

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, October 6, 2020 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: 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, Community and Economic Development Director Gia Matheny, City Planner Keith Briley, Assistant Police Chief Shane Ellis, Fire Chief Marshal Berry, Sam Witt, Public Works Director Mikey Dyer, Assistant Public Works Director Lee Germany, Court Clerk Cassaundra Perry, Park and Recreation Director Dewayne Williams, Preston Strickland, Michael Foster, Carolyn Richards, Chris Ting, Sean Hilsdon, and Vickey McLendon.

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### PLEDGE OF ALLEGIANCE

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Pledge of Allegiance

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### INVOCATION

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Alderman Higdon gave the invocation.

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### AGENDA

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|-----------------|--|--------|
|                 | Agenda<br>City of Hernando<br>Mayor and Board of Alderman<br>Regular Meeting |        |
| October 6, 2020 |  | 6:00pm |
- 1) Call the meeting to order
  - 2) Pledge of Allegiance
  - 3) Invocation
  - 4) Approve Agenda
  - 5) Approve Docket of Claims No.'s 38676 – 39068 less 38714 – 38724
  - 6) Approve Docket of Claims No.'s 38714 – 38724 (Bryant)
  - 7) Approve Minutes from recessed Mayor and Board of Aldermen meeting on September 9, 2020
  - 8) Approve Minutes from regular Mayor and Board of Aldermen meeting on September 15, 2020
  - 9) Consent Agenda
    - A) Authorize Katie Harbin and Eva Ward to attend the Fall Master Municipal Clerks Conference in Ridgeland, MS on October 21 – 23, 2020, also authorize to pay registration and travel expenses
    - B) Authorize Katie Harbin, Eva Ward, Beth Garcia, and Julie Harris to attend the Annual Municipal Clerk Winter Workshop in Jackson, MS on December 9-11, 2020, also authorize to pay registration and travel expenses
    - C) Authorize Kristen Duggan, Zoning Administrator and Joe Engle, Building Official, to attend the 2020 Building Officials Association of Mississippi Winter

- Conference in Natchez, Mississippi on December 1-4, 2020, also authorize to pay registration and travel expenses
- D) Authorize VIN # 1C4RDJFGXLC371286 AND 1C4RDJFG3LC371288 as unmarked, pursuant to MS Code 25-1-87. These vehicles replace previously unmarked vehicles VIN # 2C3CDXAT4HH525919 and 2FAHP71V09X131252 that is now marked or sold according to MS Code 25-1-87
  - E) Authorize to declare surplus and dispose of (by cleaning and recycling) a HP computer, property # 03167 (not working)
  - F) Authorize to transfer 2003 Ford F-250 (Vin# 1FTNWZ1P63ED34973) to the Public Works Department from the Fire Department
  - G) Authorize to transfer a Kubota Z0326 Zero turn mower Serial #38453, Property # 00393 to the Fire Department from the Public Works Department
  - H) Authorize to accept a sponsorship in the amount of \$35.00 from Darlene John's for Cookies with Santa
  - I) Authorize to declare the Yealink phones from the Police, Court and Parks Department as surplus and dispose of
  - J) Approve Municipal Compliance Questionnaire
  - K) Appoint Historic Preservation Commissioner Erin K. Owen
  - L) Appoint Historic Preservation Commissioner Jennifer O. Sheppard
  - M) Appoint Historic Preservation Commissioner Robert Lee Long, III
- 10) Authorize to hire Preston Strickland as a full-time uncertified Police Officer, pending pre-employment screenings, to fill an open position
- 11) Authorize to promote Sam Witt to Deputy Chief of the Hernando Fire/EMS Department
- 12) Authorize to hire Ashely Keating as a part time Kennel Tech (open position)
- 13) Authorize to hire Courtney Maxwell as a Service Tech 2 in the Water Department, pending pre-employment screenings
- 14) Approve to hire Sydney Jeans as a Service Tech 1 Meter Reader in the Water Department, pending pre-employment screenings
- 15) Authorize to give Public Works Director Mikey Dyer a 90-day performance raise
- 16) Authorize to advertise for the Conger Park Pathway Improvements
- 17) PL-1451 – Request Approval to Rezone from C-3 General Commercial to PUD Planned Unit Development – Parcel No. 308613001 0009901 Located on the west side of Memphis Street and south of West Valley Street – Dale Wilson, Owner (tabled from the September 15, 2020 meeting)
- 18) Adopt Amended Resolution Authorizing City of Hernando Credit Card Users (visa)
- 19) Adopt Resolution accepting DRA grant award (AWG Water Storage Tank Award)
- 20) Authorize to host a Howl-O-Ween pet costume contest on October 31<sup>st</sup> at the Dog Park with an entry fee of \$5.00
- 21) Authorize to advertise for the \$300,000 loan for the Utility Fund, Public Works Department (budgeted)
- 22) Redistricting of City Wards
- 23) Executive Session for Police Personnel and Negotiations
- 24) Adjourn

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**APPROVE DOCKET OF CLAIMS NO.'S 38676 – 39068 LESS 38714 - 38724**

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The Board of Aldermen were presented with a docket of claims No. 38676 - 39068 less 38714 – 38724, in the amount of \$1,841,384.46 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**APPROVE DOCKET OF CLAIMS NO.'S 38714 - 38724 (BRYANT)**

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The Board of Aldermen were presented with a docket of claims No. 38714 – 38724 in the amount of \$2,079.35 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**APPROVE THE MINUTES FROM THE RECESSED MAYOR AND BOARD OF ALDERMEN MEETING ON SEPTEMBER 9, 2020**

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Motion was duly made by Alderman Miller and seconded by Alderman Higdon to approve the minutes from the recessed Mayor and Board of Aldermen Meeting on September 9, 2020, as presented. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD OF ALDERMEN MEETING ON SEPTEMBER 15, 2020**

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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 15, 2020, as presented. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**CONSENT AGENDA**


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- A) Authorize Katie Harbin and Eva Ward to attend the Fall Master Municipal Clerks Conference in Ridgeland, MS on October 21 – 23, 2020, also authorize to pay registration and travel expenses
- B) Authorize Katie Harbin, Eva Ward, Beth Garcia, and Julie Harris to attend the Annual Municipal Clerk Winter Workshop in Jackson, MS on December 9-11, 2020, also authorize to pay registration and travel expenses
- C) Authorize Kristen Duggan, Zoning Administrator and Joe Engle, Building Official, to attend the 2020 Building Officials Association of Mississippi Winter Conference in Natchez, Mississippi on December 1-4, 2020, also authorize to pay registration and travel expenses
- D) Authorize VIN # 1C4RDJFGXLC371286 AND 1C4RDJFG3LC371288 as unmarked, pursuant to MS Code 25-1-87. These vehicles replace previously unmarked vehicles VIN # 2C3CDXAT4HH525919 and 2FAHP71V09X131252 that is now marked or sold according to MS Code 25-1-87
- E) Authorize to declare surplus and dispose of (by cleaning and recycling) a HP computer, property # 03167 (not working)
- F) Authorize to transfer 2003 Ford F-250 (Vin# 1FTNWZ1P63ED34973) to the Public Works Department from the Fire Department
- G) Authorize to transfer a Kubota Z0326 Zero turn mower Serial #38453, Property # 00393 to the Fire Department from the Public Works Department
- H) Authorize to accept a sponsorship in the amount of \$35.00 from Darlene John's for Cookies with Santa
- I) Authorize to declare the Yealink phones from the Police, Court and Parks Department as surplus and dispose of
- J) Approve Municipal Compliance Questionnaire
- K) Appoint Historic Preservation Commissioner Erin K. Owen
- L) Appoint Historic Preservation Commissioner Jennifer O. Sheppard
- M) Appoint Historic Preservation Commissioner Robert Lee Long, III

**Municipal Compliance Questionnaire**

As part of the municipality's audit, the governing authorities of the municipality must make certain assertions with regard to legal compliance. The municipal compliance questionnaire was developed for this purpose.

The following questionnaire and related certification must be completed at the end of the municipality's fiscal year and entered into the official minutes of the governing authorities at their next regular meeting.

The governing authorities should take care to answer these questions accurately. Incorrect answers could reduce the auditor's reliance on the questionnaire responses, resulting in the need to perform additional audit procedures at added cost.

**Information**

*Note: Due to the size of some municipalities, some of the questions may not be applicable. If so, mark N/A in answer blanks. Answers to other questions may require more than "yes" or "no," and, as a result, more information on this questionnaire may be required and/or separate work papers may be needed.*

1. Name and address of municipality: City of Hernando \_\_\_\_\_
2. List the date and population of the latest official U.S. Census or most recent official census:  
 \_\_\_ 2010 14,090 \_\_\_\_\_
3. Names, addresses and telephone numbers of officials (include elected officials, chief administrative officer, and attorney).  
 See attached \_\_\_\_\_
4. Period of time covered by this questionnaire:  
 From: \_\_\_ 10-1-2018 \_\_\_\_\_ To: \_\_\_ 9-30-2019 \_\_\_\_\_
5. Expiration date of current elected officials' term: 6-30-2021 \_\_\_\_\_

**IV-B0**

**MUNICIPAL COMPLIANCE QUESTIONNAIRE**  
**Year Ended September 30, 20\_\_**

Answer All Questions: Y - YES, N - NO, N/A - NOT APPLICABLE

**PART I - General**

- 1. Have all ordinances been entered into the ordinance book and included in the minutes? (Section 21-13-13) \_\_\_ Y \_\_\_
- 2. Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27) \_\_\_ Y \_\_\_
- 3. Are municipal records open to the public? (Section 25-61-5) \_\_\_ Y \_\_\_
- 4. Are meetings of the board open to the public? (Section 25-41-5) \_\_\_ Y \_\_\_
- 5. Are notices of special or recess meetings posted? (Section 25-41-13) \_\_\_ Y \_\_\_
- 5. Are all required personnel covered by appropriate surety bonds? \_\_\_ Y \_\_\_
  - Board or council members (Sec. 21-17-5) \_\_\_ Y \_\_\_
  - Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter) \_\_\_ Y \_\_\_
  - Municipal clerk (Section 21-15-38) \_\_\_ Y \_\_\_
  - Deputy clerk (Section 21-15-23) \_\_\_ Y \_\_\_
  - Chief of police (Section 21-21-1) \_\_\_ Y \_\_\_
  - Deputy police (Section 45-5-9) (if hired under this law) \_\_\_ Y \_\_\_
- 7. Are minutes of board meetings prepared to properly reflect the actions of the board? (Sections 21-15-17 and 21-15-19) \_\_\_ Y \_\_\_
- 8. Are minutes of board meetings signed by the mayor or majority of the board within 30 days of the meeting? (Section 21-15-33) \_\_\_ Y \_\_\_
- 9. Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53) \_\_\_ Y \_\_\_
- 10. Did all officers, employees of the municipality, or their relatives avoid any personal interest in any contracts with the municipality during their term or within one year after their terms of office or employment? (Section 25-4-105) \_\_\_ Y \_\_\_
- 11. Does the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31) \_\_\_ Y \_\_\_

**IV-B1**

- 12. Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance? (Section 21-35-31 or 21-17-19) \_\_\_ Y \_\_\_

**PART II - Cash and Related Records**

- 1. Where required, is a claims docket maintained? (Section 21-39-7) \_\_\_ Y \_\_\_
- 2. Are all claims paid in the order of their entry in the claims docket? (Section 21-39-9) \_\_\_ Y \_\_\_
- 3. Does the claims docket identify the claimant, claim number, amount and fund from which each warrant will be issued? (Section 21-39-7) \_\_\_ Y \_\_\_
- 4. Are all warrants approved by the board, signed by the mayor or majority of the board, attested to by the clerk, and bearing the municipal seal? (Section 21-39-13) \_\_\_ Y \_\_\_
- 5. Are warrants for approved claims held until sufficient cash is available in the fund from which it is drawn? (Section 21-39-13) \_\_\_ Y \_\_\_
- 6. Has the municipality adopted and entered on its minutes a budget in the format prescribed by the Office of the State Auditor? (Sections 21-35-5, 21-35-7 and 21-35-9) \_\_\_ Y \_\_\_
- 7. Does the municipality operate on a cash basis budget, except for expenditures paid within 30 days of fiscal year end or for construction in progress? (Section 21-35-23) \_\_\_ Y \_\_\_
- 8. Has the municipality held a public hearing and published its adopted budget? (Sections 21-35-5, 27-39-203, & 27-39-205) \_\_\_ Y \_\_\_
- 9. Has the municipality complied with legal publication requirements when budgetary changes of 10% or more are made to a department's budget? (Section 21-35-25) \_\_\_ Y \_\_\_
- 10. If revenues are less than estimated and a deficit is anticipated, did the board revise the budget by its regular July meeting? (Section 21-35-25) \_\_\_ Y \_\_\_

**IV-B2**

- 11. Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11) \_\_\_ Y \_\_\_
- 12. Does the municipal clerk submit to the board a monthly report of expenditures against each budget item for the preceding month and fiscal year to date and the unexpended balances of each budget item? (Section 21-35-13) \_\_\_ Y \_\_\_
- 13. Does the board avoid approving claims and the city clerk not issue any warrants which would be in excess of budgeted amounts, except for court-ordered or emergency expenditures? (Section 21-35-17) \_\_\_ Y \_\_\_
- 14. Has the municipality commissioned municipal depositories? (Sections 27-105-353 and 27-105-363) \_\_\_ Y \_\_\_
- 15. Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323) \_\_\_ Y \_\_\_
- 16. Are donations restricted to those specifically authorized by law? [Section 21-17-5 (Section 66, Miss. Constitution) -- Sections 21-19-45 through 21-19-59, etc.] \_\_\_ Y \_\_\_
- 17. Are fixed assets properly tagged and accounted for? (Section II - Municipal Audit and Accounting Guide) \_\_\_ Y \_\_\_
- 18. Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41? \_\_\_ Y \_\_\_
- 19. Are all travel advances made in accordance with the State Auditor's regulations? (Section 25-3-41) \_\_\_ Y \_\_\_

**PART III - Purchasing and Receiving**

- 1. Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(b) and (c)] \_\_\_ Y \_\_\_
- 2. Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)] \_\_\_ Y \_\_\_
- 3. Are all one-source item and emergency purchases documented on the board's minutes? [Section 31-7-13(m) and (k)] \_\_\_ Y \_\_\_
- 4. Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23) \_\_\_ Y \_\_\_

**IV-B3**

**PART IV - Bonds and Other Debt**

- 1. Has the municipality complied with the percentage of taxable property limitation on bonds and other debt issued during the year? (Section 21-33-303) \_\_\_ Y \_\_\_
- 2. Has the municipality levied and collected taxes, in a sufficient amount for the retirement of general obligation debt principal and interest? (Section 21-33-87) \_\_\_ Y \_\_\_
- 3. Have the required trust funds been established for utility revenue bonds? (Section 21-27-65) \_\_\_ N/A \_\_\_
- 4. Have expenditures of bond proceeds been strictly limited to the purposes for which the bonds were issued? (Section 21-33-317) \_\_\_ Y \_\_\_
- 5. Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5) \_\_\_ Y \_\_\_

**PART V - Taxes and Other Receipts**

- 1. Has the municipality adopted the county ad valorem tax rolls? (Section 27-35-167) \_\_\_ Y \_\_\_
- 2. Are interest and penalties being collected on delinquent ad valorem taxes? (Section 21-33-53) \_\_\_ Y \_\_\_
- 3. Has the municipality conducted an annual land sale for delinquent ad valorem taxes? (Section 21-33-63) \_\_\_ N/A \_\_\_
- 4. Have the various ad valorem tax collections been deposited into the appropriate funds? (Separate Funds for Each Tax Levy) (Section 21-33-53) \_\_\_ Y \_\_\_
- 5. Has the increase in ad valorem taxes, if any, been limited to amounts allowed by law? (Sections 27-39-320 and 27-39-321) \_\_\_ Y \_\_\_
- 6. Are local privilege taxes collected from all businesses located within the municipality, except those exempted? (Section 27-17-5) \_\_\_ Y \_\_\_
- 7. Are transient vendor taxes collected from all transient vendors within the municipality, except those exempted? (Section 75-85-1) \_\_\_ Y \_\_\_
- 8. Is money received from the state's "Municipal Fire Protection Fund" spent only to improve municipal fire departments? (Section 83-1-37) \_\_\_ Y \_\_\_

**IV-B4**

- 9. Has the municipality levied or appropriated not less than 1/4 mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax? (Sections 83-1-37 and 83-1-39) \_\_\_ Y \_\_\_
- 10. Are state-imposed court assessments collected and settled monthly? (Section 99-19-73, 83-39-31, etc.) \_\_\_ Y \_\_\_
- 11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-15-21) \_\_\_ Y \_\_\_
- 12. Are bids solicited by advertisement or, under special circumstances, three appraisals obtained when real property is sold? (Section 21-17-1) \_\_\_ Y \_\_\_
- 13. Has the municipality determined the full and complete cost for solid waste for the previous fiscal year? (Section 17-17-347) \_\_\_ Y \_\_\_
- 14. Has the municipality published an itemized report of all revenues, costs and expenses incurred by the municipality during the immediately preceding fiscal year in operating the garbage or rubbish collection or disposal system? (Section 17-17-348) \_\_\_ Y \_\_\_
- 15. Has the municipality conducted an annual inventory of its assets in accordance with guidelines established by the Office of the State Auditor? (MMAAG) \_\_\_ Y \_\_\_

IV-B5

City of Hernando - Desoto County						
Office	Ward	Party	Name	Address	Phone	Email
Mayor		Republican	N.C. Tom Ferguson Jr	93 La Bauve Hernando	901-387-9890	<a href="mailto:ncferguson@aol.com">ncferguson@aol.com</a>
Alderman	At Large	Republican	W.I. "Doc" Harris, Jr	1966 Robertson Road Hernando	662-449-6412	<a href="mailto:wiharrisjr@yahoo.com">wiharrisjr@yahoo.com</a>
Alderman	1	Republican	E.R. Sonny Bryant	1909 W Oak Grove Road Hernando	901-604-3818	<a href="mailto:sbryant5@comcast.net">sbryant5@comcast.net</a>
Alderman	2	Independent	Andrew Miller	3030 Caffey Street Hernando	901-827-5651	<a href="mailto:amiller236@comcast.net">amiller236@comcast.net</a>
Alderman	3	Republican	Gary Higdon	545 Augusta Drive Hernando	901-262-7212	<a href="mailto:ghigdon@comcast.net">ghigdon@comcast.net</a>
Alderman	4	Republican	Michael Warren McLendon	2245 Memphis Street Hernando	901-219-0900	<a href="mailto:mikem@pinsurance.com">mikem@pinsurance.com</a>
Alderwoman	5	Republican	Cathy Brooks	320 Shady Grove Drive Hernando	901-485-8486	<a href="mailto:cbrooks@midssouthpain.com">cbrooks@midssouthpain.com</a>
Alderman	6	Republican	Jeff Hobbs	1055 Wooten Road Nesbit	901-233-3751	<a href="mailto:jeffhobbs1055@gmail.com">jeffhobbs1055@gmail.com</a>

IV-B6

(MUNICIPAL NAME)

## Certification to Municipal Compliance Questionnaire

Year Ended September 30, 2020

We have reviewed all questions and responses as contained in this Municipal Compliance Questionnaire for the Municipality of Hernando, and, to the best of our knowledge and belief, all responses are accurate.

  
(City Clerk's Signature)

10/15/2020  
(Date)

  
(Mayor's Signature)

10/15/2020  
(Date)

## Minute Book References:

Book Number 27

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*(Clerk is to enter minute book references when questionnaire is accepted by board.)*

IV-B7

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

**AUTHORIZE TO HIRE PRESTON STRICKLAND AS A FULL TIME UNCERTIFIED POLICE OFFICER, PENDING PRE-EMPLOYMENT SCREENINGS, TO FILL AN OPEN POSITION**

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to hire Preston Strickland as a full time Uncertified Police Officer, pending pre-employment screenings, based on the personnel committee recommendation, following the recommendation of the Police Chief. 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 6<sup>th</sup> day of October, 2020.

Alderman Miller stated he would like to see the new hires attend the Board Meeting in the future, so we can meet them. It may be the only time we see them.

Assistant Police Chief Ellis stated that Mr. Strickland is in attendance.



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**AUTHORIZE TO PROMOTE SAM WITT TO DEPUTY CHIEF OF THE FIRE/EMS DEPARTMENT**

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Motion was duly made by Alderman Higdon and seconded by Alderman McLendon to authorize to promote Sam Witt to Deputy Chief of the Fire / EMS Department, based on the Personnel Committee's recommendation, following the recommendation of the Fire/EMS Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**AUTHORIZE TO HIRE ASHLEY KEATING AS A PART TIME KENNEL TECH (OPEN POSITION)**

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Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to authorize to hire Ashley Keating as a part time Kennel Tech, pending pre-employment screenings, based on the Personnel Committee's recommendation, following the recommendation of the Police Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**AUTHORIZE TO HIRE COURTNEY MAXWELL AS A SERVICE TECH 2 IN THE WATER DEPARTMENT, PENDING PRE-EMPLOYMENT SCREENINGS**

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Motion was duly made by Alderman Higdon and seconded by Alderman Miller to authorize to hire Courtney Maxwell as a Service Tech 2 in the Water Department, pending pre-employment screenings, based on the Personnel Committee's recommendation, following the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**AUTHORIZE TO HIRE SYDNEY JEANS AS A SERVICE TECH 1 METER READER IN THE WATER DEPARTMENT, PENDING PRE-EMPLOYMENT SCREENINGS**

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Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to hire Sydney Jeans as a Service Tech 1 Meter Reader in the Water Department, pending pre-employment screenings, based on the Personnel Committee's recommendation, following the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**AUTHORIZE TO GIVE PUBLIC WORKS DIRECTOR MIKEY DYER A 90 DAY PERFORMANCE RAISE**

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Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to give Public Works Director Mikey Dyer a 90-day Performance raise, based on the Personnel Committee's recommendation, following the recommendation of the Mayor. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**AUTHORIZE TO ADVERTISE FOR THE CONGER PARK PATHWAY IMPROVEMENTS**

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Sean Hilsdon with Neel Schaffer presented the information and a copy of the plan. The path will be eight feet wide. This will be done with the BCBS grant.

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to authorize to reduce the bond amount for Magnolia Commons Phase 3 to \$20,000 to cover street maintenance for 1 year. 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 6<sup>th</sup> day of October, 2020.

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**PL – 1451 – REQUEST APPROVAL TO REZONE FROM C-3 GENERAL COMMERCIAL TO PUD PLANNED UNIT DEVELOPMENT – PARCEL NO. 308613001 0009901 LOCATED ON THE WEST SIDE OF MEMPHIS STREET AND SOUTH OF WEST VALLEY STREET – DALE WILSON, OWNER (TABLED FROM THE SEPTEMBER 15, 2020 MEETING)**

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Keith Briley presented the information and stated that the applicant is not present.



**City of  
Hernando**  
MISSISSIPPI

**BOARD OF ALDERMEN  
STAFF REPORT**

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Project No.:	PL-1451	Item No.: __
Request:	Approval to Rezone from C-3 General Commercial to PUD Planned Unit Development	
Location:	Parcel No. 308613001 0009901 Located on the west side of Memphis Street and south of West Valley Street	
Applicant:	Dale Wilson, Owner	
Date:	September 15, 2020	

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**INTRODUCTION:**

Dale Wilson, Owner, is requesting to rezone 0.104-acres of land from C-3 General Commercial to PUD Planned Unit Development.

**BACKGROUND:**

The subject property is located on the west side of Memphis Street north of the Hernando Square. The property is currently vacant and is zoned C-3 General Commercial.

### **DISCUSSION:**

The applicant is requesting approval to rezone the property from C-3 General Commercial to PUD Planned Unit Development for the development of three (3) townhomes.

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: No

Planning Staff: The Comprehensive Plan contains language encouraging the mix of uses in certain areas of the City. The subject property is located within an area designated as Mixed-Use on the Comprehensive Plan's Future Land Use Plan. See attached sections from the Comprehensive Plan for reference.

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

Applicant: Yes, this area is now has more mixed use developments. People are wanting a space close to the Square to take advantage of being close to the shops, restaurants, and the Farmers Market.

Planning Staff: The property is surrounded on all sides by the C-3 General Commercial zoning district. However, the C-3 District does not allow for mixed-use development as is called for in the City's Comprehensive Plan.

#### **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: Yes, there is a want of residential space near the Hernando Square

Planning Staff: The subject property is in an area that has begun to redevelop with the renovation of old buildings such as One Memphis Street (2467 Memphis Street) and the construction of a multi-use building to the immediate west (2446 Caffey Street).

### **PLANNED UNIT DEVELOPMENT ANALYSIS:**

#### ***Preliminary Site Plan***

Article IX Planned and Overlay Districts §d. The "PUD" Planned Unit Development District ¶iii. Preliminary Site Plan Required

1. The applicant has provided a Concept Site Plan that includes a preliminary layout of the site. A copy is included in the attachments.
2. The proposed Concept Site Plan shows the subject property being developed as three (3) attached townhome units.
3. The plan indicates that there will be a 5'-0" side yard setback and an 8'-0" rear yard setback.
4. The units will be 2 stories and have the following square footages.

Unit 1 .....1,612 sq. ft.  
 Unit 2 .....1,350 sq. ft.  
 Unit 3 .....1,612 sq. ft.

***Review Standards***

Article IX Planned and Overlay Districts §d. The "PUD" Planned Unit Development District ¶vi. Review Standards. The site plan must provide for and conform entirely to the following standards and requirements.

1. Density

The site will have a density of 28.8 DUA.

$$\frac{3 \text{ dwelling units}}{0.104 \text{ acres}} = 28.8 \text{ DUA}$$

2. Streets and Parking

The site has frontage on Memphis Street and has no proposed streets. There are six (6) proposed on street parking places that will be at an angle to site.

3. Public Infrastructure – Water, Sanitary Sewer, and Storm Drainage

The proposed project will require connection to the City’s water service, sanitary sewer service, and storm drainage.

4. Installation of Improvements

All improvements are to be installed and maintained by the developer unless other arrangements are approved by the City of Hernando are made.

5. Special Improvements

There are no Special Improvements required at this time. However, the City reserves the right to make any special improvement requirements that may be determined as necessary during the Development Plan approval phase.

6. Parks and Playgrounds

Article IX.§d.vi.(6) of the City of Hernando Zoning Ordinance requires that a minimum of 10% of the gross residential area be set aside as parks and play grounds. The applicant is providing a park area behind the building for use by the residents.

Required Park Land		
	<u>Acres</u>	<u>Sq. Ft.</u>
Lot Area	0.104	4,549
10% of Lot	0.010	455
Remaining Land	0.094	4,094

7. Sketch Plat

The applicant has supplied a Preliminary Plat in the form of a Master Plan Map that includes the boundary of the subject property and the proposed street and lot layout.

***Allowable Uses***

The text of the PUD calls for the property to be used for the development of residential townhomes

***Development Phases***

The development will occur in one phase.

**STAFF COMMENTS:**

1. The request before you is for the rezoning of the property from C-3 General Commercial to PUD Planned Unit Development.
2. On August 11, 2020, the Planning Commission voted to table the application until September 8, 2020, to allow the applicant to provide additional information.
3. If approved, the Developer shall submit an application for Certificate of Development Approval prior to beginning construction.
4. After Certificate of Development approval, the Developer shall submit for building permit approval prior to beginning construction

**STAFF RECOMMENDATION:**

Staff recommendation is withheld.

**PROPOSED MOTION:*****Motion to Approve***

I move to approve the rezoning of a 0.104-acre parcel of land know as Parcel No. 308613001 0009901 being located on the west side of Memphis Street and south of West Valley Street., subject to Staff Comments.

***Motion to Deny***

Because \_\_\_\_\_ *INSERT REASON HERE* \_\_\_\_\_ I move to deny the rezoning of a 0.104-acre parcel of land know as Parcel No. 308613001 0009901 being located on the west side of Memphis Street and south of West Valley Street.

Motion was duly made by Alderman McLendon and seconded by Alderwoman Brooks to table this item to the October 20<sup>th</sup> Board meeting, due to the applicant not being present. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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

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

---

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

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN, THE GOVERNING BODY ("THE BOARD") OF THE CITY OF HERNANDO, MISSISSIPPI FINDING IT NECESSARY TO ACQUIRE A CREDIT CARD FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH CREDIT CARD: FINDING THAT THE FIRST SECURITY BANK, HERNANDO,

MISSISSIPPI, HAS OFFERED TO ACQUIRE SUCH CREDIT CARD: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE BORROWER AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK (THE "AUTHORIZED OFFICERS") TO EXECUTE AN APPLICATION AND RESOLUTION.

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

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

WHEREAS, the Board anticipates that it will not purchase more than \$10,000.00 in any month; and

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

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

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

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

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

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

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

Alderman Harris	Voted: Absent
Alderman Bryant	Voted: Absent
Alderman Miller	Voted: "Aye"
Alderman Higdon	Voted: "Aye"
Alderman McLendon	Voted: "Aye"
Alderwoman Brooks	Voted: "Aye"
Alderman Hobbs	Voted: "Aye"

The motion, having received an affirmative vote, was carried and the resolution adopted, this the 6<sup>th</sup> day of October, 2020.

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

Tom Ferguson

Mayor, City of Hernando

{Seal}

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

Katie Harbin

City Clerk, City of Hernando

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**ADOPT RESOLUTION ACCEPTING DRA GRANT AWARD (AWG WATER STORAGE TANK AWARD)**

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Motion was duly made by Alderman Hobbs and seconded by Alderman Miller to adopt a Resolution Accepting DRA Grant Award (AWG Water Storage Tank Award) and authorize Mayor Ferguson to sign the documents. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**AUTHORIZE TO HOST A HOW-O-WEEN PET COSTUME CONTEST ON OCTOBER 31, 2020 AT THE DOG PARK WITH AN ENTRY FEE OF \$5.00**

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Motion was duly made by Alderwoman Brooks and seconded by Alderman Hobbs to authorize to host a How-O-Ween pet costume contest on October 31, 2020 at the Dog Park with an entry fee of \$5.00. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**AUTHORIZE TO ADVERTISE FOR THE \$300,000 LOAN FOR THE UTILITY FUND,  
PUBLIC WORKS DEPARTMENT (budgeted)**

---

Motion was duly made by Alderman Higdon and seconded by Alderman Miller to authorize to advertise for the \$300,000 loan for the Utility Fund, Public Works Department. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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**REDISTRICTING OF CITY WARDS**

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Kenny Stockton went over the information from Mr. Cardin. Alternate 2 and Alternate 5A are both good plans according to Mr. Cardin. Mr. Cardin feels the City would have solid ground to stand on and be defendable, if need be. Alternate 2 has deviation below 10%, while Alternate has 16% deviation, but would be better for the Section 2 voting rights act, for Ward 2. Mr. Stockton advised that if you choose to redistrict, we don't have time to waste.

Mayor Ferguson stated in 2007 the City did an in house redistricting, in 2008 the wards increased from 4 to 6. In 2010 the census came out. The City went through the 2013 out of balance. The City got Slaughter to do the redistricting plan, and it wasn't finished. The City went through the 2017 election out of balance. We've spent \$68,535.53 so far for redistricting. Alternate plan number 2 is the plan drawn in 2016 by Slaughter. Mr. Cardin is available for any Alderman to call him. He may still have time to tweak the plans some more. I think we need to vote by the next meeting.

Alderman Miller stated that my thoughts and statements are in the record, they haven't changed.

Mayor Ferguson stated they gave us two plans they can defend.

Alderman Hobbs asked why are we just see the Alternate plan number 2 for the first time.

Mayor Ferguson stated you're not just seeing that; you saw it in 2016.

Alderman Hobbs states the date on it is current, why didn't we see this before. Obviously, he drew this in 2017. I mentioned several times to the Mayor, after the 2017 election, we need to get them to finish.

Mayor Ferguson stated you've seen it.

Alderman Hobbs stated maybe you have, I haven't.

Alderman Higdon stated now the ones we are considering is Alternate 5A and Alternate 2.

Alderman Hobbs stated when it comes down to it, none of them are in compliance, we will have to redistrict again before the next election.

Alderwoman Brooks stated that is why I asked could we put this on hold and pick back up after this next election.

Mayor Ferguson asked Kenny to explain that to them.



Kenny Stockton stated it's though that it will be a big vamp after the census, are vamp of wards.

Mayor Ferguson stated we really wouldn't save money it's already paid and in contract. Alderman McLendon stated I just asked the man to not split HOA's.

Alderman Hobbs stated to my understanding, census blocks are more important than HOA's.

Alderman McLendon stated so if anyone has an issue you want us to call Mr. Cardin and vote on this at the next meeting.

Mayor Ferguson answered yes.

Kenny Stockton stated I think how he's come to these two plans if from meeting with you and your concerns.

Mayor Ferguson asked if this was an amendment to the Constitution, the one man one vote

Kenny Stockton answered it's Constitutional.

Mayor Ferguson asked if we'd be within the Constitution if we postponed it.

Kenny Stockton answered right now the wards are not balanced, we are not with in the one man one vote

Mayor asked are we within the guidelines of the United States Constitution.

Kenny Stockton answered you're not withing the guidelines of the voting rights act, that's what sets the parameters.

Mayor Ferguson asked that's within the Constitution right

Kenny Stockton answered no the voting rights act came afterward.

Mayor Ferguson stated that's what I though, it's an amendment.

Kenny Stockton stated no sir it's not an amendment, it's a separate piece of Legislation. The Constitution establishes one man one vote. The Voting Right is what came up with the parameters when you make changes. The biggest change that's happened lately is we no longer have to get pre clearance from the Department of Justice. But we still have to follow the principles and guidelines.

Mayor Ferguson stated should or have to.

Kenny Stockton answered we have to, we always should. We are not always, there will be times when you have numbers out of balance, because of an influx of people moving in. You have another option of actually counting people under the roof top, that's a very expensive option.

Mayor Ferguson asked if it were to get postponed would there be a consequence to the City.

Kenny Stockton answered if someone challenged the election there very well could be.

Mayor stated your legal advice is 98.43% out of balance ok.

Kenny Stockton stated I'd rather us be under 10 %. But you also have to understand the dynamics, the city history, the make-up of the city, the make-up of the wards, where the current Aldermen live. There is a lot of factors. National and man-made barriers My opinion the City should always follow the rules. There will be times, right now, just say we did redistrict after

2010. Today if you counted roof tops, you'd probably be out. Mr. Cardin said the latest projection of census numbers will be delayed 6 to 9 months. It could be longer or shorter.

Mayor asked should we table it.

Kenny Stockton stated I think you have 2 Aldermen missing, I think it would be important to have a full Board. Also, it would give time for public comment, like you mentioned.

Mayor stated I'd like us to be prepared at the next meeting for a vote.

Kenny Stockton stated I think you'll have to or you'll run out of time. You will have to adopt an Ordinance, that will take 30 days from the date it's adopted. You're looking at sometime late November or early December

Alderman Hobbs stated don't they still have to get new cards out.

Mayor Ferguson stated we'll be really close, I'm not sure I heard Alderman Hobbs right, you don't have to have the cards to vote right, just your license.

Kenny Stockton stated they still have to be updated and mailed out.

Mayor Ferguson stated the software that CMPDD has can work with the county and get it expedited.

Alderwoman Brooks asked do you have to have it posted for a public hearing.

Kenny Stockton answered no, the Mayor just mentioned having time for the public to comment. It used to be a requirement, but not now.

Motion was duly made by Alderwoman Brooks and seconded by Alderman Higdon to table this item to the October 20, 2020 Board Meeting. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

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### **GO INTO CLOSED SESSION TO DISCUSS GOING INTO EXECUTIVE SESSION**

---

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

---

### **GO INTO EXECUTIVE SESSION**

---

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

**COME OUT OF EXECUTIVE SESSION**

---

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

**POLICE PERSONNEL**

---

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to suspend Officer Lynn Brown without pay for two working days, to be determined by the Police Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

**POLICE PERSONNEL**

---

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to suspend Officer Hunter Solomon without pay for two working days, to be determined by the Police Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6<sup>th</sup> day of October, 2020.

**ADJOURN**

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There being no further business at this time a motion was duly made by Alderman Higdon, seconded by Alderman Hobbs 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