This results in a sign that is over twice the allowable area of 35 sq. ft.

3. Attached to the staff report is a copy of the sign measurement section from the Planning and Urban Design Standards published by the American Planning Association. The methodology described for sign area calculations is used by government entities throughout the country.
4. In researching the ordinances of other cities in the state and around the country, sign area is calculated by using the tight envelope method described in the Planning and Urban Design Standards.
5. The applicant is proposing to calculate the sign area based on the area of the individual letters. Thus the 36.48 sq. ft. on the drawing submitted with the application.
6. When scaling the applicants drawing to determine length and width, the sign calculates to be 97.18 sq. ft. which is over two and a half (2.5) times the allowable area.
7. If approved, the applicant shall apply for a sign permit prior to sign installation.
8. If the variance request is denied, the applicant shall be required to remove the sign within fifteen (15) days of the Planning Commission's decision.
9. In accordance with Article XVI §c. ¶ v. Any person or persons aggrieved by any decision of the Planning Commission 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.

**STAFF RECOMMENDATION:**

Because the proposed sign, when measured according to standard methodology, is 2.5 times over the allowable area of 35 square feet for properties located in residential zoning districts;

Because there are no special conditions which are peculiar to the site; and

Because the applicant would receive a special privilege of have a wall sign the exceeds the maximum size by 2.5 times

Therefore, Staff recommendation is for denial of the variance request as presented.

**PROPOSED MOTION:**

***Motion to Approve***

I move to grant approval of a variance in the allowable wall sign size of 97.18 square feet which is an increase 2.5 times over the allowable sign area of 35.0 square feet in a Residential Zoning District for Colonial Hills Church located at 1225 Monteith Avenue, subject to Staff Comments.

***Motion to Deny***

Because proposed sign exceeds the allowable wall sign area of 35.0 square feet in a Residential Zoning District by 62.2 square feet which is an increase of 2.5 times over the allowable sign area and because approval of the variance will confer on the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, I move to DENY the variance in allowable sign area for a wall sign for Colonial Hills Church located at 1225 Monteith Avenue.



## Colonial Hills Church

7701 Hwy 51 N  
Southaven, MS 38871  
Phone: 662.393.3445  
E-Mail: joe.kelley@colonialhills.church

7-11-2019

To: Keith Briley  
Office of Planning  
Hernando, MS. 38632

From: Joe Kelley  
Colonial Hills Church

Re: Appeal of Planning Commission  
Case # PL-1399

As required by the action of denial of our variance request on 7-9 2019 we would like to appeal to The City of Hernando. Please advise of required documents, costs , and action steps we need to take. The address of our facility in Hernando is 1225 Monteith Drive.

Thanks for your help in this matter.

Joe Kelley  
Executive Pastor  
Colonial Hills Church  
901-230-7945

Alderwoman Brooks asked what the square footage on the building is.

Keith Briley answered that he doesn't recall off the top of his head, it's not in his documents.

A representative from Colonial Hills Church answered 24,000 square feet.

Alderman Higdon stated that he went and looked at the building. The building and lot is so large that the sign looks small.

Alderman Miller asked why was the sign put up? Everyone seems to want to escape that factor. Why was the sign put up and why was it larger?

Paul Whitfield, Church member and finance Committee member, stated it was put up, not in defiance, but we went to the City and it was denied, but the scale of it is fine. The building is

so big, we wanted to put this sign up. A smaller sign wouldn't look right. The building was built around this logo. If this was in a commercial zone, it would be ok. So because we didn't rezone, we can't have the largest sign. We thought if we put it up, y'all would see it, and see that it looked good. In our heart we knew it was right. We are requesting this as a special case, it's not like everything around it. It's better than it becoming commercial zoning.

Alderman Harris stated you put it up knowing that you didn't have a permit.

Paul Whitfield answered yes.

Alderman Harris asked if anyone during this process tell you what size you needed to do.

Paul Whitfield answered no, we based everything off of the plans approved by the Design Review Committee.

Alderman Harris stated that he looked at it, it looks nice.

Alderman Higdon stated I think it fits, since the building and land are so big.

Paul Whitfield stated that the sign is appropriate for the building.

Alderwoman Brooks stated that you stated no other signs are in the works, I wanted to make sure of that.

Paul Whitfield answered no ma'am.

Alderwoman Brooks asked when we calculate what size is appropriate, is it the whole brick area.

Keith Briley answered no, it is more like a triangle shape around it.

Paul Whitfield stated that I know Ordinances are good for the community but I think we are good for the community.

Alderman Hobbs asked was this sign in the original application.

Paul Whitfield answered yes.

Alderman Higdon stated that if you calculate just the letters, sign, it isn't that big.

Anthony Scott, 1463 Vernon Drive South, stated that he doesn't understand why we are here about this. The Planning Commission, which you picked, denied it. It shouldn't be there.

Alderman Hobbs stated that the Planning Commission makes recommendations.

Keith Briley stated that what you do tonight will set a precedence. I think if you approve it, others will do the same. You have the rules because you want the City to look a certain way.

Mayor Ferguson stated that he understands that, and appreciates it, but I also think our sign ordinance is out dated.

Alderman Hobbs asked Keith do you know why this might have been approved.

Keith Briley stated my understanding is that they were told that construction and signage were approved at different times.

Paul Whitfield stated that he understands standards and rules, but one size doesn't fit all. That's why you have variances.

Alderman Higdon stated the size of the building, size of the lot, and the church is not actually in the subdivision. To me, it's a finished product and it looks good.

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to grant approval of a variance in the allowable wall sign size of 97.18 square feet which is an increase 2.5 times over the allowable sign area of 35.0 square feet in a Residential Zoning District for Colonial Hills Church located at Monteith Avenue, subject to staff comments. A vote was taken with the following results:

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

Those voting "Nay": Alderman Miller.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

#### DISCUSSION OF THE CITY OF HERNANDO'S GRASS ORDINANCE

---

Alderman Hobbs stated we continue to have repeat offenders. After we go through the process, we cut it, then it goes on the taxes. We have on that has the City cut their grass all year. It states for the first offense it is \$100 and it not cut with in 3 days, there is a fine of \$25 a day. On this recommendation, will the City still cut the grass.

Keith Briley stated we haven't ironed that out.

Alderman Hobbs stated if the City still cuts, there is not much of a consequence to them.

Keith Briley stated that recommendation was more for fines.

Mayor Ferguson stated I believe the home owner of the house should be held responsible.

Kenny Stockton stated that some of them don't live in the City.

Mayor Ferguson stated take the house from them then.

Alderman Miller stated Alderman Hobbs, yours isn't a renter is it.

Alderman Hobbs answered no.

Alderman Miller stated that Ridgeland, Tupelo, have one we can look at. Maintenance and health and safety issue. The problem isn't mostly renters.

Kenny Stockton stated if we start bringing them to court, there is other things that can be done in court.

Alderman Hobbs asked what can we do to hold them accountable. It's not fair to other home owners.

Keith Briley stated we can not have a grace period.

Mayor Ferguson stated we can mail to the owner if they don't live there.

Keith Briley stated that we do mail it to the owner.

Mayor Ferguson stated why don't we all send 3 to 5 recommendations to Keith and he can go over them.

Alderman Higdon stated is that the proper venue to address blowing grass clippings into the streets.

Keith Briley answered yes.

Alderman Hobbs asked Keith if he can look at other Cities Ordinances, and our recommendations and get back to us. If you can by the next meeting, but definitely by the first meeting in September.

---

**AUTHORIZE TO ACCEPT THE LOWEST AND BEST QUOTE FROM CLEVELAND  
CONSTRUCTION FOR THE ANIMAL SHELTER BUILDING FOUNDATION  
PROJECT**

---

Joe Frank Lauderdale presented the quote's. Mr. Lauderdale stated they have done the soil testing and need to do some work.

Alderman Miller asked once awarded, when can they start.

Alderman Hobbs asked how long does it have to sit.

Joe Frank Lauderdale stated one recommendation is 6 months, the other we redo the dirt work, test it, and either use or redo it.

Alderman Higdon asked if this is in the budget.

Mayor Ferguson stated that we haven't received the plans for the building yet.

Alderman Higdon stated we have to stay in budget.

Alderman Miller stated no one said anything when the soccer project went over budget. This has been on the books for 2 or 3 years now, we need to have the dirt work done anyway.

Alderman Hobbs stated a lot of people donate, where does that go.

City Clerk Katie Harbin answered into the general fund, separate line items.

Joe Frank Lauderdale stated we will pull bad dirt out, put good dirt in and re test it.

Mayor Ferguson stated we will haul all new dirt in.

William Sanders, 68 Forked Creek Parkway, I have been following the project, but never saw where you were taking quotes. Mr. Sanders stated \$27,000, is that a certain amount of undercut. Did you figure a base amount.

Joe Frank Lauderdale answered about 1,000 yards to undercut, replace the 1,000 and build up.

William Sanders stated he might be able to save some money. Mine are about 14.

Joe Frank Lauderdale stated this is about 3.30 per yard.

Williams Sanders stated that doesn't add up. I had a feeling someone probably knew someone.

Kenny Stockton told Mr. Sanders that he was out of line, you do not need to accuse the Board of that, doing something like that. You need to sit down.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to accept the lowest and best quote from Cleveland Construction for the Animal Shelter Building Foundation project in the amount of \$27,675.00. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**AUTHORIZE MAYOR FERGUSON TO SIGN AN AGREEMENT WITH DESOTO COUNTY FOR AN SRO**

---

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize Mayor Ferguson to sign an agreement with Desoto County for an SRO. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**AUTHORIZE TO ADVERTISE FOR A NEW SRO POSITION**

---

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to authorize to advertise to hire for a new SRO position. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**ADOPT AMENDED RESOLUTION AUTHORIZING CITY OF HERNANDO CREDIT CARD USERS FOR THE VISA (adding Michael Carson)**

---



---

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

---

BOARD MEMBER Miller 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 \$10,000.00 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:

Tom Ferguson	Mayor
Katie Harbin	City Clerk
Bobby Burton	Public Works Superintendent
Hubert Jones	Fire Chief / EMS Director
Marshel Berry	Deputy Fire Chief
Scott Worsham	Police Chief
Shane Ellis	Assistant Police Chief
W.I. "Doc" Harris	Alderman
E. R. "Sonny" Bryant	Alderman
Andrew Miller	Alderman
Gary Higdon	Alderman
Michael McLendon	Alderman
Cathy Brooks	Alderwoman
Jeff Hobbs	Alderman
Keith Briley	Planning Director
Dewayne Williams	Parks and Recreation Director
Julie Harris	Human Resource Director
Gia Matheny	Director of Community and Economic Development
Chris Couch	Sports Director
Dolly Brechin	Program Coordinator
Jessica Green	Executive Assistant to the Mayor
Michael Carson	Sports Director

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: Absent
Alderwoman Brooks	Voted: "Aye"
Alderman Hobbs	Voted: "Aye"

The motion, having received an affirmative vote, was carried and the resolution adopted, this the 6<sup>th</sup> day of August 2019.

By: \_\_\_\_\_

Tom Ferguson  
Mayor, City of Hernando

{Seal}

By: \_\_\_\_\_

Katie Harbin  
City Clerk, City of Hernando

---

**AUTHORIZE MAYOR FERGUSON TO SIGN AN AGREEMENT WITH ENTERGY  
FOR LIGHTS ON JEFFERSON LOOP**

---

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to authorize Mayor Ferguson to sign an agreement with Entergy for lights on Jefferson Loop. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**APPROVE THE MOVIE NIGHT VENDOR APPLICATION AND FEE**

---

Motion was duly made by Alderwoman Brooks and seconded by Alderman Hobbs to approve the movie night vendor application and fee. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

**Alderman Harris left the meeting.**

---

**ADOPT ORDER AMENDING THE BUDGET FYE 2019**

---

Alderman Miller asked when will we get to see the new budget.

Mayor Ferguson stated he can get what he has to him in the morning, it's not done, not balanced.

Alderman Miller asked when will you be done.

Mayor Ferguson answered hopefully next week.

Alderman Miller stated he wants a flat budget, no capital.

**ORDER AMENDING BUDGET FOR FISCAL YEAR ENDING  
SEPTEMBER 30, 2019**

Pursuant to Section 21-35-25 of the Mississippi Code 1972, Annotated, it is hereby ordered by the Mayor and Board of Aldermen of the City of Hernando, DeSoto County, State of Mississippi, that the budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019, be amended and approved to wit:

	<u>PRIOR BUDGET</u>	<u>AMENDMENT</u>	<u>NEW BUDGET</u>
<b><u>GENERAL FUND</u></b>			
<b>REVENUE</b>			
State Shared Revenues	\$5,514,406.27	\$12,697.00	\$5,527,103.27
License and Permit	\$639,000.00	\$32,000.00	\$671,000.00
<b>EXPENDITURES</b>			
General Government Other Services & Charges	\$471,722.00	\$32,543.00	\$504,265.00
General Government Capital Outlay	\$98,000.00	\$6,175.00	\$104,175.00
General Contingency	\$169,093.82	\$5,979.00	\$175,072.82

**PARK FUND**

**EXPENDITURES**

PERSONNEL SERVICES	\$456,739.00	\$18,360.00	\$438,379.00
SUPPLIES	\$132,542.00	\$5,770.00	\$126,772.00
OTHER SERVICES AND CHARGES	\$273,619.00	\$17,330.00	\$290,949.00
CAPITAL OUTLAY	\$25,000.00	\$6,800.00	\$31,800.00

**UTILITY FUND**

**REVENUE**

WATER TAPS	\$100,000.00	\$10,000.00	\$110,000.00
------------	--------------	-------------	--------------

**EXPENDITURES**

SUPPLIES	\$318,550.00	\$12,000.00	\$330,550.00
OTHER SERVICES & CHARGES	\$3,557,258.00	\$10,000.00	\$3,567,258.00
CAPITAL OUTLAY	\$96,000.00	\$96,800.00	\$192,800.00
DEBT SERVICE	\$0.00	\$158,130.00	\$158,130.00
CONTINGENCY	\$535,819.00	\$266,930.00	\$268,889.00

**BE IT ORDERED**, that the Budget of Estimated Revenues and Expenditures for the Fiscal Year Ending September 30, 2019, for the City of Hernando, Mississippi be amended in the following respects:

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

General Fund – Received more revenues than budgeted for, amended expenses to cover for professional fees, software upgrades, and equipment repairs.

Park Fund – Moved money to cover legal expenses, removal of fallen trees, remove a light pole, equipment repairs, special events, etc. not budgeted for.

Utility Fund – Moved money to cover repairs to water and sewer systems, vehicles, etc. not budgeted for.

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

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

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

Those voting “Nay”: None.

**ORDERED AND DONE** this the 6<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Tom Ferguson, Mayor

Attest:

\_\_\_\_\_  
Katie Harbin, City Clerk

**AUTHORIZE UTILITY ADJUSTMENT FOR RUSSEL DOYLE**



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 Russell Doyle
Service address 1090 Crosswinds Drive Hernando, MS, 38632
Daytime phone number ( ) 901-301-0083

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 Russell Doyle Date of repair 6-22-19
Daytime phone number ( ) 901-301-0083

Type of repair and location of property Water main leak from house to street.
- front of house outside
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 [Signature]

For Office use only

Account Number 03-0637601 Billing period ending 6-30-19

High month usage 15 minus 6 month average 3 = Amount of Adjustment \$ 109.08 credit



LOWE'S HOME CENTERS, LLC
178 GOODHAM ROAD WEST
SOUTHAVEN, MS 38671 (662) 536-3245

SALES#: S1721RB1 2573103 TRANS#: 13255850 06-22-19

Table with 2 columns: Item description and Price. Includes items like KOBALT DIG SHOVEL, SCH40 COUPLING, etc.

SUBTOTAL: 40.53
TAX: 2.84
INVOICE 13960 TOTAL: 43.37
ANEX: 43.37

ANEX:XXXXXXXXX2003 AMOUNT:43.37 AUTHCD:025927
CHIP REFID:172113063647 06/22/19 21:09:22
APL: AMERICAN EXPRESS TVR: 000000000

AID: A000000025010801 TS1: F800
STORE: 1721 TERMINAL: 13 06/22/19 21:11:15
# OF ITEMS PURCHASED: 10
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS



THANK YOU FOR SHOPPING LOWE'S.
SEE REVERSE SIDE FOR RETURN POLICY.
STORE MANAGER: RYAN URGENT

LOWE'S PRICE MATCH GUARANTEE
FOR MORE DETAILS, VISIT LOWES.COM/PRICEMATCH

YOUR OPINIONS COUNT!
REGISTER FOR A CHANCE TO BE
ONE OF FIVE \$300 WINNERS DRAWN MONTHLY!
REGISTRESE EN EL SORTEO MENSUAL
PARA SER UNO DE LOS CINCO GANADORES DE \$300!
REGISTER BY COMPLETING A GUEST SATISFACTION SURVEY
WITHIN ONE WEEK AT: www.Lowes.com/survey
YOUR ID # 13960 1721 173
NO PURCHASE NECESSARY TO ENTER OR WIN.
VOID WHERE PROHIBITED. MUST BE 18 OR OLDER TO ENTER.
OFFICIAL RULES & WINNERS AT: www.Lowes.com/survey
STORE: 1721 TERMINAL: 13 06/22/19 21:11:15

Period	Code	Previous Reading	Present Reading	Consumption	Amount Due
07/31/2019	10				0.00
08/30/2019	10	7	22	15	167.88
09/30/2019	10	4	7	3	61.54
04/30/2019	10	1	4	3	61.54
03/31/2019	10		1	1	49.13
02/28/2019	10	1288	1290	2	52.97
01/31/2019	10	1284	1288	4	70.11
12/31/2018	10	1280	1284	4	70.11
11/30/2018	10	1278	1280	2	62.59
10/31/2018	10	1271	1276	5	92.62
09/30/2018	10	1263	1271	8	112.45
08/31/2018	10	1259	1263	4	77.12

$$\frac{15}{3} \times 3.50 = 42.00$$

$$42 \div 2 = 21.00$$

$$12 \times 3.84 = 46.08$$

$$\$ 109.08 \text{ credit}$$

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize to adjust the utility bill for Russel Doyle in the amount of \$109.08, 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 Miller, Alderman Higdon, Alderwoman Brooks, Alderman Hobbs, and Alderman Bryant.

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

**AUTHORIZE TO ACCEPT THE LOWEST AND BEST QUOTE FROM RILEY PAVING CO. FOR THE ASPHALT PART OF THE RENASANT TRAIL, IN THE AMOUNT OF \$34,160.00**

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to authorize to accept the lowest and best quote from Riley Paving Co. for the asphalt part of the Renasant Trail, in the amount of \$34,160.00. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

**AUTHORIZE TO ADVERTISE TO HOLD A PUBLIC HEARING ON AUGUST 22, 2019 FOR THE PROPOSED BUDGET AND TAX LEVIES FYE 2020**

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to advertise to hold a Public Hearing on August 22, 2019 at 6pm for the proposed budget and tax levies fye 2020. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**GO INTO CLOSED SESSION TO DISCUSSION GOING INTO EXECUTIVE SESSION  
FOR PUBLIC WORKS PERSONNEL, COURT PERSONNEL AND NEGOTIATIONS**

---

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to go into closed session to discuss going into executive session for Public Works Personnel, Court Personnel and Negotiations. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**GO INTO EXECUTIVE SESSION FOR PUBLIC WORKS PERSONNEL, COURT  
PERSONNEL, AND NEGOTIATIONS**

---

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize to go into executive session for Public Works Personnel, Court Personnel, and Negotiations. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**COME OUT OF EXECUTIVE SESSION**

---

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 2019

---

**COURT PERSONNEL**

---

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize terminate employment with Robin Luttrell in the Court Department effective immediately. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of August, 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