

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, September 17, 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 Lieutenant Rowland, Police Captain Lanphere, Public Works Director Bobby Burton, Court Clerk Cassaundra Perry, Planning Director Keith Briley, Community and Economic Development Director Gia Matheny, Animal Control Director Susan Huff, Dolly Brechin, Brian Doan, Quincy Randle, Jim Nicklay, Jessie Nicklay, Ryan, Rowan Claire, Billy Myers, David Bailey, Ronnie Wilkerson, Ross Webster, Ryan Diffie, Kevin Thorn and Carolyn Richards.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Higdon gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

September 17, 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 32638 – 32870 less 32683
- 6) Approve Docket of Claims No. 32683 (Bryant)
- 7) Approve Minutes of September 3, 2019
- 8) Approve Minutes of September 5, 2019
- 9) Consent Agenda
 - A) Authorize to accept a donation from Andrew Bartolotta in the amount of \$175.00 for a Movie Night Sponsorship
 - B) Authorize to accept a donation from Donnie Chambliss in the amount of \$350.00 for a Movie Night Sponsorship
 - C) Authorize to accept a donation from All Star Garage Door in the amount of \$350.00 for a Movie Night Sponsorship
 - D) Authorize Joanna Herring and Angel Vanstory to attend the MEMS Conference in Biloxi, MS September 30-October 2, 2019, and also authorize to pay for registration and travel expenses

- E) Authorize Gia Matheny to attend the Delta Health Summit in Cleveland, MS on September 26 – 27, 2019, and also authorize to pay travel expenses (The City is getting an award for the work on the Health Council)
 - F) Authorize Mayor Ferguson and Fire/EMS Chief Jones to travel to Appleton, WI for the Fire Truck Inspection (Pierce is paying for expenses)
 - G) Authorize Dolly Brechin to go on the Young At Heart trip to San Antonio as the chaperone and activities coordinator September 22 – 28, 2019
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- 10) Request from Hernando Youth Football Association (HYFA), Jim Nicklay, for sponsorship/funding
 - 11) Request from Quincy Randle to temporarily close Hill Street for the Community Event on October 12, 2019
 - 12) 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
 - 13) PL-1409 – Request approval of an Amendment to a Site Zoned C-4 Planned Commercial –Community Bank Plaza Lot 1 on the South Side of East Commerce Street, East of Mt. Pleasant Road and west of East Parkway – David Bailey with Oldacre McDonald, LLC
 - 14) Authorize to accept the FY20 Highway Safety Plan grant and for the Mayor to sign the agreement
 - 15) Discuss and adopt Animal Control Ordinances
 - 16) Authorize to accept the Continuing Disclosure Submission, submitted by Butler Snow
 - 17) Approve budget amendments fye 2019
 - 18) Discussion of Hernando West
 - 19) Authorize to adjust utility bill for Roy Don Carrington
 - 20) Authorize to adjust utility bill for Bethany McDaniel
 - 21) Appeal of utility bill adjustment from Brian Doan
 - 22) Appeal of utility bill adjustment from Barry Pettigrew
 - 23) Authorize to apply for a grant for a storyteller at the Dickens of a Christmas event for the Christmas Farmers Market (in-kind to be met by the farmers market)
 - 24) Executive Sessions for Negotiations
 - 25) Adjourn

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to approve the agenda as presented, after changing the date on item # 11 to October 19, 2019. 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 17th day of September, 2019.

APPROVE DOCKET OF CLAIMS NO.'S 32638 – 32870 LESS 32683

The Board of Aldermen were presented with a docket of claims No. 32638 – 32870 less 32683 in the amount of \$2,147,072.01 for approval.

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

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

Those voting “Nay”: None.

ORDERED AND DONE this the 17th day of September, 2019.

APPROVE DOCKET OF CLAIMS NO.'S 32683 (BRYANT)

Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 32683 in the amount of \$120.00 for approval.

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

Those voting “Nay”: None.

ORDERED AND DONE this the 17th day of September, 2019.

APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD OF ALDERMEN MEETING ON SEPTEMBER 3, 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 September 3, 2019. 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”: Alderman Miller.

ORDERED AND DONE this the 17th day of September, 2019.

APPROVE THE MINUTES FROM THE RECESSED MAYOR AND BOARD OF ALDERMEN MEETING ON SEPTEMBER 5, 2019

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to approve the minutes from the recessed Mayor and Board of Aldermen Meeting on September 5, 2019. 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”: Alderman Miller.

ORDERED AND DONE this the 17th day of September, 2019.

CONSENT AGENDA

- A) Authorize to accept a donation from Andrew Bartolotta in the amount of \$175.00 for a Movie Night Sponsorship
- B) Authorize to accept a donation from Donnie Chambliss in the amount of \$350.00 for a Movie Night Sponsorship
- C) Authorize to accept a donation from All Star Garage Door in the amount of \$350.00 for a Movie Night Sponsorship

- D) Authorize Joanna Herring and Angel Vanstory to attend the MEMS Conference in Biloxi, MS September 30-October 2, 2019, and also authorize to pay for registration and travel expenses
- E) Authorize Gia Matheny to attend the Delta Health Summit in Cleveland, MS on September 26 – 27, 2019, and also authorize to pay travel expenses (The City is getting an award for the work on the Health Council)
- F) Authorize Mayor Ferguson and Fire/EMS Chief Jones to travel to Appleton, WI for the Fire Truck Inspection (Pierce is paying for expenses)
- G) Authorize Dolly Brechin to go on the Young At Heart trip to San Antonio as the chaperone and activities coordinator September 22 – 28, 2019

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of September, 2019.

REQUEST FROM HERNANDO YOUTH FOOTBALL ASSOCIATION (HYFA)

Rowan Claire Nicklay, presented the request. She is cheerleader for HYFA and this is her 3rd year. HYFA was started in 2003. Rowan Claire stated that they, HYFA, volunteer their time and anything they collect goes back into HYFA. They are requesting \$2,500 for sponsorship

Colton Mobly, presented the request, he is football player starting on his 6th year. Colton spoke on behalf of HYFA. Colton stated that HYFA does a lot to help the community. They do community services projects across the City, cleaning up, helping at the animal shelter, Wesley Meadows, the food drive, Night to Shine, they send letters to the VA Hospital.

Alderman McLendon asked how many signed up.

Jim Nicklay answered over 300. Around 115 cheer, 17 dance, and 200 football.

Alderman McLendon asked how many weekends will they play.

Jim Nicklay answered 8 games, we are up from 6.

Alderman Higdon asked how many teams there were.

Mr. Mobley answered 20 total.

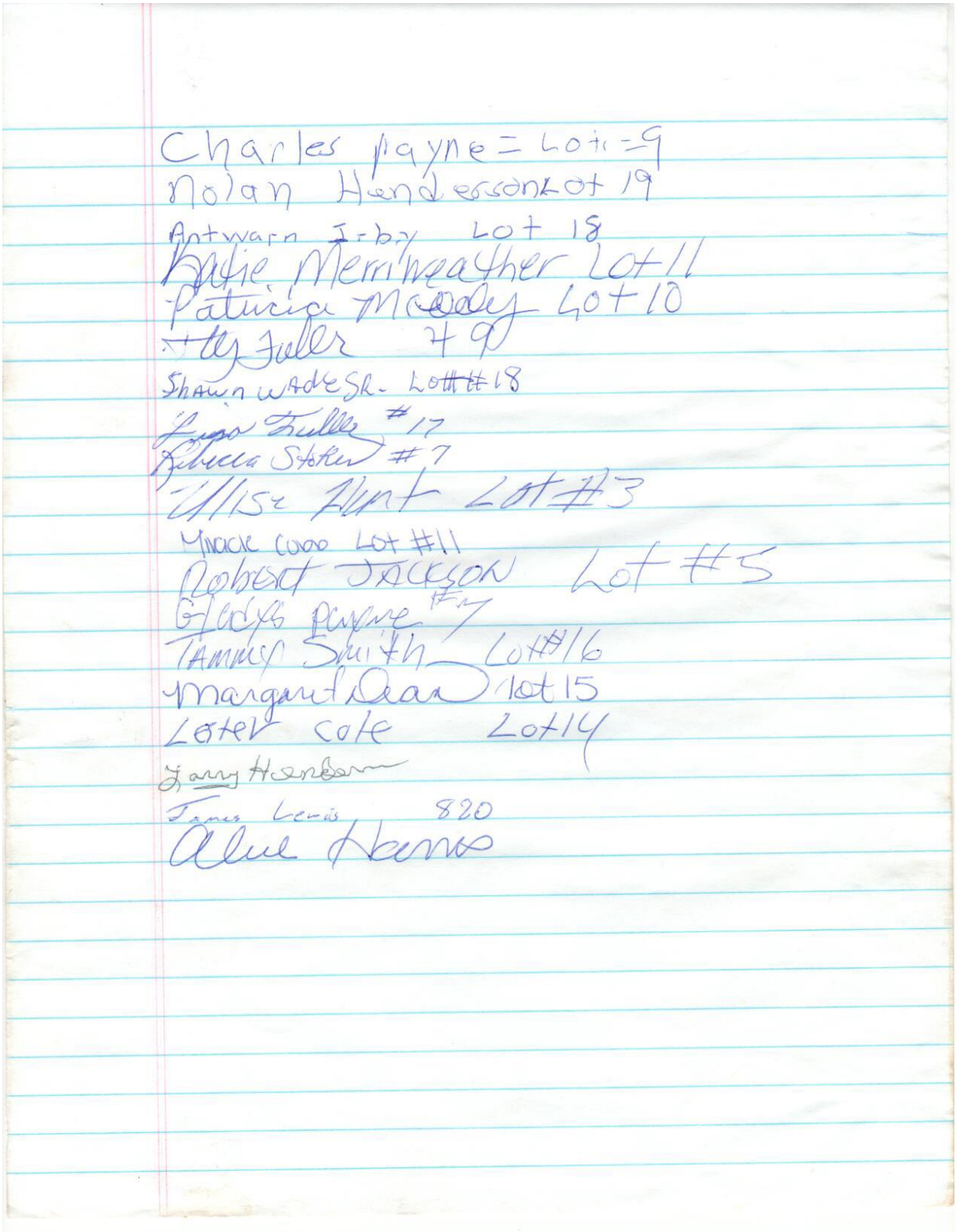
Mayor Ferguson thanked them and said that they will take this request under advisement.

Alderman Miller requested a list of the requests and amounts that we have received and the ones that we gave to last year.

REQUEST FROM QUINCY RANDLE TO TEMPORARILY CLOSE HILL STREET FOR THE COMMUNITY EVENT ON OCTOBER 19, 2019

Quincy Randle presented the request. The event will be on October 19, 2019 from 12 to 9pm.

Alderman Miller stated that this is one of the few events that don't cost the City anything.



Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to approve the request from Quincy Randle to temporarily close Hill Street for the Community Event on October 19, 2019. 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 17th day of September, 2019.

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 Briley presented the information.



City of
Hernando
MISSISSIPPI

BOARD OF ALDERMEN
STAFF REPORT

Project No.: PL-1394 Item No.: __
 Request: Request a Variance in the Rear Yard Setback Requirements of the C-2 Zoning District
 Location: 284 Pleasant Hill Road
 Applicant: Fasil Kebede with Beruk Properties
 Date: September 17, 2019

INTRODUCTION:

Mr. Fasil Kebede with Beruk Properties is appealing the Planning Commissions denial of a Variance in the Rear Yard Setback Requirements of the C-2 Zoning District for the property located at 284 Pleasant Hill Road.

BACKGROUND:

The subject property is located at 3425 Tates Way is currently zoned C-2 Highway Commercial. The subject property is Lot 2A of the First Revision of Section "B" of Watson Commercial Subdivision. The final plat was approved by the Planning Commission on November 8, 2011, approved by the Board of Aldermen on December 11, 2011, and recorded in the DeSoto County Chancery Clerks Office on March 1, 2012, in Plat Book 6 Page 49.

PLANNING COMMISSION ACTION:

The Planning Commission met on June 11, 2019, and voted to deny the variance request because granting the variance requested will confer upon the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

DISCUSSION:

The applicants propose to redevelop the property with the construction of a new convenience store and gas station. During Certificate of Development review, it was discovered that the proposed building is to be set back five (5) feet from the rear property line. The C-2 Zoning District requires a twenty (20) foot rear yard setback.

At the July 16, 2019, Board of Aldermen meeting the Board voted to table the appeal request to allow the applicant to identify where the existing sewer line, existing sewer easement, and property line are located in relation to the proposed building location and to bring the request back to the Board at the August 6th meeting.

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: This parcel is an oddly configured 0.5 acre tract of slightly larger width than depth. All of the surrounding properties are similarly zoned.

Staff: The subject property has an offset along the northern property line which results in an odd shaped property.

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: The existing site has a carwash and vacuum bays located on it. Reconfiguring the site to a more viable commercial use would not allow *illegible* from the parking areas to the canopy. The rear of the proposed building will be farther from the property line than the existing vacuum bays.

Staff: The applicant will not be deprived of rights commonly enjoyed by others because all developments within the C-2 zoning district must meet the same setback requirements.

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

Applicant: The creation and re-subdivision of this lot predate the existing ownership.

Staff: If approved, there will be special conditions and circumstance conveyed to the applicant in that he would be allowed to reduce the rear yard setback by 75% from 20-feet to 5-feet.

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: Granting of this variance will allow this application to have similar privileges as enjoyed by similar properties in this zone district.

Staff: If approved, there will be a special privilege conveyed to the applicant in that he would be allowed to reduce the rear yard setback by 75% from 20-feet to 5-feet.

STAFF COMMENTS:

1. According to Tax Assessor records, the existing structure on the site was constructed in 1979. This is well before the property was annexed into the City of Hernando. The result is a legal nonconformance for the existing structures on the site. Any new development or redevelopment of the property must meet the requirements of the current zoning ordinance.
2. If approved, the applicant shall provide letters from Atmos, Entergy, AT&T, and Comcast stating that they have no utilities located in the utility easement across the back of the property and have no current plans to locate any utilities within the easement.
3. If approved, the applicant shall submit for Certificate of Development approval prior to submitting for building permit approval.
4. 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:

Staff Recommendation is Withheld

PROPOSED MOTION:

Motion to Overturn Planning Commission Decision and Approve Variance Request

I move to overturn the Planning Commission's denial and to grant approval of a variance in the rear yard setback requirements of the C-2 Zoning District from 20-feet to 5-feet for the property located at 284 Pleasant Hill Road to allow for the construction of a new convenience store and gas station, subject to staff comments.

Motion to Uphold Planning Commission Decision and Deny Variance Request

Because granting the variance requested will confer upon the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, I move to uphold the Planning Commission's denial of the variance in the rear yard setback requirements of the C-2 Zoning District for the property located at 284 Pleasant Hill Road.

Alderman McLendon asked didn't we table this last time because the two parties were going to talk.

Keith Briley stated the reason was the two parties couldn't be here at the same time.

Ronnie Wilkerson, RW Heating & Air and John Henry property owner, stated that his understanding is they want to have a gas station there. I went to Desoto County land records for the property lines. It is 8 feet from mine property and the power lines.

Alderman McLendon asked about the drive way to this property.

Ronnie Wilkerson stated the drive way to the car was is actually on my property. A lot of things, nuisances, happen on my property because of this property.

Alderman Miller stated that has nothing to do with this rezoning.

Alderman McLendon asked if the 5 feet they are asking for touch your property.

Ronnie Wilkerson answered it would be so close it's unreal. It would interfere with parking my equipment in the back of my building.

Alderman Miller stated he is looking at the front of the property, Pleasant Hill Road. There looks to be more frontage on the proposed rezoning than the property 160.

Alderman McLendon asked if the storm water drains have an affect on the entrance.

Alderman Miller stated it doesn't have an affect on rezoning.

Keith Briley stated it wouldn't affect this and to clarify this is not a rezoning, it is an appeal for a rear yard setback.

Public Works Director Bobby Burton stated that he went back there to look in the sewer caps, Mr. Wilkerson didn't want me on his property so he ran me off. It looks like the sewer runs east and west.

Ronnie Wilkerson stated that was because someone else came out before and painted green paint on my asphalt.

Bobby Burton stated that wasn't him, that was atmos. You need to realize that we have the right to go on that easement to look at the sewer lines.

Ross Webster, attorney for Mr. Wilkerson, stated that Mr. Myers, Mr. Wilkerson and himself went and looked at the property today. I don't think its workable. They are trying to build too big of a building in that space. They are trying to build a 2400 square foot building, and they want to build it all the way up to 5 feet from Mr. Wilkerson's property. He's the only one affected by this. I think the applicant purchased the property that is too small. People will be driving on Mr. Wilkerson's property, 18 wheelers, more traffic, etc.

Mayor Ferguson asked Keith would the property piece in the north corner be affected.

Keith Briley answered no. Mr. Briley stated that based on the size of the drawing it will fit on the property.

Alderman Miller stated basically we are dealing with the North easement.

Alderman Hobbs asked if we have utilities on there.

Bobby Burton answered yes.

Alderman McLendon asked where does the water from the car wash go.

Joe Frank Lauderdale answered I think the ditch.

Alderman McLendon asked does the easement/variance enhance Mr. Wilkerson's property.

Ross Webster answered no. The traffic will come across the property.

Alderman Miller stated you are making false statements. You don't know if that will be true.

Mr. Myers stated he hopes to clear up some mis information. This is a C-2 property. A gas station is a permitted use. Currently there is a car wash, that isn't in use, on the property. We want to turn this abandoned car wash into a thriving gas station, a convenience store with gas pumps. The last time we spoke you wanted to know what lines were back there. We have done that research. Those yellow markings are gas lines. Atmos will have to move those, we are already working with them. Mr. Wilkerson's fence is actually on my client's property, its ok, we'll work with that. This variance will allow Mr. Wilkerson enough room to get to the back of his property. Mr. Myers stated that they are only asking for a smaller set back on the back side. It won't affect anyone on either side. Because the building is 2400 square feet, it has to have 12 parking spaces, and to have enough drive space to the pumps. Your ordinance allows for a variance. The curb cut there today services the car wash. It will be moved to the west. Nothing my client will build will affect Mr. Wilkerson's property in any way. Mr. Wilkerson's property sits on the easement, there is 5 feet on his side.

Alderman McLendon asked will the front of your building face the same as Mr. Wilkerson's?

Mr. Myers answered yes.

Alderman Miller stated at the last meeting, I stated that I'm not comfortable with a 5 foot set back because we can't get our equipment back there. We need at least 10 feet.

Mr. Myers stated that you have the 10 feet there, there isn't a man hole there, it is on Mr. Wilkerson's property.

Alderman Higdon stated that this is taking a piece of property that isn't paying sales tax, to bring something that will bring sales tax. Mr. Higdon asked if it was a deal breaker for 10 feet.

Mr. Myers answered no.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to overturn the Planning Commission's denial and to grant approval of a variance in the rear yard setback requirements of the C-2 Zoning District from 20 feet to 10 feet for the property located at 284 Pleasant Hill Road to allow for the construction of a new convenience store and gas station, subject to staff comments. 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 17th day of September, 2019

PL – 1409 – REQUEST APPROVAL OF AN AMENDMENT OF A SITE ZONED C-4 PLANNED COMMERCIAL – COMMUNITY BANK PLAZA LOT 1 ON THE SOUTH SIDE OF EAST COMMERCE STREET, EAST OF MT. PLEASANT ROAD AND WEST OF EAST PARKWAY – DAVID BAILEY WITH OLDACRE MCDONALD, LLC

Planning Director Keith Briley presented the information.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.: PL-1409 Item No.: __
Request: Request Approval of an Amendment to a Site Zoned C-4 Planned Commercial
Location: Community Bank Plaza Lot 1 on the South Side of East Commerce Street, East of Mt. Pleasant Road and west of East Parkway
Applicant: David Bailey with Oldacre McDonald, LLC
Date: September 17, 2019

INTRODUCTION:

Mr. David Bailey with Oldacre McDonald, LLC is requesting Request approval of an Amendment to a Site Zoned C-4 Planned Commercial.

BACKGROUND:

The subject property is Lot 1 of the Community Bank Plaza located the South Side of East Commerce Street and has a Parcel ID Number of 307418543 0000100. The property was rezoned from C-2 to C-4 during a comprehensive rezoning in 2007 and is currently vacant.

DISCUSSION:

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

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

Applicant: The original zoning was not thorough enough to include the highest and best use of the property.

Planning Staff: The Future Land Use Plans designates this area as Activity – Retail. This designation can be supported by the C-4 Planned Commercial Zoning District.

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

Applicant: Given the nature of the location and the surrounding developments, the uses listed in the current C-4 zoning do not adequately capture the best use for the property. The C-4 zoning simply needs to be modified to include our use of an automotive repair shop.

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

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

Applicant: Market dictates that there is a need for this use in the area. Additionally, it will bring high quality and sustainable jobs to the region.

Planning Staff: The properties around the site have developed as commercial uses in keeping with the Future Land Use Plan, thus adding to the existing Commercial Corridor along East Commerce Street.

PLANNED COMMERCIAL DISTRICT ANALYSIS:

Permitted Uses

In the documentation provided by the applicant, language has been included that states the allowable uses of the C-4 Planned Commercial District for the subject property. One of the uses stated therein is an auto body repair shop with onsite storage of vehicles.

Prohibited Uses

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

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

Site Plan

The applicant has supplied a site plan showing the proposed 14,718 square foot building centered in the rear of the lot. There will be a driveway from Commerce Street extending to the rear of the lot. The site will have parking on all sides of the building. The site plan indicates that there will be a landscaped buffer yard on all sides of the property. The site plan indicates that there will be a site proof fence surrounding the parking lot storage area.

Site Development Regulations

The bulk regulation requirements are found in Article IX Planned and Overlay Districts §a. “C-4” Planned commercial Districts ¶ v. of the City of Hernando Zoning Ordinance.

Landscape Bufferyard Requirements

There will be landscaped bufferyards along all four sides of the property.

Visibility Area at Entrances / Intersections

The connection to East Commerce Street will be by an existing driveway that is part of Lot 1. Visibility will not change as a result of the proposed project.

Traffic Access Control Standards

The applicant has supplied a Transportation Impact Questionnaire for the proposed project. The anticipated peak hour impact is 24 trips base on ITE Trip Generation Manual.

STAFF COMMENTS:

5. Staff questions the proposed orientation of the building on the site with the front door of the building facing east leaving the side of the building facing East Commerce.
6. Staff questions why there are double rows of parking along the north side of the site without access by a drive isle.
7. If approved by the Board of Aldermen, the applicant shall submit for Certificate of Development approval.

8. After Certificate of Development approval, the applicant shall submit for Construction Permit approval.

PLANNING COMMISSION ACTION:

The Planning Commission met on Tuesday September 10, 2019, and voted to grant Approval of an Amendment to the C-4 Planned Commercial zoning of Parcel ID Number of 307418543 0000100, said parcel being Lot 1 of the Community Bank Plaza, subject to Staff Comments.

STAFF RECOMMENDATION:

Because the requested zoning amendment is in keeping with the flexibility of the C-4 Planned Commercial Zoning District, Staff recommends approval subject to staff comments.

PROPOSED MOTION:

I move to grant Approval of an Amendment to the C-4 Planned Commercial zoning of Parcel ID Number of 307418543 0000100, said parcel being Lot 1 of the Community Bank Plaza, subject to Staff Comments.

Alderman McLendon stated once you change the zoning, it's changed. What if a business started selling liquor?

Alderwoman Brooks asked if this would take up the entire parcel or would it leave some space for something else to be built?

Keith Briley answered the entire property.

Alderman Higdon asked where is the front of the building.

Keith Briley answered it will face the east side.

Joe Frank Lauderdale asked who owns the drive going in.

Ben Smith answered it is part of their lot.

Joe Frank Lauderdale asked if it will be a City street.

Alderman Miller stated that won't be a City street, it will be his drive.

Joe Frank Lauderdale stated that the waffle house and the bank use it.

Alderman Harris stated yes, as they do now.

Ben Smith, Engineer, Caliber Collision, stated they have over 1200 stores in 37 states. This lot is 2.66 acres, and that includes the 50 foot strip to Commerce, they own it. The alignment won't work facing North, with those number of bays. We are behind the bank and waffle house. If a business there ever wanted to serve liquor, they'd have to go through the state, to address those concerns. This building will generate sales tax and won't have much of an impact on traffic.

Alderman Higdon asked how many employees will it have.

Ben Smith stated traditionally they open with 13 and grow to 20 to 30.

Alderman Hobbs stated y'all will maintain this street.

Ben Smith stated I think the 3 businesses will have to have an agreement for it.

Mayor Ferguson stated that is the most important part, to have an agreement for the road.

Alderman McLendon asked will the cars be seen from the church.

Ben Smith answered no.

Mayor Ferguson asked what is causing us to end up with private drives.

Joe Frank Lauderdale stated that's the way the developer wanted to do it.

Kenny Stockton stated it's on the plat when it's brought to the Board in the beginning. Can we shut down the other 2 from using it?

Kenny Stockton answered I don't think so.

Alderwoman Brooks asked if he said the owner is accepting the responsibility and if they can get an agreement then they will do it that way.

Ben Smith answered yes, we own it and will maintain it.

Alderman McLendon asked will you put in there that any car needing repair will be behind the fence.

Ben Smith answered yes, we can do that.

Carolyn Richards asked what kind of business is it going to be.

Mayor Ferguson answered a body shop.

Carolyn Richards asked what the hours will be.

Ben Smith answered the typical office hours 730/8 to 5 Monday to Friday and half day on Saturday.

Carolyn Richards stated just think about the noise, odors, and traffic.

Motion was duly made by Alderman Harris and seconded by Alderman Bryant to approve the request of an amendment to the C-4 Planned Commercial zoning of Parcel ID Number of 307418543 0000100, said parcel being Lot 1 of the Community Bank Plaza, subject to staff comments, also adding that this is a private drive, the maintenance and up keep will be done by the owner, and any vehicles under repair will be kept behind a fence. 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 17th day of September, 2019

AUTHORIZE TO ACCEPT THE FY20 HIGHWAY SAFETY PLAN GRANT AND FOR THE MAYOR TO SIGN THE AGREEMENT

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to authorize to accept the FY20 Highway Safety Plan Grant and for the Mayor to sign the agreement. 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 17th day of September, 2019

DISCUSS AND ADOPT THE ANIMAL CONTROL ORDINANCES

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to table for further review by the department director to the next Board Meeting. 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 17th day of September, 2019

**AUTHORIZE TO ACCEPT THE CONTINUING DISCLOSURE SUBMISSION,
SUBMITTED BY BUTLER SNOW**

**APPENDIX A - ECONOMIC AND DEMOGRAPHIC INFORMATION
FISCAL YEAR 2018 - CITY OF HERNANDO, MISSISSIPPI**

General Description

The City of Hernando, Mississippi (the "City"), is situated in the northwest corner of the State, and is located 14 miles southeast of Memphis, Tennessee traveling southbound on Interstate 55. It is the county seat of DeSoto County (the "County"), and is one of the State's fastest growing areas.

Population

| 1990 | 2000 | 2010 | 2017 Estimate |
|-------|-------|--------|---------------|
| 4,564 | 6,812 | 14,090 | 15,534 |

SOURCE: Census Data information at website: www.census.gov; February 2019.

Government¹

The City is governed by a Mayor (the "Mayor") and a Board of Aldermen (the "Board of Aldermen"). The Mayor is elected for a term of four years. The Board of Aldermen consists of five members, each of whom is elected for a four year term; four are elected by ward or precinct, and one is elected at large. The current members of the Board of Aldermen are:

| Name | Occupation | Position Held Since |
|------------------------|-----------------|---------------------|
| W.I. "Doc" Harris, Jr. | Retired | 7/1/17 |
| E. R. "Sonny" Bryant | Bailiff | 7/1/05 |
| Andrew Miller | Bailiff | 3/4/03 |
| Gary Higdon | Retired | 7/1/05 |
| Michael McLendon | Insurance Sales | 7/1/13 |
| Cathy Books | Medical Sales | 7/1/13 |
| Jeff Hobbs | Businessman | 7/1/09 |
| N.C. Tom Ferguson | Full-Time Mayor | 7/1/17 |

Transportation

Highway, rail, air and water access are all easily available to the City of Hernando. Major highway access is from Interstate 55 and U.S. Highway 51. Mississippi Highway 304 also runs through the City. Approximately 100 common carriers serve the area.

Rail service is provided by Canadian National-Illinois Central Railroad.

¹ As of February 2019.

Air access is provided by two airports: Memphis International, with over 300 outgoing flights daily, and Twinkle Town Airport in Walls, Mississippi, about 10 miles away, which is a general aviation airport. The port of Memphis, about 17 miles away, is full-service port on the Mississippi River with a channel depth of nine feet.

Per Capita Income

| Year | County | Mississippi | United States | County as % Of U.S. |
|------|----------|-------------|---------------|---------------------|
| 2017 | \$39,461 | \$36,636 | \$51,640 | 76% |
| 2016 | 38,386 | 35,812 | 49,831 | 77% |
| 2015 | 37,028 | 35,137 | 48,940 | 76% |
| 2014 | 35,616 | 34,633 | 47,025 | 76% |
| 2013 | 34,955 | 33,851 | 44,826 | 78% |

SOURCE: Bureau of Economic Analysis, *Regional Economic Accounts – Per Capita Personal Income*, (data last updated by BEA on November 15, 2018). Available as of February 2019.

Retail Sales

| State Fiscal Year Ended June 30 | Amount |
|---------------------------------|---------------|
| 2018 | \$287,616,244 |
| 2017 | 269,773,708 |
| 2016 | 251,780,066 |
| 2015 | 236,742,133 |
| 2014 | 229,178,077 |

SOURCE: Annual Reports for fiscal years indicated, Mississippi Department of Revenue website: www.dor.ms.gov; February 2019.

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Major Employers

The following is a partial listing of major employers in DeSoto County, their products or services and their approximate number of employees:

| Employer | Employees | Product/Service |
|---------------------------------|-----------|---|
| DeSoto County School District | 3,872 | Education |
| Baptist Memorial Hospital | 1,750 | Healthcare |
| Williams-Sonoma | 993 | Distribution of specialty cooking products |
| Milwaukee Electric Tool | 800 | Distribution of portable electric tools |
| Synnex | 600 | Manufacturing and distribution |
| District Transportation & Sec. | 500 | Transportation |
| Fed Ex Ground | 433 | Package sorting hub |
| Methodist Olive Branch Hospital | 423 | Healthcare |
| McKesson Corporation | 400 | Distribution Center |
| City of Southaven | 375 | City Government |
| Future Electronics | 357 | Electronic equipment & supplies |
| Landau Uniforms | 330 | Uniform manufacturer |
| Siemens Industry Inc. | 300 | Computer-based building management systems |
| DeSoto County Civic Center | 300 | Convention and meeting center |
| Newly Weds Foods | 282 | Food Ingredients, seasonings, blends, flavors |
| Associated Wholesale Grocers | 265 | Third-party logistics |
| J.T. Shannon Lumber Company | 250 | Hardwood lumber and plank flooring |
| Helen of Troy (OB) | 250 | Distribution of personal care products |
| KIK Custom Products | 223 | Manufacture of guest amenity soaps |
| Scan Source, Inc. | 220 | Distribution of specialty technology products |

SOURCE: DeSoto County Economic Development Council at www.desotocounty.com. Information available as of February 2019.

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Unemployment Statistics

| Year | Jan. | Feb. | Mar. | Apr. | May | Jun. | Jul. | Aug. | Sep. | Oct. | Nov. | Dec. | Annual Average |
|------|------|------|------|------|-----|------|------|------|------|------|------|------|----------------|
| 2013 | 7.0 | 6.3 | 5.9 | 5.5 | 6.1 | 6.7 | 6.2 | 5.6 | 5.7 | 5.5 | 5.1 | 5.3 | 5.9 |
| 2014 | 5.9 | 5.5 | 5.3 | 4.6 | 5.5 | 6.1 | 5.8 | 5.2 | 5.3 | 5.1 | 4.8 | 5.0 | 5.3 |
| 2015 | 5.5 | 4.8 | 4.6 | 4.3 | 5.2 | 5.4 | 5.0 | 4.4 | 4.7 | 4.6 | 4.4 | 4.7 | 4.8 |
| 2016 | 4.8 | 4.2 | 4.2 | 3.9 | 4.5 | 5.0 | 4.5 | 4.0 | 4.1 | 4.0 | 3.6 | 3.8 | 4.2 |
| 2017 | 4.4 | 3.8 | 3.8 | 3.5 | 4.2 | 4.6 | 4.2 | 3.6 | 3.5 | 3.3 | 3.2 | 3.2 | 3.8 |
| 2018 | 3.3 | 3.4 | 3.3 | 3.3 | 4.0 | 4.5 | 4.0 | 3.7 | 3.6 | 3.4 | 3.2 | 3.7 | 3.6 |

SOURCE: Mississippi Department of Employment Security: Labor Market Data at website: www.mdes.ms.gov; February 2019.

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County Employment Statistics

| | 2013 | 2014 | 2015 | 2016 | 2017 |
|--|--------|--------|--------|--------|--------|
| RESIDENCE BASED EMPLOYMENT | | | | | |
| I. Civilian Labor Force | 81,100 | 81,360 | 84,570 | 87,380 | 88,200 |
| II. Unemployed | 4,790 | 4,350 | 4,060 | 3,690 | 3,350 |
| Rate | 5.9 | 5.3 | 4.8 | 4.2 | 3.8 |
| III. Employed | 76,310 | 77,010 | 80,510 | 83,690 | 84,850 |
| ESTABLISHMENT BASED EMPLOYMENT | | | | | |
| I. Manufacturing | 4,110 | 4,010 | 4,050 | 4,350 | 4,460 |
| II. Non-manufacturing | 46,710 | 50,120 | 52,560 | 56,490 | 57,990 |
| A. Agriculture, Forestry, Fishing & Hunting | 100 | 130 | 110 | 120 | 120 |
| B. Mining | 50 | 40 | 40 | 30 | 30 |
| C. Utilities | 150 | 150 | 160 | 170 | 170 |
| D. Construction | 1,740 | 1,870 | 2,020 | 1,980 | 2,240 |
| E. Wholesale Trade | 3,470 | 3,450 | 3,500 | 3,690 | 3,770 |
| F. Retail Trade | 7,730 | 8,090 | 8,690 | 9,870 | 9,980 |
| G. Transportation & Warehousing | 6,450 | 7,240 | 7,810 | 8,970 | 9,590 |
| H. Information | 260 | 250 | 240 | 230 | 230 |
| I. Finance & Insurance | 920 | 920 | 940 | 1,020 | 1,050 |
| J. Real Estate, Rental & Leasing | 450 | 440 | 460 | 480 | 510 |
| K. Prof., Scientific & Technical Service | 840 | 910 | 930 | 930 | 970 |
| L. Management of Companies & Entertainment | 40 | 60 | 80 | 140 | 130 |
| M. Administrative Support & Waste Management | 3,950 | 5,350 | 5,720 | 6,160 | 5,890 |
| N. Educational Services | 250 | 290 | 320 | 350 | 390 |
| O. Health Care & Social Assistance | 5,660 | 5,560 | 5,560 | 5,730 | 5,940 |
| P. Arts, Entertainment & Recreation | 700 | 760 | 750 | 720 | 750 |
| Q. Accommodation & Food Service | 6,540 | 7,110 | 7,510 | 7,990 | 8,190 |
| R. Other Services (except Public Administration) | 940 | 940 | 990 | 1,090 | 1,200 |
| S. Government | 6,470 | 6,560 | 6,730 | 6,820 | 6,840 |
| Education | 3,890 | 3,950 | 4,130 | 4,200 | 4,190 |
| III. Total Nonagricultural Employment | 50,820 | 54,130 | 56,610 | 60,840 | 62,450 |

SOURCE: Mississippi Department of Employment Security: Annual Averages: Labor Force and Establishment Based Employment 2011 Forward, Labor Market Information Department at website: www.mdes.ms.gov; Last revision date of information 5/2/2018. Available as of February 2019.

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Banking Institutions

| Institutions | Total Assets |
|--|-------------------|
| Regions Bank ² | \$123,928,444,000 |
| BancorpSouth Bank ³ | 17,259,055,000 |
| Trustmark National Bank ⁴ | 13,436,511,000 |
| Renasant Bank ⁵ | 12,722,352,000 |
| BankPlus ⁶ | 2,706,841,000 |
| Community Bank of Mississippi ⁷ | 3,199,024,000 |
| First Security Bank ⁸ | 559,366,000 |

SOURCE: Obtained from the FDIC's website, <http://research.fdic.gov/bankfind/index.html>. Assets stated as of September 30, 2018, unless otherwise noted. Information available as of February 2019.

² Headquarters located in Birmingham, Alabama.
³ Headquarters located in Tupelo, Mississippi.
⁴ Headquarters located in Jackson, Mississippi.
⁵ Headquarters located in Tupelo, Mississippi.
⁶ Headquarters located in Tupelo, Mississippi.
⁷ Headquarters located in Forrest, Mississippi.
⁸ Headquarters located in Batesville, Mississippi.

Educational Facilities

The City schools are part of the DeSoto County School District, which is the largest and fastest growing school district in the State. Its Gifted Instructional Program also has the largest enrollment of any such program in the State. The School District operates 24 elementary and intermediate schools, 8 middle schools, and 8 high schools, in addition to a vocational complex and an alternative center. The County is credited with having one of the best technical preparatory programs in the State. Also, thanks to the State's Computers in the Classroom initiative, every classroom in the School District is equipped with computers and internet accessibility, as well as opportunities for distance learning. The high schools are all on block scheduling, which allows more advanced students to complete higher level courses and to earn college credits through dual enrollment and offers remediation to students who are experiencing difficulties. All schools are accredited by the Southern Association of Colleges and Schools and by the State, and about 87% of the County's high school graduates attend college. Total enrollment for the School District for the current scholastic year and for the four preceding years is as follows:

| Scholastic Year | Enrollment |
|-----------------|------------|
| 2018-2019 | 34,492 |
| 2017-2018 | 33,991 |
| 2016-2017 | 33,537 |
| 2015-2016 | 33,140 |
| 2014-2015 | 33,275 |

SOURCE: DeSoto County School District and Office of Research and Statistics, Mississippi Department of Education's website: <http://reports.mde.k12.ms.us/data/>; February 2019.

The main campus of Northwest Community College, which offers college level courses that are transferable to most major colleges and universities, is approximately 30 miles from the City. The college's DeSoto Center is 8 miles away in Southaven. Nearby institutions offering bachelor's degree and post-graduate programs include Memphis State University (about 15 miles), Rust College (about 25 miles), and the University of Mississippi (about 60 miles).

Assessed Valuation⁹

TAX INFORMATION

| Fiscal Year | Real Property | Personal Property ¹⁰ | Public Utility Property | Total |
|-------------|---------------|---------------------------------|-------------------------|---------------|
| 2018 | \$99,522,090 | \$50,599,800 | \$4,716,872 | \$154,838,762 |
| 2017 | 97,003,647 | 38,521,672 | 5,151,785 | 140,677,104 |
| 2016 | 95,429,711 | 35,076,516 | 4,956,527 | 135,462,754 |
| 2015 | 92,885,019 | 33,472,512 | 4,300,139 | 130,657,670 |
| 2014 | 91,441,088 | 32,049,090 | 4,626,366 | 128,116,544 |

SOURCE: Office of City Clerk; February 2019.

Assessed valuations are based upon the following assessment ratios:

- (a) Real and personal property (excluding single-family owner-occupied residential real property and motor vehicles, respectively), fifteen percent (15%) of true value;
- (b) Single-family owner-occupied residential real property, ten percent (10%) of true value;
- (c) Motor vehicles and public utility property, thirty percent (30%) of true value.

The 1986 Session of the Mississippi Legislature adopted House Concurrent Resolution No. 41 (the "Resolution"), pursuant to which there was proposed an amendment to the Mississippi Constitution of 1890 (the "Amendment"). The Amendment provided, *inter alia*, that the assessment ratio of any one class of property shall not be more than three times the assessment ratio on any other class of property.

The Amendment set forth five classes of property and the assessment ratios which would be applicable thereto upon the adoption of the Amendment. The assessment ratios set forth in the Amendment are identical to those established by Section 27-35-4, Mississippi Code of 1972, as it existed prior to the Amendment, except that the assessment ratio for single-family, owner-occupied residential real property under the Amendment is set at ten percent (10%) of true value as opposed to fifteen percent (15%) of true value under previously existing law.

Procedure for Property Assessments

The Tax Assessor of DeSoto County assesses all real and personal property subject to taxation in the County, including property in the City, except motor vehicles and property owned by public service corporations, both of which are required by law to be assessed by the Mississippi Department of Revenue.

Section 21-33-9, Mississippi Code of 1972, as amended, provides that the governing authorities of a municipality which is located within a county having completed a county-wide reappraisal approved by the Mississippi Department of Revenue and which has been furnished a true copy of that part of the County assessment roll containing the property located within a municipality as provided in Section 27-35-167, Mississippi Code of 1972, as amended, shall adopt such assessment rolls for its assessment purposes. The City is utilizing the assessment rolls of the County.

⁹ The total assessed valuation is approved in September preceding the fiscal year of the City and represents the value of real property, personal property and public utility property for the year indicated on which taxes are assessed for the following fiscal year's budget. For example, the taxes for the assessed valuation figures for 2018 are collected starting in January 2019 for the 2018-19 fiscal year budget of the City.

¹⁰ Personal property includes mobile homes and automobiles.

The City may not correct or revise such assessment rolls except for the purpose of conforming the municipal assessment roll to corrections or revisions made to the County assessment roll. All objections to the municipal assessment roll may be heard by the Board of Supervisors of the County at the time and in the manner that objections to the County assessment roll are heard. The Board of Supervisors shall notify, in writing, the Governing Body and the Tax Assessor of the City of any corrections or revisions made by it to the part of the County assessment roll adopted as the municipal assessment roll.

Tax Levy per \$1,000 Valuation¹¹

| | 2018-19 | 2017-18 | 2016-17 | 2015-16 | 2014-15 |
|--------------------------------|---------|---------|---------|---------|---------|
| General Fund | 32.76 | 27.385 | 26.17 | 26.17 | 26.11 |
| Library Fund | 0.8935 | 0.843 | 0.86 | 0.86 | 0.88 |
| Municipal Bond & Interest Fund | 5.1119 | 4.697 | 5.895 | 5.895 | 2.76 |
| Culture & Recreation | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| TOTAL | 40.7654 | 34.925 | 34.925 | 34.925 | 31.75 |

SOURCE: Office the City Clerk; February 2019.

Ad Valorem Tax Collections

| Year | Amount Budgeted | Amount Collected | Difference Over/(Under) |
|------|-----------------|------------------|-------------------------|
| 2018 | \$5,921,021.00 | \$5,969,856.00 | \$48,835.00 |
| 2017 | 4,002,854.00 | 4,084,419.00 | 81,565.00 |
| 2016 | 3,764,287.00 | 3,778,953.66 | 14,666.66 |
| 2015 | 3,867,086.00 | 3,977,177.00 | 110,091.00 |
| 2014 | 3,097,332.99 | 3,869,882.06 | 86,135.06 |

SOURCE: Office of the City Clerk; February 2019.

Procedure for Tax Collections

The Governing Body is required to levy a special tax upon all of the taxable property within the geographical limits of the City each year sufficient to provide for the payment of the principal of and interest on the City's general obligation bonds. If any taxpayer neglects or refuses to pay his taxes on the due date thereof, the unpaid taxes bear interest at the rate of one percent (1%) per month or fractional part thereof from the delinquent date to the date of payment of such taxes. When enforcement officers take action to collect delinquent taxes, other fees, penalties and costs may accrue. Both real property and personal property are subject to public tax sale.

Section 21-33-63, Mississippi Code of 1972, as may be amended from time to time, and related statutes provide that after the fifteenth day of February and after the fifteenth day of August in each year, the tax collector for each municipality shall advertise all lands in such municipality on which all the taxes due and in arrears have not

¹¹ Tax levy figures are given in mills.

been paid, as well as all land liable for sale on the first Monday of April or the third Monday of September following, as the case may be.

Reappraisal of Property and Limitation on Ad Valorem Levies

Senate Bill No. 2672, General Laws of Mississippi, Regular Session 1980, codified in part as Sections 27-35-49 and 27-35-50, Mississippi Code of 1972 (the "Reappraisal Act"), provides that all real and personal property in the State shall be appraised at true value and assessed in proportion to true value. To insure that property taxes do not increase dramatically as the counties complete reappraisals, the Reappraisal Act provides for the limit on increase in tax revenues discussed below.

The statute limits ad valorem tax levies by the City subsequent to October 1, 1980, to a rate which will result in an increase in total receipts of not greater than ten percent (10%) over the previous year's receipts, excluding revenue from ad valorem taxes on any newly constructed properties, any existing properties added to the tax rolls or any properties previously exempt which were not assessed in the next preceding year. This limitation does not apply to levies for the payment of the principal of and the interest on general obligation bonds issued by the City or to certain other specified levies. The limitation may be increased only if the proposed increase is approved by a majority of those voting in an election held on such question.

On August 20, 1980, the Mississippi Supreme Court rendered its decision in *State Tax Commission v. Fondren*, 387 So.2d 712, affirming the decree of the Chancery Court of the First Judicial District of Hinds County, Mississippi, wherein the Mississippi Department of Revenue (formerly, the State Tax Commission) was enjoined from accepting and approving assessment rolls from any county in the State for the tax year 1983 unless the Mississippi Department of Revenue (formerly, the State Tax Commission) equalized the assessment rolls of all of the counties. Due to the intervening passage of the Reappraisal Act, the Supreme Court reversed that part of the lower court's decree ordering the assessment of property at true value (although it must still be appraised at true value), holding instead that assessed value may be expressed as a percentage of true value. Pursuant to the Supreme Court modification of the Chancellor's decree, on November 15, 1980, the Mississippi Department of Revenue (formerly, the State Tax Commission) filed a master plan to assist counties in determining true value. On February 7, 1983, the Chancery Court granted an extension until July 1, 1984, of its previous deadline past which the Mississippi Department of Revenue (formerly, the State Tax Commission) could not accept and approve tax rolls from counties which had not yet reappraised. The City has completed reappraisal.

Homestead Exemption

The Mississippi Homestead Exemption Law of 1946 reduces the local tax burden on homes qualifying by law and substitutes revenues from other sources of taxation on the State level as a reimbursement to the local taxing units for such tax loss. Provisions of the homestead exemption law determine qualification, define ownership and limit the amount of property that may come within the exemption. The exemption is not applicable to taxes levied for the payment of the Bonds, except as hereinafter noted.

Those homeowners who qualify for the homestead exemption and who have reached the age of sixty-five (65) years on or before January 1 of the year for which the exemption is claimed, service-connected, totally disabled American veterans who were honorably discharged from military service and those qualified as disabled under the federal Social Security Act are exempt from any and all ad valorem taxes on qualifying homesteads not in excess of \$7,500 of assessed value thereof.

The tax loss resulting to local taxing units from properly qualified homestead exemptions is reimbursed by the Mississippi Department of Revenue. Beginning with the 1984 supplemental ad valorem tax roll and for each roll thereafter, no taxing unit shall be reimbursed an amount in excess of one hundred six percent (106%) of the total net reimbursement made to such taxing unit in the next preceding year.

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Ten Largest Taxpayers

Ten of the largest taxpayers in the City for fiscal year 2018 are as follows:

| Taxpayer | Assessed Valuation | Taxes Collected |
|--------------------------------|------------------------|---------------------|
| SXP SCHULZ XTRUDED PRODUCTS LP | \$9,080,995.00 | \$370,141.36 |
| MRB-HERNANDO LP | 1,655,848.00 | 67,492.36 |
| KROGER LIMITED PARTNERSHIP I | 1,376,073.00 | 56,088.74 |
| WAL-MART REAL ESTATE BUS TRUST | 1,299,949.00 | 52,985.92 |
| TEGRA MEDICAL (MS) LLC | 1,011,717.00 | 41,237.58 |
| KROGER LP | 989,132.00 | 40,317.02 |
| NCI GROUP INC | 935,528.00 | 38,132.12 |
| WAL-MART STORES EAST LP | 930,794.00 | 37,939.16 |
| SXP CRA-OCTG INC | 818,195.00 | 33,349.63 |
| NITEO PRODUCTS LLC | 748,689.00 | 30,516.56 |
| Totals: | \$18,846,920.00 | \$768,200.45 |

SOURCE: Office of the City Clerk; February 2019.

DEBT INFORMATION

Legal Debt Limit Statement

(As of March 1, 2019)

| | 15% Limit | 20% Limit |
|--|------------------|------------------|
| Authorized Debt Limit (Last Completed Assessment for Taxation - \$154,838,762) | \$23,225,814 | \$30,967,752 |
| Present Debt Subject to Debt Limits | 9,155,000 | 9,155,000 |
| Margin for Further Debt | \$14,070,814 | \$21,812,752 |

Statutory Debt Limits

The City is subject to a general statutory debt limitation under which no municipality in the State may incur general obligation bonded indebtedness in an amount which will exceed fifteen percent (15%) of the assessed value of the taxable property within such municipality according to the last completed assessment for taxation.

In computing general obligation bonded indebtedness for purposes of such fifteen percent (15%) limitation, there may be deducted all bonds or other evidences of indebtedness issued for school, water and sewerage systems,

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gas and light and power purposes and for the construction of special improvements primarily chargeable to the property benefited, or for the purpose of paying a municipality's proportion of any betterment program, a portion of which is primarily chargeable to the property benefited. However, in no case may a municipality contract any indebtedness payable in whole or in part from proceeds of ad valorem taxes which, when added to all of its outstanding general obligation indebtedness, both bonded and floating, exceeds twenty percent (20%) of the assessed value of the taxable property within such municipality.

In arriving at the limitations set forth above, bonds issued for school purposes, bonds payable exclusively from the revenues of any municipally-owned utility, general obligation industrial bonds issued under the provisions of Sections 57-1-1 to 57-1-51, Mississippi Code of 1972, as amended, and special assessment improvement bonds issued under the provisions of Sections 21-41-1 to 21-41-53, Mississippi Code of 1972, as amended, are not included. Also excluded from both limitations are contract obligations subject to annual appropriations.

Outstanding General Obligation Bonded Debt

(As of March 1, 2019)

| Issue | Date of Issue | Outstanding Principal |
|---|---------------|-----------------------|
| General Obligation Refunding Bonds, Series 2012 | 11/08/12 | 2,240,000 |
| General Obligation Bonds, Series 2015 | 12/29/15 | 4,020,000 |
| General Obligation Refunding Bonds, Series 2016 | 5/03/16 | 2,895,000 |
| Total | | \$9,155,000 |

SOURCE: City Clerk's office, February 2019

Other Outstanding Long Term Debt

(As of March 1, 2019)

| Issue | Date of Issue | Amount |
|---|---------------|-----------------------|
| Department of Economic and Community Development Sewer CAP Loan (50289) | 1999 | \$51,115.10 |
| Department of Environmental Quality Water Pollution Control | 06/01/2003 | 117,691.92 |
| Department of Economic & Community Development Sewer CAP Loan (50378) | 05/17/2002 | 85,265.74 |
| Department of Economic & Community Development Sewer CAP Loan (50469) | 05/18/2005 | 87,948.26 |
| DWSI Phase 4 (L170009) | 11/5/2010 | 668,912.36 |
| SRF (C280868-03-3) | 5/1/2014 | 1,584,965.40 |
| Taxable Tax Increment Limited Obligation Bonds, Series 2016 (The Hampton Inn Hotel Project) | 1/21/2016 | 205,000.00 |
| Total | | \$2,800,898.78 |

SOURCE: City Clerk's office, February 2019

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Annual Debt Service Requirements

| FY Ending September 30 | Existing Debt ¹² | | |
|------------------------|-----------------------------|-----------------------|------------------------|
| | Principal | Interest | Total |
| 2019 | \$895,000.00 | \$218,068.76 | \$1,113,068.76 |
| 2020 | \$920,000.00 | \$199,118.76 | \$1,119,118.76 |
| 2021 | \$950,000.00 | \$179,631.26 | \$1,129,631.26 |
| 2022 | \$970,000.00 | \$159,031.26 | \$1,129,031.26 |
| 2023 | \$955,000.00 | \$137,528.13 | \$1,092,528.13 |
| 2024 | \$945,000.00 | \$115,675.00 | \$1,060,675.00 |
| 2025 | \$545,000.00 | \$98,800.00 | \$643,800.00 |
| 2026 | \$560,000.00 | \$85,950.00 | \$645,950.00 |
| 2027 | \$585,000.00 | \$72,687.50 | \$657,687.50 |
| 2028 | \$235,000.00 | \$57,937.50 | \$292,937.50 |
| 2029 | \$240,000.00 | \$52,000.00 | \$292,000.00 |
| 2030 | \$250,000.00 | \$45,875.00 | \$295,875.00 |
| 2031 | \$260,000.00 | \$39,500.00 | \$299,500.00 |
| 2032 | \$270,000.00 | \$32,875.00 | \$302,875.00 |
| 2033 | \$280,000.00 | \$26,000.00 | \$306,000.00 |
| 2034 | \$290,000.00 | \$18,875.00 | \$308,875.00 |
| 2035 | \$300,000.00 | \$11,500.00 | \$311,500.00 |
| 2036 | \$310,000.00 | \$3,875.00 | \$313,875.00 |
| Total | \$9,760,000.00 | \$1,554,928.17 | \$11,314,928.17 |

¹²As of March 1, 2019.

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General Obligation Bonded Debt

| Issue | Fiscal Year Ended September 30 | | | | |
|---|--------------------------------|---------------------|---------------------|--------------------|--------------------|
| | 2018 | 2017 | 2016 | 2015 | 2014 |
| General Obligation Bonds (10/1/03) | -0- | -0- | -0- | -0- | -0- |
| General Obligation Bonds (05/01/07) | -0- | -0- | 3,280,000 | 3,505,000 | 3,720,000 |
| General Obligation Refunding Bonds (11/08/12) | 2,680,000 | 3,110,000 | 3,530,000 | 3,940,000 | 4,340,000 |
| General Obligation Refunding Bonds (12/29/15) | 4,185,000 | 4,345,000 | 4,500,000 | -0- | -0- |
| General Obligation Refunding Bonds (5/03/16) | 2,895,000 | 3,185,000 | 3,220,000 | -0- | -0- |
| Totals: | \$9,760,000 | \$10,640,000 | \$14,530,000 | \$7,445,000 | \$8,060,000 |

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EXHIBIT A

Event Notice

The City certifies that none of the event notices have occurred with respect to the Bonds:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves, if any, reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property, if any, securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the Issuer;
- (13) The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and/or
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

THE CITY OF HERNANDO, MISSISSIPPI

BY:  Mayor

40159089.v1

Dated: 9/16/19

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to accept the Continuing Disclosure Submission, submitted by Butler Snow. 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 17th day of September, 2019

APPROVE BUDGET AMENDMENTS FYE 2019

Alderman Hobbs asked Susan Huff how do we determine who we use for vetting service.

Susan Huff answered that she goes with the cheaper.

Alderman Hobbs asked why don't we have a list and get prices, and then use the best priced one.

Susan Huff stated that she can, but the vets look at it as a charitable service and give a discount.

Alderman Hobbs asked can we quote it out and try. That way we can budget for it better.

Susan Huff stated up to recently it was only two of us and shopping around for prices is a full time job. We hope to do vaccines ourselves once we get the new shelter building.

Mayor Ferguson asked if the animals you are getting are in the City limits.

Susan Huff answered yes.

Alderman Hobbs stated if we raise the fees we will get more revenue, we are missing out on revenue.

Susan Huff stated we are missing out on a lot.

Alderman McLendon asked about D2 soccer supplies and other services, I thought that was a self-sustaining thing.

Mayor Ferguson answered yes.

Alderman McLendon stated that's the one you have to try out for, some make it and some don't.

**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> |
|---|-------------------------|------------------|-------------------|
| <u>GENERAL FUND</u> | | | |
| REVENUE | | | |
| 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 |
| EXPENDITURES | | | |
| 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 |
| | | | |
| <u>PARK FUND</u> | | | |
| 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 |
| | | | |
| <u>UTILITY FUND</u> | | | |
| 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 |
| | | | |
| | <u>PRIOR BUDGET</u> | <u>AMENDMENT</u> | <u>NEW BUDGET</u> |
| <u>GENERAL FUND</u> | | | |
| EXPENDITURES | | | |
| Public Safety - Supplies | \$195,000.00 | \$700.00 | \$195,700.00 |
| Public Safety - Other Services & Charges | \$301,499.00 | \$19,300.00 | \$320,799.00 |
| Public Safety - Debt Service | \$233,951.00 | \$20,000.00 | \$213,951.00 |
| Health & Welfare - Other Services & Charges | \$24,700.00 | \$40,000.00 | \$64,700.00 |
| Fire Department - Supplies | \$174,050.00 | \$17,000.00 | \$157,050.00 |
| Fire Department - Other Services & Charges | \$298,100.00 | \$17,000.00 | \$315,100.00 |
| Contingency | \$175,072.82 | \$40,000.00 | \$135,072.82 |

PARK FUND**REVENUES**

| | | | |
|---------------|--------------|------------|--------------|
| MISCELLANEOUS | \$591,240.00 | \$3,418.00 | \$594,658.00 |
|---------------|--------------|------------|--------------|

EXPENDITURES

| | | | |
|----------------------------|--------------|-------------|--------------|
| PERSONNEL SERVICES | \$438,379.00 | \$17,706.00 | \$420,673.00 |
| SUPPLIES | \$127,122.00 | \$6,527.00 | \$133,649.00 |
| OTHER SERVICES AND CHARGES | \$290,599.00 | \$14,097.00 | \$304,696.00 |
| CAPITAL OUTLAY | \$31,800.00 | \$500.00 | \$32,300.00 |

UTILITY FUND**EXPENDITURES**

| | | | |
|--------------------------|----------------|-------------|----------------|
| SUPPLIES | \$330,550.00 | \$5,000.00 | \$335,550.00 |
| OTHER SERVICES & CHARGES | \$3,567,258.00 | \$21,000.00 | \$3,588,258.00 |
| CONTINGENCY | \$427,019.00 | \$26,000.00 | \$401,019.00 |

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 – Amended expenses to cover for professional fees, building repairs, vehicle repairs, equipment repairs, veterinary expenses, etc. not budgeted for.

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

Utility Fund – Moved money to cover repairs to water and sewer systems, equipment, 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 Miller seconded by Alderman Higdon to adopt the foregoing resolution amending the budget of the City of Hernando. A roll call vote was taken with the following results:

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

Those voting “Nay”:

ORDERED AND DONE this the 17th day of September 2019.

Tom Ferguson, Mayor

Attest:

Katie Harbin, City Clerk

DISCUSSION OF HERNANDO WEST

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to table this item per Steven Katz request, to the next Board Meeting. 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 17th day of September, 2019

AUTHORIZE TO ADJUST THE UTILITY BILL FOR ROY DON CARRINGTON

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 Roy Don Carrington
Service address 3140 Holly Springs Rd. Hernando, MS 38632
Daytime phone number () 901-326-1933

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 Roy Don Carrington Date of repair 8-4-19
Daytime phone number () 901-326-1933
Type of repair and location of property Water main leak

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 Victoria R. Carrington

For Office use only

Account Number 06-3291880 Billing period ending 8/31/19

High month usage 66 minus 6 month average 5 = Amount of Adjustment 61

\$ 240.95 Credit

[Handwritten initials]

728218

| SOLD TO <u>Don Carrington</u> | | SHIP TO | | | |
|---|---------|----------------------------------|-----------------------|----------|-----------------|
| ADDRESS <u>3140 Holly Springs Rd</u> | | ADDRESS | | | |
| CITY, STATE, ZIP <u>Hernando, MS 38632</u> | | CITY, STATE, ZIP | | | |
| CUSTOMER ORDER NO. | SOLD BY | TERMS | DATE <u>8/4/19</u> | | |
| ORDERED | SHIPPED | DESCRIPTION | PRICE | QUANTITY | TOTAL |
| | | <u>Water Service Repair @</u> | | | |
| | | <u>Meters</u> | | | |
| | | <u>Replaced 25ft 1" PVC pipe</u> | | | |
| | | <u>1" Cap x PVC Male Adapter</u> | | | |
| | | <u>1 1/2" x 1" PVC Bushing</u> | | | |
| | | <u>1 1/2" PVC Coupling</u> | | | |
| | | <u>Material</u> | | | <u>35.1</u> |
| | | <u>Labor</u> | | | <u>150.95</u> |
| | | <u>TAX</u> | | | <u>12.95</u> |
| | | <u>PJ Cash</u> | | | <u>\$197.95</u> |

| Period | Code | Previous Reading | Present Reading | Consumption | Amount Due |
|------------|------|------------------|-----------------|-------------|------------|
| 09/30/2019 | 30 | 214 | 280 | 66 | 0.00 |
| 08/31/2019 | 30 | 209 | 214 | 5 | 266.25 |
| 07/31/2019 | 30 | 199 | 209 | 10 | 23.00 |
| 06/30/2019 | 30 | 194 | 199 | 5 | 42.75 |
| 05/31/2019 | 30 | 190 | 194 | 4 | 23.00 |
| 04/30/2019 | 30 | 186 | 190 | 4 | 19.50 |
| 03/31/2019 | 30 | 183 | 186 | 3 | 16.00 |
| 02/28/2019 | 30 | 179 | 183 | 4 | 19.50 |
| 01/31/2019 | 30 | 175 | 179 | 4 | 19.50 |
| 12/31/2018 | 30 | 170 | 175 | 5 | 23.00 |
| 11/30/2018 | 30 | 163 | 170 | 7 | 30.00 |
| 10/31/2018 | 30 | 154 | 163 | 9 | 38.80 |

$$\frac{66}{61} \times 3.95 = 240.95 \text{ credit}$$

Motion was duly made by Alderman Harris and seconded by Alderman Hobbs to authorize to adjust the utility bill for Roy Don Carington in the amount of \$240.95, finding that the customer had a leak and did not receive the benefit of receiving the water services, also request that the water leak repair verification form and attached documents are put in the minutes. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of September, 2019

AUTHORIZE TO ADJUST THE UTILITY BILL FOR BETHANY MCDANIEL

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 Bethany McDaniel
Service address 2812 Wren St.
Daytime phone number 991 614-5700

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

REPAIR INFORMATION (please print)

Property owner or managers name Date of repair 9-7-19

Daytime phone number ()

Type of repair and location of property busted water line in backyard

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 Bethany McDaniel For Office use only

Account Number 01-0017303 Billing period ending 8-31-19

High month usage 100 minus 6 month average 3 = Amount of Adjustment 97

\$ 864.54 credit

OK per B. Burton 9-13-19

Invoice details including: 9/13/2019 9:45 AM, PAYMENT METHOD: SALES TAX, TOTAL: 5.77, AMOUNT PAID: 5.77, CHANGE DUE: 0.00. Includes a barcode and 'Thank you for your business!' message.

| From | To | Date | Time | Present | Previous | Used |
|------------|------------|----------|--------|---------|----------|------|
| 07/15/2019 | 08/15/2019 | 20191208 | 005900 | 632 | 532 | 100 |

| Type | Blnd |
|----------------------------------|---------------|
| WTR | 354.43 |
| SWR | 161.09 |
| GRB | 17.50 |
| WVW | 5.00 |
| RECONH | .00 |
| RECYCLE | .00 |
| RTCHOREE | .00 |
| DCRUA | 384.00 |
| HSC | .00 |
| TAX | .00 |
| L/C | .00 |
| PEN | .00 |
| LTX | .00 |
| Total Billed >>> | 922.04 |

| Date | Type | Amount |
|------------|---------|--------|
| 08/14/2019 | PAYMENT | -57.50 |

| Past 12 Months | |
|----------------|-----|
| High | 180 |
| Low | 1 |
| Avg | 11 |
| Delinq | 0 |

WTR 338.80
 SWR 153.26
 DCR 372.48

 864.54 credit

| From | To | Date | Time | Present | Previous | Used |
|------------|------------|----------|--------|---------|----------|------|
| 05/15/2019 | 07/15/2019 | 20191107 | 111600 | 532 | 525 | 7 |

| Type | Blnd |
|----------------------------------|--------------|
| WTR | 15.65 |
| SWR | 7.83 |
| GRB | 17.50 |
| WVW | 5.00 |
| RECONH | .00 |
| RECYCLE | .00 |
| RTCHOREE | .00 |
| DCRUA | 11.52 |
| HSC | .00 |
| TAX | .00 |
| L/C | .00 |
| PEN | .00 |
| LTX | .00 |
| Total Billed >>> | 57.50 |

| Date | Type | Amount |
|------------|---------|--------|
| 07/11/2019 | PAYMENT | -64.11 |

| Past 12 Months | |
|----------------|-----|
| High | 180 |
| Low | 1 |
| Avg | 11 |
| Delinq | 0 |

| Date | Code | Previous Reading | Present Reading | Consumption | Amount Due |
|------------|------|------------------|-----------------|-------------|------------|
| 09/30/2019 | 10 | | 632 | 100 | 0.00 |
| 09/31/2019 | 10 | 532 | 532 | 0 | 925.04 |
| 07/31/2019 | 10 | 529 | 532 | 3 | 57.50 |
| 06/30/2019 | 10 | 528 | 529 | 1 | 57.50 |
| 05/31/2019 | 10 | 522 | 525 | 3 | 66.07 |
| 04/30/2019 | 10 | 521 | 522 | 1 | 45.09 |
| 03/31/2019 | 10 | 519 | 521 | 2 | 45.09 |
| 02/28/2019 | 10 | 516 | 519 | 3 | 57.50 |
| 01/31/2019 | 10 | 513 | 516 | 3 | 57.50 |
| 12/31/2018 | 10 | 510 | 513 | 3 | 57.50 |
| 11/30/2018 | 10 | 507 | 510 | 3 | 57.50 |
| 10/31/2018 | 10 | 504 | 507 | 3 | 57.50 |
| 09/30/2018 | 10 | 500 | 501 | 1 | 66.07 |

Motion was duly made by Alderman Bryant and seconded by Alderman Hobbs to authorize to adjust the utility bill for Bethany McDaniel in the amount of \$864.54, 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 Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of September, 2019

APPEAL OF UTILITY BILL ADJUSTMENT FROM BRIAN DOAN

Alderman Hobbs stated this is the bill I spoke to everyone about adjusting the sewer and DCRUA. Everyone seemed to be in agreement with that. This was also before I knew it was in our policy to not give adjustments for pools. I think we need to redo the policy or ordinance on that. If someone is filling up a pool for the first time, a new pool, there isn't any water going into the sewer or DCRUA.

Alderman Miller stated so are you withdrawing this appeal.

Alderman Hobbs answered no, this is a new pool.

Alderman Miller stated it goes against the ordinance.

Alderman Hobbs stated the customer didn't receive the services.

Alderman Miller asked how do you know.

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to table this item to the October 1st Board Meeting, to get the adjustment amount. 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 17th day of September, 2019

APPEAL OF UTILITY BILL ADJUSTMENT FROM BARRY PETTIGREW

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 Taylor Bryant
Service address 2884 Wren Street
Daytime phone number () 901-690-4314

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

REPAIR INFORMATION (please print)

Property owner or managers name Barry Pettigrew Date of repair 9/3/19
Daytime phone number () 901-399-4127

Type of repair and location of property No repair. Inspection revealed no leaks

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 Barry Pettigrew
For Office use only

Account Number 01-002-5412 Billing period ending 7-31-19

High month usage 53, minus 6 month average 4 = Amount of Adjustment 49
\$ 445.41 credit

BBJ
Not approved

Attachments - Inspection receipt & request letter

| CUSTOMER'S ORDER NO. | | DEPARTMENT <u>Plumbing</u> | DATE <u>9/3/2019</u> |
|---------------------------------|--|--|----------------------|
| NAME <u>Barry Pettigrew</u> | | PHONE <u>901-399-4127</u> | |
| ADDRESS <u>2884 Wren Street</u> | | CITY, STATE, ZIP <u>Hernando MS. 38632</u> | |
| SOLD BY | CASH | G.O.D. | CHARGE |
| | | | ON ACCT. |
| | | | ADJSE. RETD. |
| | | | PAID OUT |
| QUANTITY | DESCRIPTION | PRICE | AMOUNT |
| 1 | <u>Did a complete water system inspection on all fixtures in home. Inspected service line and hot and cold water supply's to all fixture connections. Inspected all commodes for leaks none to be found. All systems are functioning in proper working order and no leaks found.</u> | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | <u>Lansen Plumbing Services</u> | | |
| 14 | <u>1862 Hallas Cove</u> | | |
| 15 | <u>Hernando MS. 38632</u> | | |
| 16 | <u>901-494-3322</u> | | |
| 17 | | | |
| 18 | <u>Total \$ 225.00</u> | | |

RECEIVED BY _____

KEEP THIS SLIP FOR REFERENCE

Mayor and Board of Alderman,

As I discussed in the September 3, 2019 board meeting, I am requesting an adjustment to the water bill at 2884 Wren Street to reflect the average amount and a deduction of any late fees associated with the abnormal bill only. The date period for this reading is June 15th to July 15th. I have included documentation showing that no leak was present, and no repair was performed. I don't feel that this would go against current policy as no leak inside or outside was discovered. I would also like to request a new meter to be installed at 2884 Wren Street to address any issues that could have been caused due to a faulty meter. Thank you for your consideration.

Sincerely,

Barry Pettigrew
Barry Pettigrew

Homeowner at 2884 Wren Street

| Period | Code | Previous Reading | Present Reading | Consumption | Amount Due |
|------------|------|------------------|-----------------|-------------|------------|
| 09/30/2019 | 10 | 212 | 215 | 3 | 0.00 |
| 08/31/2019 | 10 | 159 | 212 | 53 | 107.78 |
| 07/31/2019 | 10 | 159 | 159 | 0 | 510.26 |
| 06/30/2019 | 10 | 156 | 159 | 3 | 61.25 |
| 05/31/2019 | 10 | 156 | 154 | 2 | 66.07 |
| 04/30/2019 | 10 | 147 | 150 | 3 | 57.50 |
| 03/31/2019 | 10 | 143 | 147 | 4 | 71.82 |
| 02/28/2019 | 10 | 140 | 143 | 3 | 57.50 |
| 01/31/2019 | 10 | 136 | 140 | 4 | 66.07 |
| 12/31/2018 | 10 | 132 | 136 | 4 | 76.21 |
| 11/30/2018 | 10 | 124 | 132 | 8 | 101.46 |
| 10/31/2018 | | | | | 0.00 |

$$\begin{array}{r}
 53 \\
 - 4 \\
 \hline
 49 \times 3.50 = 171.50 \\
 171.50 \div 2 = 85.75 \\
 49 \times 3.84 = 188.16 \\
 \hline
 \$ 445.41 \text{ Credit}
 \end{array}$$

Motion was duly made by Alderman Harris and seconded by Alderman McLendon to deny the appeal request for a utility adjustment for Barry Pettigrew at 2884 Wren Street, due to it not meeting the requirements in the adjustment policy. A vote was taken with the following results:

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

Those voting "Nay": Alderman Hobbs.

ORDERED AND DONE this the 17th day of September, 2019

**AUTHORIZE TO APPLY FOR A GRANT FOR A STORYTELLER AT THE DICKENS
OF A CHRISTMAS EVENT FOR THE CHRISTMAS FARMERS MARKET (IN-KIND
TO BE MET BY THE FARMERS MARKET)**

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to apply for a grant for a Storyteller at the Dickens of a Christmas event for the Christmas Farmers Market. 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 17th day of September, 2019

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

Motion was duly made by Alderwoman Brooks and seconded by Alderman Higdon to go into closed session to discuss going into executive session or 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 17th day of September, 2019

GO INTO EXECUTIVE SESSION FOR NEGOTIATIONS

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to go into executive session for negotiations. 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 17th day of September, 2019

COME OUT OF EXECUTIVE SESSION

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 17th day of September, 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