

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, July 16, 2019 at 6:00 P.M. with Mayor Pro Temp Gary Higdon presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: City Clerk Katie Harbin, City Attorney Kenneth Stockton, City Engineer Joe Frank Lauderdale, Fire/EMS Chief Hubert Jones, Police Chief Scott Worsham, Assistant Police Chief Shane Ellis, Public Works Director Bobby Burton, Court Clerk Cassaundra Perry, Planning Director Keith Briley, Community and Economic Development Director Gia Matheny, Human Resource Manager Julie Harris, Parks and Recreation Director Dewayne Williams, Stacy Michael, Blake Mendrop, Ronnie Wilkerson, Vickey McLendon, Corey Nix, Billy Myers, Mitch Lemmon, Elizabeth Clifton, Jimmy Sneep, and Sibonie Swatzina.

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### PLEDGE OF ALLEGIANCE

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Pledge of Allegiance

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### INVOCATION

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Alderman Harris gave the invocation.

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### AGENDA

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Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

July 16, 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 31530 – 31790 less 31561 – 31618
- 6) Approve Docket of Claims No.'s 31561 – 31618 (Bryant)
- 7) Approve Minutes
- 8) Consent Agenda
  - A) Authorize to accept a donation from Fairway Independent Mortgage Corp in the amount of \$300.00 for a Scavenger Hunt Sponsorship
  - B) Authorize to accept a donation from Genell Holloway in the amount of \$25.00 for a Senior Fun Day Sponsorship
  - C) Authorize to accept a donation from Summit Church in the amount of \$50.00for a Scavenger Hunt Sponsorship
  - D) Authorize to accept a donation from Apelah, Inc., in the amount of \$200.00 for a Sponsorship of a Magazine Ad
  - E) Authorize to accept a donation from Mahaffey Events & Tents LLC in the amount of \$100.00 for a Sponsorship of a Magazine Ad

- F) Authorize to accept a donation from Sky Lake Construction, LLC in the amount of \$600.00 for a Sponsorship of a Magazine Ad
  - G) Authorize to accept a donation from My Home Realty in the amount of \$100.00 for a Sponsorship of a Magazine Ad
  - H) Authorize Lt. John Cotter to attend the LawFit verse FireFit challenge in Jackson, MS on July 26 and 27, 2019, also authorize to pay registration and travel expense
  - I) Authorize City Clerk Katie Harbin and Deputy Clerk Eva Ward to attend the Fall Master Municipal Clerk and Committee Academy Conference in Louisville, MS on October 2 – 4, 2019, authorize to pay registration and travel expenses
  - J) Authorize Deputy City Clerk Octavia Glasper and Deputy Clerk Annette Stotler to attend the Fall Academy Certified Municipal Clerk Program on October 30 – November 1, 2019 in Oxford, authorize to pay registration and travel expenses
  - K) Authorize to declare the following surplus (Police Department)
    - i. Ford Crown Vic VIN# 2FABP7BVOAX112814
    - ii. Ford Crown Vic VIN# 2FABP7BV2BX125663
    - 2011 Ford Crown Vic VIN# 2FABP7BV7BX124850
  - L) Authorize the City Attorney to draft paperwork for the following agencies to purchase surplus vehicles for the below stated price (intergovernmental purchase)
    - 2010 Ford Crown Vic VIN# 2FABP7BVOAX112814 Northeast Mississippi Community College \$1,750
    - 2011 Ford Crown Vic VIN# 2FABP7BV2BX125663 Northeast Mississippi Community College for \$2000
    - 2011 Ford Crown Vic VIN# 2FABP7BV7BX124850 by selling to the Town of Walls \$1.00
  - M) Authorize funding for the House of Grace in the amount of \$6,300.00 to be paid out of the contingency fund
  - N) Authorize to give Michael Carson in the Parks Department a 90-day performance raise of \$0.50 per hour
  - O) Authorize to give Jason Jones in the Public Works Department a 90-day performance raise of \$0.50 per hour
- 9) Authorize to hire Curtis Bain as a Service Tech 2 with CDL at the rate of \$16.50 per hour
- 10) Authorize to hire Lee Johnson as a Service Tech 1 at the rate of \$13.00 per hour
- 11) Authorize to hire Thomas Alec Vaughn as a full-time certified police officer (open position)
- 12) Authorize to hire Debra Neal-Herman as a Deputy Clerk / Utility Clerk at the rate of \$13.00 per hour, pending a clean drug screening and background check
- 13) Confirm the appointment of Terry Ashworth to the Planning Commission
- 14) PL-1369 – Request for Final Plat Approval for Montclair Subdivision Phase 4 – West end of Scott Road – Blake Mendrop with Mendrop Engineering
- 15) 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
- 16) PL-1397 – Appeal of the Planning Commissions Denial of a Variance to Allow a Fence to Encroach into the Required Front Yard Setback – 3470 Tates Way – Corey Nix, Property Owner
- 17) PL-1377 – Zoning Ordinance Text Amendment to Article XI Sign Regulations Regarding Digital Signs and Electronic Message Centers – 475 West Commerce Street – Keith Briley, AICP, Planning Director

- 18) Authorize Mayor Ferguson to sign a Director of Coaching Service Agreement with Blake Cooper for the Hernando Express Competitive Soccer Program
- 19) Authorize Mayor Ferguson to sign an Assistant Director of Coaching Service Agreement with Steven Geraci for the Hernando Express Competitive Soccer Program
- 20) Authorize the Mayor to sign the loan documents for the 630 Whitfied Building loan with Renasant Bank
- 21) Authorize the Mayor to sign a Lease Agreement with Desoto County for the Desoto County Election Commission
- 22) Authorize the Mayor to sign an agreement with Desoto County for improving a section of West Commerce Street
- 23) Authorize to release the Magnolia Commons Phase 2 Construction Bond
- 24) Authorize to abolish the agreement with Stewart Grading Co.
- 25) Authorize to accept the lowest quote for the Renasant Park Phase II Trail
- 26) Discussion of bike lanes on Mt. Pleasant
- 27) Discussion of amending the Water Leak Adjustment Policy
- 28) Adjourn

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to approve the agenda as presented after changing the amount on Consent Agenda item L, VIN 2FABP7BV2BX125663 from \$2,000 to \$1,750.00. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019.

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#### **APPROVE DOCKET OF CLAIMS NO.'S 31530 – 31790 LESS 31561 - 31618**

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The Board of Aldermen were presented with a docket of claims No. 31530 – 31790 less 31561 - 31618 in the amount of \$587,640.64 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019.

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**APPROVE DOCKET OF CLAIMS NO.'S 31561 - 31618**

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Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 31561 - 31618 in the amount of \$15,432.06 for approval.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019.

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**APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD MEETING  
ON JULY 2, 2019**

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Motion was duly made by Alderman Hobbs and seconded by Alderman McLendon to approve the Minutes from the regular Mayor and Board of Aldermen meeting on July 2, 2019. A vote was taken with the following results:

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

Those voting "Nay": None.

Alderman Bryant abstained from voting.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019.

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**CONSENT AGENDA**

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- A) Authorize to accept a donation from Fairway Independent Mortgage Corp in the amount of \$300.00 for a Scavenger Hunt Sponsorship
- B) Authorize to accept a donation from Genell Holloway in the amount of \$25.00 for a Senior Fun Day Sponsorship
- C) Authorize to accept a donation from Summit Church in the amount of \$50.00 for a Scavenger Hunt Sponsorship
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- I) Authorize City Clerk Katie Harbin and Deputy Clerk Eva Ward to attend the Fall Master Municipal Clerk and Committee Academy Conference in Louisville, MS on October 2 – 4, 2019, authorize to pay registration and travel expenses
- J) Authorize Deputy City Clerk Octavia Glasper and Deputy Clerk Annette Stotler to attend the Fall Academy Certified Municipal Clerk Program on October 30 – November 1, 2019 in Oxford, authorize to pay registration and travel expenses
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- M) Authorize funding for the House of Grace in the amount of \$6,300.00 to be paid out of the contingency fund
- N) Authorize to give Michael Carson in the Parks Department a 90-day performance raise of \$0.50 per hour
- O) Authorize to give Jason Jones in the Public Works Department a 90-day performance raise of \$0.50 per hour

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019.

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**AUTHORIZE TO HIRE CURTIS BAIN AS A SERVICE TECH 2 WITH CDL AT THE RATE OF \$16.50 PER HOUR**

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Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize to hire Curtis Bain as a Service Tech 2 with CDL at the rate of \$16.50 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019.

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**AUTHORIZE TO HIRE LEE JOHNSON AS A SERVICE TECH 1 AT THE RATE OF \$13.00 PER HOUR**

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Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to authorize to hire Lee Johnson as a Service Tech 1 at the rate of \$13.00 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE TO HIRE THOMAS ALEC VAUGHN AS A FULL-TIME CERTIFIED POLICE OFFICER (open position)**

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Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to authorize to hire Thomas Alec Vaughn as a full time Certified Police Officer effective August 1, 2019, following the recommendation of the Personnel Committee, based on the recommendation of the Police Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE TO DEBRA NEAL-HERMAN AS A DEPUTY CLERK/UTILITY CLERK  
AT THE RATE OF \$13.00 PER HOUR (pending a clean drug screening and background  
check)**

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Motion was duly made by Alderman Miller and seconded by Alderman Harris to authorize to hire Debra Neal-Herman as a Deputy Clerk/Utility Clerk at the rate of \$13.00 per hour effective July 29, 2019, following the recommendation of the Personnel Committee, based on the recommendation of the City Clerk. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**CONFIRM THE APPOINTMENT OF TERRY ASHWORTH TO THE PLANNING  
COMMISSION**

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Motion was duly made by Alderman Hobbs and seconded by Alderman Harris to confirm the Appointment of Terry Ashworth to the Planning Commission. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**PL – 1369 – REQUEST FOR FINAL PLAT APPROVAL FOR MONTCLAIR  
SUBDIVISION PHASE 4 – WEST END OF SCOTT ROAD – BLAKE MENDROP WITH  
MENDROP ENGINEERING**

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**City of  
Hernando**  
MISSISSIPPI

**BOARD OF ALDERMEN  
STAFF REPORT**

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Project No.:	PL-1369	Item No.:	__
Request:	Final Subdivision Plat – Montclair Subdivision Phase 4		
Location:	West End of Scott Road situated in Section 23, Township 3, Range 8		
Applicant:	Blake Mendrop with Mendrop Engineering		
Date:	July 16, 2019		

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**INTRODUCTION:**

Mr. Blake Mendrop with Mendrop Engineering is requesting Final Plat approval of Montclair Subdivision Phase 4, a 33-lot single-family residential subdivision. The subject property is located in the southwest portion of the City of Hernando at the western terminus of Scott Road.

**BACKGROUND:**

Ivy Meadows was approved as a 192.40 acres Planned Residential Neighborhood by the City of Hernando in 2005. The area in which the proposed development is located was annexed into the City of Hernando in November of 2005. In 2007, the property underwent ownership change and a change in the name of the project to Montclair Planned Residential Development. The subject property is located within a PUD Overlay District.

**DISCUSSION:**

Montclair Subdivision Phase 4 is part of the Montclair (Ivy Meadows) Development Plan. The subdivision consists of 33 residential lots with varying lot sizes as outlined in the Montclair (Ivy Meadows) Development Plan. The lots will be located along a southern extension of Scott Road. This proposed section of Montclair is along the City of Hernando's western municipal boundary.

The geometry of the proposed plat meets the City of Hernando's Subdivision Regulations, and the lots are within keeping of the character of the neighborhood and the Montclair (Ivy Meadows) Development Plan.

**PLANNING COMMISSION ACTION:**

The Planning Commission met on Tuesday, February 12, 2019, and voted to grant Final Plat approval for Montclair Subdivision Phase 4, a 33-lot residential subdivision, located in the Southwest portion of the City of Hernando, subject to Staff Comments and the condition that all drainage issues be addressed prior to recording the plat.

**STAFF COMMENTS:**

*Standard Subdivision Comments*

1. All landscaping in all common open space areas, natural areas, buffer areas, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
2. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
3. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision, or any phase of the subdivision, is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks.
4. Sidewalks shall be installed on the both sides of all streets.
5. Finished floor elevations shall be listed for each lot.
6. Prior to Construction Plan approval, Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
7. All utilities and services (electric, telephone, cable, etc.) are to be installed underground.
8. The water service lines shall be installed with tracing wire at the top.
9. No relocated buildings will be allowed.
10. Surrounding properties that are within 100 ft. shall be outlined with ownership records given.
11. Federal Emergency Management Agency (FEMA) designated floodplain and flood elevations shall be illustrated on the plat.
12. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
13. Prior to recoding the final plat, all Public Improvements shall be installed, completed, and accepted by the City of Hernando.

14. Prior to recording the final plat, the Developer shall include all required certificates and execute those that are applicable to him and his assigns.
15. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning. Corner lots shall include potential addresses for both streets.
16. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mail boxes.
17. Prior to Construction Plan approval, the Developer shall obtain a Large Area Grading Permit from the Mississippi Department of Environmental Quality (MDEQ) and submit a copy to the Office of Planning.
18. Prior to the beginning of construction, the Developer shall enter into a Development Agreement with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando's Land Subdivision Ordinance.

***Project Specific Comments***

1. The Pattern Book required by Article IV B. h. of the City of Hernando Subdivision Regulations Ordinance has been supplied and approved as part of the Planned Unit Development approval process.
2. Prior to recording the Final Plat, Street "A" shall be assigned a name and the plat reprinted to reflect the street name.

**STAFF RECOMMENDATION:**

Staff recommends approval subject to staff comments.

**PROPOSED MOTION:**

I move to grant Final Plat approval for Montclair Subdivision Phase 4, a 33-lot residential subdivision, located in the Southwest portion of the City of Hernando, subject to Staff Comments.



JOSEPH F. LAUDERDALE  
 CONSULTING ENGINEER  
 LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR  
 STATE OF MISSISSIPPI  
 231 WEST CENTER STREET  
 HERNANDO, MS. 38632  
 PH: 901-494-2484  
 E-MAIL: lauderdalejoe@bellsouth.net

July 10, 2019

City of Hernando Planning Dept.  
 475 West Commerce  
 Hernando, Ms. 38632

Recommended bond for Mont Clair, Phase 4- Bond

Dear Keith:

I have listed below the improvements for Mont Clair Phase 4 that have not been completed:

1. Asphalt paving final lift	573 tons @ \$120 -	\$68,760.00
2. Street signs	lump sum	\$1,240.00
3. Sidewalks	lump sum	\$10,000.00

TOTAL BOND AMOUNT	\$80,000.00
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Sincerely:

  
 Joseph F. Lauderdale P.E.  
 Hernando Consulting Engineer

Planning Director Keith Briley presented the information.

Alderman Miller asked if the bond will cover the construction route.

Joe Frank Lauderdale asked if he was talking about Scott Road, I think we have a bond on Scott Road, in the first section.

Alderman Miller asked if we could approve contingent upon a bond. Mr. Miller asked about the disagreement, if it was settled.

Blake Mendrop answered that the only disagreement was about the thickness of the rock, from 1 foot to 2 feet. We agreed to do 2 feet to satisfy the concerns about the erosion. There are significant bonds to cover the streets, sidewalks, etc.

Alderman Harris asked if everything they are going to do was in agreement with NRCS.

Blake Mendrop answered yes and the addition foot of rock.

Jimmy Snead stated that we had agreed with everything but the 1 foot of rock, which is good now. As long as the construction was constructed to design specs and its now 2 feet of rock, we accept that.

Alderman McLendon stated before the plat, we can have the agreement.

Motion was duly made by Alderman Harris and seconded by Alderman Miller to approve the Final Plat for Montclair Subdivision Phase 4, a 33-lot residential subdivision, located in the Southwest portion of the City of Hernando, per the specifications that both parties have agreed

to, the specifications by NRCS, the specifications by the City Engineer, also to include a bond, subject to staff comments. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 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**



**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: July 16, 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.

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 0.5acre 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 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 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.

Planning Director Keith Briley presented the information.

Billy Myers, 175 E Commerce Street, spoke on behalf of Mr. Kebede. Mr. Myers stated that the property is zoned C2, perfect for a gas station. The difficulty is the shape of the property. The Ordinance provides for a variance. Zoning shouldn't be static. The Board has authority to relax the requirements. We are proposing tonight to have a 5 foot rear yard setback. We are adding 15.5 on one side set back and 5 on the other side set back. This variance would have no issues on neighboring property. This isn't the only alternative we looked at. This would be better for the City than an abandoned car wash. It's not a special privilege, it wouldn't be that different from what is currently there. We request that the variance be granted to reduce the rear set back.

Alderman Miller asked if there was a easement in the rear set back for utilities.

Billy Myers answered that it doesn't affect this.

Alderman Miller asked if there are any utilities there.

Joe Frank Lauderdale answered there is a sewer line back there.

Alderman Miller asked what would it take to get back there, to work on them.

Public Works Director, Bobby Burton answered they need at least 10 feet to work on that sewer line.

Alderman Hobbs asked what happens when the building behind it want to add on, it will hinder the next person.

Keith Briley stated that on the plat there are utility easements that they can't build on.

Alderman Miller stated each easement is independent to itself.

Keith Briley stated that each lot is required to have 5 foot utility easement on the side and rear. Mr. Briley stated that the ditch is the property line.

Alderwoman Brooks asked if they have tried to configure it a different way to make it work.

Billy Myers answered yes, we can't figure it another way without messing with other requirements. This way makes the most sense.

Alderman Higdon asked about the widening of 55, is that going to be a service road, closed from 55 to 51?

Billy Myers answered that he hasn't seen those plans.

Alderman McLendon asked Fire/EMS Chief if they have any need to go behind the building.

Fire/EMS Chief Hubert Jones answered I don't think so.

Ronnie Wilkerson, Byhalia, own's the RW Building and the back of John Henry Supply, stated that this property has not been taken care of, there have been rats, tall grass, drug activity, people have died there, etc. I have been the one to have to clean it up. Mr. Wilkerson passed out pictures to the Board.

Alderman Miller asked if anything he's doing tonight would affect Mr. Wilkerson's property, if he built the property, would it be on yours.

Ronnie Wilkerson answered yes it would.

Alderman Miller asked Keith if we've had any complaints about this property.

Keith Briley answered last year we did.

Alderman Miller stated that we are not here tonight to address the littering and the clean up concerns.

Kenny Stockton stated that is correct.

Ronnie Wilkerson stated that if you'd see the pins, part of that car wash is on my property.

Billy Myers stated that they will honor the property lines, we are asking for a variance from where ever the property lines are.

Ronnie Wilkerson stated in the front you have power lines that blocks a big portion of the front of the car wash.

Alderman Miller stated that Entergy will decide that with them.

Ronnie Wilkerson stated that the water and sewer lines are on my property.

Public Works Director Bobby Burton stated that was with Nesbit Water.

Billy Myers stated that if this project goes forward, it will take care of the nuisance.

Keith Briley stated that there is a recorded sewer easement that is not on this plat. I would suggest the applicant gets that on the plat.

Alderman Miller stated that the easement will determine what we can or can't do.

Billy Myers stated we could say 5 feet off the easement.

Jeff Phillips, Memphis, we couldn't do it with a 2400 sq ft building if we use the 10 ft easement, we have to squeeze the building size down.

Alderman Miller asked where do you think the easement is.

Joe Frank Lauderdale answered we put the sewer line in there 15-16 years ago, I'm not sure how far off the property line it is.

Alderman Miller asked if Joe Frank thinks the 10 foot set back will work.

Joe Frank Lauderdale answered yes.

Alderwoman Brooks asked if it is a possibility that the line is where they are wanting to build.

Kenny Stockton answered yes, if in the 5 feet.

Motion was duly made by Alderman Miller to turn over the Planning Commission's denial and approve the rear set back at 10 feet, subject to staff comments

**Motion died due to a lack of a second.**

Motion was duly made by Alderwoman Brooks and seconded by Alderman McLendon to table this item to identify where the sewer line and property line is and bring back to the Board at the August 6<sup>th</sup> meeting. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

**PL – 1397 – APPEAL OF THE PLANNING COMMISSIONS DENIAL OF A VARIANCE  
TO ALLOW A FENCE TO ENCROACH INTO THE REQUIRED FRONT YARD  
SETBACK – 3470 TATES WAY – COREY IX, PROPERTY OWNER**



City of  
**Hernando**  
MISSISSIPPI

BOARD OF ALDERMEN  
STAFF REPORT

Project No.: PL-1397 Item No.: \_\_\_  
Request: Request a variance to Allow a Fence to Encroach into the Required Front Yard Setback  
Location: 3470 Tates Way  
Applicant: Corey Nix, Owner  
Date: July 16, 2019

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**INTRODUCTION:**

Mr. Corey Nix, property owner, is requesting a variance in to Allow a Fence to Encroach into the Required Front Yard Setback for the property at 3470 Tates Way.

**BACKGROUND:**

The subject property is located at 3470 Tates Way and is Lot 128 of the Montclair Subdivision Phase 3. The final plat for Montclair Phase 3 was approved by the Planning Commission on November 17, 2017, by the Board of Aldermen on November 21, 2017, and recorded in the DeSoto County Chancery Clerks Office on May 1, 2018, in Plat Book 124 Page 6-7. The property is zoned PUD Planned Unit Development.

**PLANNING COMMISSION ACTION:**

The Planning Commission met on Tuesday, June 11, 2019, and voted to deny the variance to allow a fence to encroach into the required front yard setback along Scott Road for the property at 3470 Tates Way because granting the variance 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 build a wooden privacy fence that will encroach 10-feet into the required front yard setback of the Scott Road Frontage. The subject property is located on the corner of Scott Road and Tates Way thus, it is a double frontage lot.

*Article XII Accessory Buildings and Uses**b. Fences, Walls, and Hedges*

- i. In residential districts in a yard that adjoins a public street, fences, walls, and hedges may not exceed 4-feet in height except in a designated rear yard on a double frontage lot*

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: Our lot is a corner lot with a 10-ft. easement all the way around and a 5-ft. easement between my neighbor and us. The 10-ft. easement on the driveway side, would be 10ft or more away from where we are wanting to build our fence.

Staff: The house on the subject property is configured so that the front door faces Bates Way making the Scott Road frontage the side of the house. The lot is only 90-feet wide resulting in a smaller area along the Scott Road frontage that can have a fence taller than 4-feet in height.

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: We are requesting to build our fence 10-ft off our home and fence in the water spigot on the side by the garage. Article XII, Section B states "a yard adjoining a public st, fences may not exceed more than 4ft in height except in a designated rear yard of a double frontage lot." My HOA requires me to have a 6-ft wooden privacy fence. Many corner lots in Montclair have fences built the way we are trying to build ours. We are requesting 10-ft so it will not limit the use of the property, which the way it is zoned, will limit us of use, of the all of the side yard.

Staff: The applicant will not be deprived of rights commonly enjoyed by others because all fences must meet the height and setback requirement.

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

Applicant: The condition, shape, and location of the property is not a result from actions of the applicant.

Staff: Complying with the ordinance results in a smaller area along the Scott Road frontage that can have a fence taller than 4-feet in height.

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 the variance will not confer a special privilege to the applicant, due to many other properties in Montclair already having what we the applicants are trying to achieve.

Staff: If approved, the applicant would receive special privileges in that the fence along the Scott Road frontage will extend closer to the road than the adjoining lots.

**STAFF COMMENTS:**



5. The applicant has supplied a sketch showing where the proposed fence is to be located.
6. If approved, the applicant shall acquire a fence permit prior to beginning construction.
7. 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 Approve Variance Request***

Because complying with the ordinance results in the reduction of the area that can have a fence taller than 4-feet in height, I move to overturn the Planning Commission's denial and to grant approval of a variance to allow a fence to encroach into the required front yard setback along Scott Road a maximum of 10-feet for the property at 3470 Tates Way, subject to staff comments.

***Motion to Deny Variance Request***

Because granting of the variance 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 to allow a fence to encroach into the required front yard setback along Scott Road for the property at 3470 Tates Way, subject to staff comments.

Planning Director Keith Briley presented the information.

Corey Nix, 3470 Tates Way, stated that he is trying to build off his house. The Property line is the sidewalk. I don't understand what the issue is. I'm not interfering with the utility easements.

Alderman Hobbs asked what do your neighbors think.

Corey Nix answered they are fine with it. Other homes have fences like what I want.

Alderwoman Brooks asked if it is feasible to get something in writing from the neighbors.

Alderman Miller stated it was already advertised.

Keith Briley stated it was advertised, no one complained.

Corey Nix stated that he'd rather fence some in so I can use it. If it's denied what will be done about the ones that have a fence and no permit.

Motion was duly made by Alderman McLendon and seconded by Alderman Hobbs to overturn the Planning Commission's denial and to grant approval of a variance to allow a fence to encroach into the required front yard setback along Scott Road a maximum of 10-feet for the property at 3470 Tates Way, subject to staff comments.

A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**PL – 1377 – ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE XI SIGN REGULATIONS REGARDING DIGITAL SIGNS AND ELECTRONIC MESSAGE CENTERS – 475 WEST COMMERCE STREET – KEITH BRILEY, AICP, PLANNING DIRECTOR**

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**City of  
Hernando**  
MISSISSIPPI

**BOARD OF ALDERMEN  
STAFF REPORT**

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Project No.: PL-1377 Item No.: \_\_  
Request: Zoning Ordinance Text Amendment to Article XI Sign Regulations Regarding Digital Signs and Electronic Message Centers  
Location: 475 West Commerce Street  
Applicant: Keith Briley, AICP, Planning Director  
Date: July 16, 2019

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**INTRODUCTION:**

Keith Briley, AICP, the Planning Director for the City of Hernando, is requesting approval of a text amendment to the zoning ordinance.

**BACKGROUND:**

The Board of Aldermen adopted the Zoning Ordinance, Zoning Map, Design Standards, and Subdivision Regulations on August 19, 2008. The new ordinances were based upon the 2007 Hernando General Development Plan. The latest revision was adopted by the Board of Aldermen on September 18, 2018. At the March 12, 2019, Planning Commission meeting, the Commission voted to table the amendment to allow for additional research and pictures of digital signs being used. At the May 14, 2019, meeting the Planning Commission voted to table the sign ordinance amendment to allow staff time to examine limiting digital signage to commercial areas only and to address illumination requirements for non-digital signage.

**PLANNING COMMISSION ACTION:**

The Planning Commission met on Tuesday, July 9, 2019, and voted to recommend to the Board of Aldermen the approval of the text amendment to the Zoning Ordinance Article XI. Sign Regulations to add the allowance and requirements for digital signs, subject to Staff Comments.

**DISCUSSION:**

The proposed amendment to Article XI. Sign Regulations of the Zoning Ordinance is to add the allowance and requirements for digital signs in the City of Hernando. The revision is proposed to better accommodate modern technology in the sign industry.

The language presented for amending the City of Hernando Sign Regulations was derived from the review of similar ordinances of other cities within the state of Mississippi.

**STAFF COMMENTS:**

1. Other cities within the state allow between 30% and 50% in digital signage as a percentage of the sign area.

2. The following table is a summary of what other cities in the State of Mississippi allow in their sign ordinance.

Municipality	Digital Signs	Allowed	Prohibited	Max. % of Sign Area
Diamondhead	Electronic Message Centers	C-2		30%
D'Iberville	Digital Signs	Commercial Uses	Inserted into or added to nonconforming signs	50%
Horn Lake	Electronic Message Centers	All Commercial	Office	20%
Meridian	Electronic Message Signs	B-3, B-5		150 s.f.
Olive Branch	Electronic Message Centers	Agricultural, Residential, Office, Commercial, and Industrial Districts		24 inches in height
Oxford				
Ridgeland	Changeable Copy Signs (Automatic)	provide time and temperature only		
Southaven	Electronic Message Centers	Office, Residential Office, and Neighborhood Commercial		8-inch-tall letters
Starkville	Electronic Message Board	C-2, M-1	A-1, R-E, R-1, R-2, R-3, R-3A, R-4, R-4A, R-5, R-6, R-M, B-1, C-1, C-3	
Tupelo	Electronic Reader Board			40%
	Electronic Message Signs	B-4, I, and P		200 s.f.
	Private School Properties	B-3, B-4, B-5, or I		100 s.f.

3. Attached to the Staff Report are photographs of existing digital signs that are currently in use around the country that show different sized digital signs and different percentages of sign. The photos were supplied by Ben Doeden, Senior Territory Manager of the digital sign manufacture Watchfire.
4. After review of the attached photographs, Staff has left the maximum percentage of digital signage allowed at 50% of the allowable sign area.

**STAFF RECOMMENDATION:**

Staff recommends approval subject to staff comments.

**PROPOSED MOTION:**

I move to approve the text amendment to Article XI. Sign Regulations of the Zoning Ordinance to add the allowance and requirements for digital signs and to waive the reading of the ordinance.

Planning Director Keith Briley presented the information. Mr. Briley stated that other cities are starting to allow 30% to 50% area of the sign. Staff left the allowable at 50%.

Alderwoman Brooks stated that it says no colored lights, E4, those are colored. So they can have color.

Keith Briley answered yes, but still images.

Alderwoman Brooks stated that all of the banks have them, moving.

Keith Briley answered that they shouldn't, nothing allows it. The change on the sign will be instantaneous, it will be up for 30 seconds, then change. Mr. Briley stated that times are changing, people are moving to these. By allowing this we would have a better say so on how they are installed.

Alderman McLendon asked how long the Planning Commission had this information.

Keith Briley answered 3 months.

Alderman McLendon stated that we've had this for 3 days. I don't think so, this will change the store fronts of Hernando.

Motion was duly made by Alderman McLendon and seconded by Alderman Miller to table for further consideration. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE MAYOR FERGUSON TO SIGN A DIRECTOR OF COACHING  
SERVICE AGREEMENT WITH BLAKE COOPER FOR THE HERNANDO EXPRESS  
COMPETITIVE SOCCER PROGRAM**

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Alderman McLendon asked how much is the fee to play.

Parks and Recreation Director Dewayne Williams answered \$320 per player.

Alderman McLendon stated he will get 18% of that.

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize Mayor Ferguson to sign a Director of Coaching Service Agreement with Blake Cooper for the Hernando Express Competitive Soccer Program. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE MAYOR FERGUSON TO SIGN AN ASSISTANT DIRECTOR OF  
COACHING SERVICE AGREEMENT WITH STEVEN GERACI FOR THE  
HERNANDO EXPRESS COMPETITIVE SOCCER PROGRAM**

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Alderman McLendon stated that the assistant will get 7% of the \$320 also.

Motion was duly made by Alderman Harris and seconded by Alderman Miller to authorize Mayor Ferguson to sign a Director of Coaching Service Agreement with Blake Cooper for the Hernando Express Competitive Soccer Program. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE THE MAYOR TO SIGN THE LOAN DOCUMENTS FOR THE 630  
WHITFIELD BUILDING LOAN WITH RENASANT BANK**

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Motion was duly made by Alderman Hobbs and seconded by Alderman Harris to authorize Mayor Ferguson to sign the loan documents for the 630 Whitfield Building loan with Renasant Bank. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE MAYOR FERGUSON TO SIGN A LEASE AGREEMENT WITH  
DESOTO COUNTY FOR THE DESOTO COUNTY ELECTION COMMISSION**

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Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to authorize Mayor Ferguson to sign a lease agreement with Desoto County for the Desoto County Election Commission. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE MAYOR FERGUSON TO SIGN AN AGREEMENT WITH DESOTO  
COUNTY FOR IMPROVING A SECTION OF WEST COMMERCE STREET**

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Alderman Hobbs asked if we should see if we need to de annex, etc., this area.

Alderman Higdon stated that the works has to be done.

Alderman Hobbs stated the County can do it. Lee said they won't do it, but if we de annex it, she will. Alderman Hobbs said it's \$15,000.

Alderman Higdon stated yes.

Alderman Miller stated right now we should do it, it is ours.

Alderman Hobbs stated you're right, but we could de annex it right now for \$2,000.00

Alderman Hobbs stated that he though the Mayor would have more information on this since we tabled it last the last time.

Alderman Harris stated I think the Mayor spoke to the County again.

Motion was duly made by Alderman Harris and seconded by Alderman Bryant to authorize Mayor Ferguson to sign an Agreement with Desoto County for Improving a Section of West Commerce Street. A vote was taken with the following results:

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

Those voting "Nay": Alderman Hobbs.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE TO RELEASE THE MAGNOLIA COMMONS PHASE 2  
CONSTRUCTION BOND**

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Motion was duly made by Alderwoman Brooks and seconded by Alderman Hobbs authorize to release the Magnolia Commons Phase 2 Construction Bond. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE TO ABOLISH THE AGREEMENT WITH STEWART GRADING CO**

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Joe Frank Lauderdale stated that Stewart Grading has struggled with the weather and struggled to get it done. Stewart Grading thinks that he could get it done by the end of the month. We want to end the contract by July 31, 2019.

Alderman Hobbs stated this is a grant, has an end date, correct.

Community and Economic Development Director Gia Matheny answered yes, the work has to be done by July 31, 2019.

Alderman Miller stated so if it's not done, we lose the grant.

Alderman McLendon asked how much the grant was for.

Gia Matheny answered \$100,000.00.

Alderman Hobbs asked how much do we have done.

Joe Frank Lauderdale answered about \$30,000.00 worth.

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to authorize to end the agreement with Stewart Grading Co. on July 31, 2019, for the Renasant Park Phase II Trail. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**AUTHORIZE TO ACCEPT THE LOWEST QUOTE FOR THE RENASANT PARK PHASE II TRAIL**

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Joe Frank Lauderdale stated that Stewart Grading was supposed to do 3100 feet, we are still missing the area between the lift station and where we are putting the bridge in.

Alderman Miller stated which can have it done by the end of the month.

Joe Frank Lauderdale answered Hernando Redi Mix says they can.

Alderman Miller asked by did the alarm just go off at the end.

Joe Frank Lauderdale stated that he has been pushing Stewart Grading to move faster.

Motion was duly made by Alderman Miller and seconded by Alderman McLendon to authorize to accept the lowest quote for the Renasant Park Phase II Trail. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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**DISCUSSION OF BIKE LANES ON MT. PLEASANT**

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Joe Frank Lauderdale stated that at the last meeting that we stripped that section for a pedestrian and bike lane, and that would be there is no parking because of what it is.

Alderman Higdon stated at the end it was brought up that if it was a bike lane, you couldn't park there anyway.

Alderman Harris stated that the Master Plan carried it up to Parkway.

Joe Frank Lauderdale stated that the Master Plan eventually carries it to Linear Park, in the opposite direction. MR. Lauderdale stated it was mentioned how many people know not to park in a bike lane.

Police Chief Worsham stated that they will let them know.

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to approve bike lanes on Mt. Pleasant. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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#### **DISCUSSION OF AMENDING THE WATER LEAK ADJUSTMENT POLICY**

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Alderwoman Brooks stated that she is good with the proposed language change.

Alderman Miller stated this will create a headache. Mr. Miller stated that the number of adjustments were going down.

Alderwoman Brooks stated not that much.

Alderman Miller stated you will see more traffic before the Board.

Alderman Hobbs stated that he disagrees.

Alderman Miller stated you should just rescind your policy.

Alderman Hobbs stated if you are out of town, and a pipe busts, that's an extenuating circumstance. Everything else on the customers side, should be on the customer.

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to authorize the City Attorney and the Public Works Director to put together the amendment and bring back for the Board to review. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 16<sup>th</sup> day of July, 2019

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#### **ADJOURN**

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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".

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MAYOR TOM FERGUSON

ATTEST:

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KATIE HARBIN, CITY CLERK