

The Mayor and Board of Aldermen of the City of Hernando met for the Special Meeting at City Hall on Friday, March 23, 2020 at 3:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, and Alderman Hobbs. Also present: City Clerk Katie Harbin, City Attorney Kenny Stockton, Assistant Police Chief Shane Ellis, Planning Director Keith Briley, Community and Economic Development Director Gia Matheny, Planning Clerk Beth Garcia, Building Official Joe Engel, Vickey McLendon, and Sibonie Swatzyna.

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**NOTICE OF SPECIAL MEETING OF THE
MAYOR AND BOARD OF ALDERMEN**

Date: March 23, 2020

To: All Aldermen of the Municipality of Hernando, Mississippi

From: Mayor Tom Ferguson

Subject: Special Meeting

PLEASE TAKE NOTICE that a special meeting of the Mayor and Board of Aldermen of the City of Hernando shall be held on March 23, 2020 at 3:00 P.M. at the City Hall Building in the City of Hernando, Mississippi.

The purpose of the meeting is to:

- 1) Adopt Ordinance in regards to COVID-19

This notice is given pursuant to and in compliance with Section 21-3-21 of the Mississippi Code. Please be present.

Tom Ferguson, Mayor

ATTEST:

Katie Harbin, City Clerk

Alderman were notified by phone, March 23, 2020.

**Agenda
City of Hernando
Mayor and Board of Alderman
Special Meeting**

March 23, 2020

3:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approve Agenda

- 5) Adopt Ordinance in regards to COVID-19
- 6) Adjourn

APPROVE AGENDA

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 23rd day of March, 2020.

ADOPT ORDINANCE IN REGARDS TO COVID-19

Mayor Ferguson stated some people think that if they close, they won't be able to get assistance. That's not true.

Alderman Miller asked weren't we going to mimic what the County is doing?

Alderwoman Brooks stated I thought we were going to mimic what the Health Department was doing.

Alderman Miller read over the County Proclamation, stated no where does it say mandatory. It is encouraging based on the CDC recommendations.

Alderwoman Brooks stated so you are saying do a proclamation instead of an ordinance.

Mayor Ferguson stated we can't enforce a proclamation. An ordinance we can. That's what I did yesterday, I sent out an email asking people to follow the recommendations. I am very pleased how our citizens are handling this.

Alderman Harris asked why are we doing an ordinance, forcing them to close.

Alderwoman Brooks stated it doesn't say they have to close.

Kenny Stockton stated it does not state that, it asks certain businesses to follow the recommendations given by the State. Business could be fined or punished.

Alderwoman Brooks asked if a church said it was going to stay open for services of 50 plus, they can then be fined?

Mayor Ferguson stated my only question right now, if there have more than 10 but they social distance, warehouses for essential items?

Kenny Stockton stated they are exempt though.

Alderman McLendon stated that he sent Lieutenant Governor a message with this ordinance, he suggested we get an AG Opinion before adopting it.

Kenny Stockton stated that isn't necessary, they aren't going to give an opinion on Ordinances or litigation.

Mayor Ferguson stated we don't have the same problems the other cities do. All we are asking is people follow the recommendations.

Alderman Hobbs asked will this ordinance make it mandatory.

Mayor Ferguson answered yes, for them to follow the recommendations / guidelines, not for them to close.

Assistant Police Chief Ellis asked if this included the Parks also.

Alderman Miller answered no.

Kenny Stockton stated this wouldn't apply. That's a good question though.

Alderman Miller stated when we are talking about carry out, some don't have any windows. They should still be able to go in and get it to take out.

Kenny Stockton stated if someone doesn't have a drive through, they need to do curbside. They don't want you going in and out.

Alderman Hobbs asked what about grocery stores.

Kenny Stockton answered they are exempt.

Alderman Hobbs asked why are restaurants being singled out.

Mayor Ferguson stated the State is doing it. Grocery is essential.

Alderman Hobbs stated I understand, but why not limit the amount of people in at one time.

Mayor Ferguson stated I agree, but the State doesn't address that.

Alderman Hobbs asked how will it be enforced.

Mayor Ferguson stated with the ordinance, they can be fined.

Kenny Stockton stated it doesn't state the fine, unless you want it different from the general law.

Alderman Brooks stated each occurrence is a separate offense.

Mayor Ferguson stated most citizens are willing to comply. Do we want to change to a Proclamation or leave an ordinance?

Alderman Brooks stated I think the ordinance is fine.

Mayor Ferguson stated I think it should start tomorrow evening.

Alderman McLendon asked if the ordinance includes employees.

Mayor Ferguson answered yes.

Alderman Miller stated some have made statements about what the County did and did not, now we know what they did.

Mayor Ferguson stated they may change this afternoon.

Alderman Hobbs asked Mayor Ferguson what is his opinion on this.

Mayor Ferguson answered we need a way to enforce it, there are a lot of Cities doing something and people are complaining we aren't doing anything.

Alderman Hobbs asked so you support this ordinance?

Mayor Ferguson answered I do.

Alderman Miller stated I'd say be effective tomorrow at 5pm.

Alderman Higdon stated this is designed to control the spread.

Alderman McLendon stated there was a wedding the other night.

Alderwoman Brooks stated that's a social gathering, they won't be able to do it now.

Alderman Higdon stated if we don't try to stop the spread of the virus, the Federal Government will do a mandatory.

Alderman Miller stated people will have to be very creative. I agree we have to stop the spread. The numbers will spike, not because there are more people getting it, but because there are more tests now. People are already losing jobs.

Alderman McLendon asked is it ok to put the fine in this.

Kenny Stockton answered I wouldn't.

Alderwoman Brooks stated I don't think it is necessary.

Motion was duly made by Alderman Harris and seconded by Alderman Higdon to adopt an Ordinance by the Mayor and Board of Aldermen for the City of Hernando, Mississippi Declaring a Civil Emergency and for the Control of Contagious and Infectious Diseases and for Purposes Related Thereto in Response to the COVID-19 Pandemic and Previously Recognized by the State of Mississippi and the United States of America. A vote was taken with the following results:

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

Those voting "Nay": Alderman McLendon.

ORDERED AND DONE this the 23rd day of March, 2020.

Alderman McLendon stated he voted no because we didn't put the fine amount in the Ordinance. We aren't transparent.

Alderman Miller stated there is a speed limit sign up, and no price is shown with it.

ADJOURN

There being no further business at this time a motion was duly made by Alderman Higdon and seconded by Alderman Harris to adjourn.

Motion passed with a unanimous vote of "Aye".

MAYOR TOM FERGUSON

ATTEST:

KATIE HARBIN, CITY CLERK