

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, January 19, 2021 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderwoman Lynch, Alderman Miller, Alderman Higdon, Alderman McLendon (via phone), 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, Human Resource Director Julie Harris, Police Chief Scott Worsham, Assistant Police Chief Shane Ellis, Fire Chief Marshal Berry, Assistant Public Works Director Lee Germany, Park and Recreation Director Dewayne Williams, Sibonie Swatzyna, Virginia Neal, Amy Barnes, Chris Tong, Rachel Cook, Austin Waldrop, Dale Wilson, Leslea Brant, Austin Wilson, Mike Foster, Elizabeth Thomas, Ryan Diffie, Burch Robinson, Lanier Hurdle, E. Lariviere, Raymond Lariviere, Tabb Touchstone, Dan Lehman, Darrell Dixon, Michael Skinner, Ben Piper, Dale Bellflower, and Julie Hopkins.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Harris gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

January 19, 2021

6:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approve Agenda
- 5) Approve Docket of Claims No.'s 40295 - 40526
- 6) Approve Minutes from the regular Mayor and Board of Aldermen Meeting on January 5, 2021
- 7) Consent Agenda
 - A) Authorize Beth Garcia and Aimee Claire Holder to attend the Clerks Certification Spring Course on March 10 – 12, 2021 in Oxford, MS also authorize to pay registration and travel expenses
 - B) Authorize the Mayor, Board of Aldermen, Department Heads, City Attorney, and City Engineer to attend the 90th Annual MML Conference in Biloxi, MS on July 25-29, 2021, also authorize to pay registration and travel expenses
 - C) Authorize James Ratliff to attend Taser Instructor course at Moorehead Community College on February 16, 2021 also authorize to pay registration and travel expenses
 - D) Authorize to give a step increase to Keith Lebo to a P4
 - E) Authorize to give a step increase to Steven Markway to a P4

- F) Authorize to give Courtney Maxwell in the Public Works Department a 90-day performance raise of \$0.50 per hour
 - G) Authorize to give Sidney Jeans in the Public Works Department a 90-day performance raise of \$0.50 per hour
 - H) Authorize to accept a donation from Sandra S Childers in the amount of \$50.00 for the Hernando Animal Shelter building in Memory of Alderman Sonny Bryant
 - I) Authorize to accept a donation for Park Art Sponsorship from Fairway Independent Mortgage Corp in the amount of \$375.00
- 8) Request from Desoto Family Theatre for funding
 - 9) Request from the Hernando Optimist Club to temporarily close streets for the A'Fair on Saturday May 15, 2021
 - 10) Request from the Hernando Optimist Club for funding for the A'Fair
 - 11) Request from the Maddox Foundation to temporarily close streets for the Noah's Gift 5K on Saturday September 25, 2021
 - 12) Appoint Russell Jordan as Planning Commissioner
 - 13) Authorize to hire Kala Durham as a part time Kennel Tech in the Animal Control Department pending drug and background screening results
 - 14) Authorize to hire Tabb Touchstone as the Utility Locater in the Public Works Department for \$16.50 per hour pending drug and background screening results
 - 15) PL – 1486 – Request Approval to Rezone from C-2 Highway Commercial to M-1 Light Industrial – 120 Christopher Lane – Bob Ginn with Land Resources, LLC (tabled 12-15-2020)
 - 16) PL – 1492 Zoning Map Amendment from AR to R-40 1561 Gwynn Road, West side of Gwynn Road and North of Dean Road situated in Section 26, Township 2, Range 8, Ben W Smith, IPD, LLC Civil Engineering
 - 17) Authorize Mayor Ferguson to sign a Tennis Service Agreement with Holly Bigham
 - 18) Authorize Mayor Ferguson to sign a Contract for Election Services with Brandi Johnson, Deputy Circuit Clerk
 - 19) Authorize Mayor Ferguson to sign an agreement with David Ross for Election Consultant Services for the 2021 Elections
 - 20) Authorize the Parks Department advertise for quotes for a \$94,000 loan for repairs to parks (baseball fields improvements)
 - 21) Approve CAP loan application submission for the AWG project
 - 22) Authorize to readvertise the Conger Park Pathway Improvements project
 - 23) Proclamation to Proclaim Arbor Day on February 12, 2021
 - 24) Discussion of CARES Act money
 - 25) Discussion of changing voter polling locations
 - 26) Authorize Mayor Ferguson to sign a contract with Burford Page for Professional Planning Services

27) Executive Sessions – Negotiations

28) Adjourn

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

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of January, 2021.

APPROVE DOCKET OF CLAIMS NO.’S 40295 - 40526

The Board of Aldermen were presented with a docket of claims No. 40295 - 40526 in the amount of \$864,826.97 for approval.

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

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of January, 2021.

APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD OF ALDERMEN MEETING ON JANUARY 5, 2020

Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to approve the minutes from the regular Mayor and Board of Aldermen Meeting on January 5, 2020, as presented. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of January, 2021.

CONSENT AGENDA

- A) Authorize Beth Garcia and Aimee Claire Holder to attend the Clerks Certification Spring Course on March 10 – 12, 2021 in Oxford, MS also authorize to pay registration and travel expenses
- B) Authorize the Mayor, Board of Aldermen, Department Heads, City Attorney, and City Engineer to attend the 90th Annual MML Conference in Biloxi, MS on July 25-29, 2021, also authorize to pay registration and travel expenses
- C) Authorize James Ratliff to attend Taser Instructor course at Moorehead Community College on February 16, 2021 also authorize to pay registration and travel expenses
- D) Authorize to give a step increase to Keith Lebo to a P4
- E) Authorize to give a step increase to Steven Markway to a P4
- F) Authorize to give Courtney Maxwell in the Public Works Department a 90-day performance raise of \$0.50 per hour
- G) Authorize to give Sidney Jeans in the Public Works Department a 90-day performance raise of \$0.50 per hour
- H) Authorize to accept a donation from Sandra S Childers in the amount of \$50.00 for the Hernando Animal Shelter building in Memory of Alderman Sonny Bryant
- I) Authorize to accept a donation for Park Art Sponsorship from Fairway Independent Mortgage Corp in the amount of \$375.00

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

REQUEST FROM DESOTO FAMILY THEATRE FOR FUNDING

Alderwoman Brooks stated they are requesting the same as last year.

Alderman Miller stated their request had an increase.

Dan Lehman stated we did ask for an increase, if it was possible. We are ok with what we had last year.

Motion was duly made by Alderwoman Brooks and seconded by Alderman Higdon to approve the request for funding from the Desoto Family Theatre in the amount of \$1,000.00 with \$500.00 going to Desoto Family Theatre and \$500.00 going to the Kudzu Playhouse, to help promote the City of Hernando. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

REQUEST FROM THE HERNANDO OPTIMIST CLUB TO TEMPORARILY CLOSE STREETS FOR THE A'FAIR ON SATURDAY MAY 15, 2021

Motion was duly made by Alderman Miller and seconded by Alderman Harris to approve the request from the Hernando Optimist Club to temporarily close streets for the A'Fair on Saturday May 15, 2021. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

REQUEST FROM THE HERNANDO OPTIMIST CLUB FOR FUNDING FOR THE A'FAIR

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to approve the request from the Hernando Optimist Club to temporarily for funding for the A'Fair, with a monetary amount of \$750.00 and an in-kind amount of \$750.00, to help promote the City of Hernando. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

REQUEST FROM THE MADDOX FOUNDATION TO TEMPORARILY CLOSE STREETS FOR THE NOAH'S GIFT 5K ON SATURDAY SEPTEMBER 25, 2021

Motion was duly made by Alderman Harris and seconded by Alderman Higdon to approve the request from the Maddox Foundation to temporarily close streets for the Noah's Gift 5K on Saturday September 25, 2021. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

APPOINT RUSSELL JORDAN AS PLANNING COMMISSIONER

Motion was duly made by Alderman Hobbs and seconded by Alderman Lynch to appoint Russell Jordan as Planning Commissioner. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

AUTHORIZE TO HIRE KALA DURHAM AS A PART TIME KENNEL TECH IN THE ANIMAL CONTROL DEPARTMENT PENDING DRUG AND BACKGROUND SCREENING RESULTS

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to authorize to hire Kala Durham as a part time Kennel Tech in the Animal Control Department, pending drug and background screening results, 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 Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, Alderman Harris, and Alderwoman Lynch.

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

AUTHORIZE TO HIRE TABB TOUCHSTONE AS A UTILITY LOCATOR IN THE PUBLIC WORKS DEPARTMENT FOR \$16.50 PER HOUR PENDING DRUG AND BACKGROUND SCREENING RESULTS

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to hire Tabb Touchstone as a Utility Locator in the Public Works Department for \$16.50 per hour, pending drug and background screening results, following the recommendation of the Personnel Committee, based on the recommendation of the Assistant Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

**PL – 1486 – REQUEST APPROVAL TO REZONE FROM C-2 HIGHWAY
COMMERCIAL TO M-1 LIGHT INDUSTRIAL – 120 CHRISTOPHER LANE – BOB
GINN WITH LAND RESOURCES, LLC (tabled 12-15-2020)**

Kristen Duggan provided the information, stated that the applicant requested to withdraw their application.

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to withdraw the application based on the applicants request. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of January, 2021.

**PL – 1492 – ZONING MAP AMENDMENT FOR AR TO R-40 1561 GWYNN ROAD,
WEST SIDE OF GWYNN ROAD AND NORTH OF DEAN ROAD SITUATED IN
SECTION 26, TOWNSHIP 2, RANGE 8 – BEN W SMITH, IPD, LLC CIVIL
ENGINEERING**

Kristen Duggan presented the information.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMAN
STAFF REPORT**

Project No.: PL-1492
Request: Zoning Map Amendment from AR to R-40
Location: 1561 Gwynn Road, West side of Gwynn Road and north of Dean Road
situated in Section 26, Township 2, Range 8
Applicant: Ben W Smith, IPD, LLC Civil Engineering
Date: January 19, 2021

INTRODUCTION:

Mr. Ben Smith, representing Kevin Duley the property owner, is requesting a zoning map amendment to the zoning ordinance for his 3.78-acre parcel of land from AR Agricultural-Residential to R-40, Single Family Residential Low Density.

BACKGROUND:

The subject property (Parcel No. 208726010 0002300) is located within the northern portion of the City north of Dean Road on the west side of Gwynn Road. The property is currently zoned AR Agricultural-Residential and has a single-family residential structure and an accessory structure on the property. The Planning Commission recommended approval of the zoning request on January 12, 2021.

DISCUSSION:

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

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

Applicant: This amendment conforms to the Desoto County General Development Plan for Large Lot Residential Uses. This tract of land was annexed by the City of Hernando.

Planning Staff: The subject property is shown to be in the Residential – Master Planned Low Density designation in the Future Land Use Plan.

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

Applicant: The existing zoning district of AR with a minimum area of 1.5 acres is improper for this "old town" area of Nesbit where numerous parcels exist under 1.5 acres. However, this parcel, as it exists, meets the minimum lot size before division.

Planning Staff: At the time the property was annexed reflected the property's zoning designation by DeSoto County. Thus, the original zoning is not in error.

- 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: The existing zoning map of this area designates an AR District. However, numerous parcels do not meet the minimum area requirement of 1.5 acres making these parcels non-conforming. It is not that the neighborhood has changed, but the zoning maps adopted never reflected the Land Use Map.

Planning Staff: Staff concurs with the applicant's assessment of the surrounding zoning. There are several non-conforming lots in the area that do not meet the 1.5-acre minimum lot size. These lots were annexed into the city as is.

STAFF COMMENTS:

- 1. The request before you is for a rezoning of the property from A-R, Agricultural Residential to R-40, Single Family Residential Low Density.
- 2. Any future development of the property shall occur through the subdivision process as defined in the City of Hernando Subdivision Regulations. Subdivision plat approval is not part of the request before you.
- 3. The request, along with the Planning Commission's recommendation, shall go to the Board of Alderman on January 19, 2021, for final approval.

PROPOSED MOTION:

Motion to Approve

I move to recommend APPROVAL to the Board of Alderman the rezoning of Parcel No. 208726010 0002300, which is located north of Dean Road and west of Gwynn Road at 1561 Gwynn Road, from A-R Agricultural Residential to R-40, Single Family Residential Low Density.

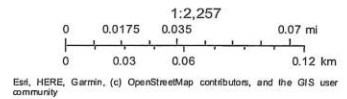
Motion to Deny

Because there is no change to the general vicinity, I move to recommend DENIAL to the Board of Alderman the rezoning from A-R Agricultural to R-40 Single Family Residential Low Density.

Hernando Planning Commission
Page 2 of 2

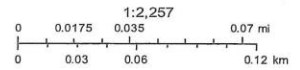


January 8, 2021





January 8, 2021



VIII. AFFIDAVIT OF POSTING

Project Name: Dalep SUBDIVISION
 Location: COYNE ROAD
 Site Posting Date: 12/17/20
 Applicant Name: BEN W. SMITH

In order to provide adequate notice to interested parties, the applicant shall erect, not less than fifteen (15) calendar days prior to the date of the public hearing, a notice of the date, time and place of the public hearing and a summary of the request. Such notice will be clearly legible and wherever possible, placed adjacent to the right-of-way of a public street or road. It shall be the responsibility of the applicant to erect and maintain the notice on the subject property until final disposition of the case and to remove the sign within one week of the final public hearing. The Planning Director shall determine the number of notices and locations required.

I hereby acknowledge under oath that the sign has been installed on the subject property for the case as listed above. Photographs of the sign posting have been submitted and are attached hereto as proof of posting.

Applicant Signature: [Signature] Date: 1/5/2021

STATE OF MISSISSIPPI
 COUNTY OF DESOTO

Personally came and appeared before me, the within named:

Ben W Smith
 who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned.

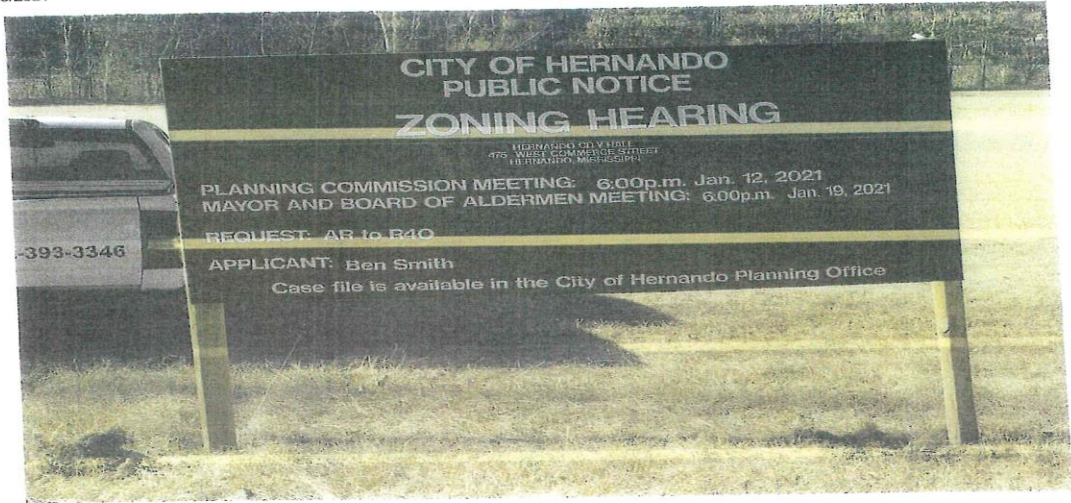
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 5th day of Jan, 2021.

[Signature]
 NOTARY PUBLIC
 My Commission expires: Aug 19, 2024



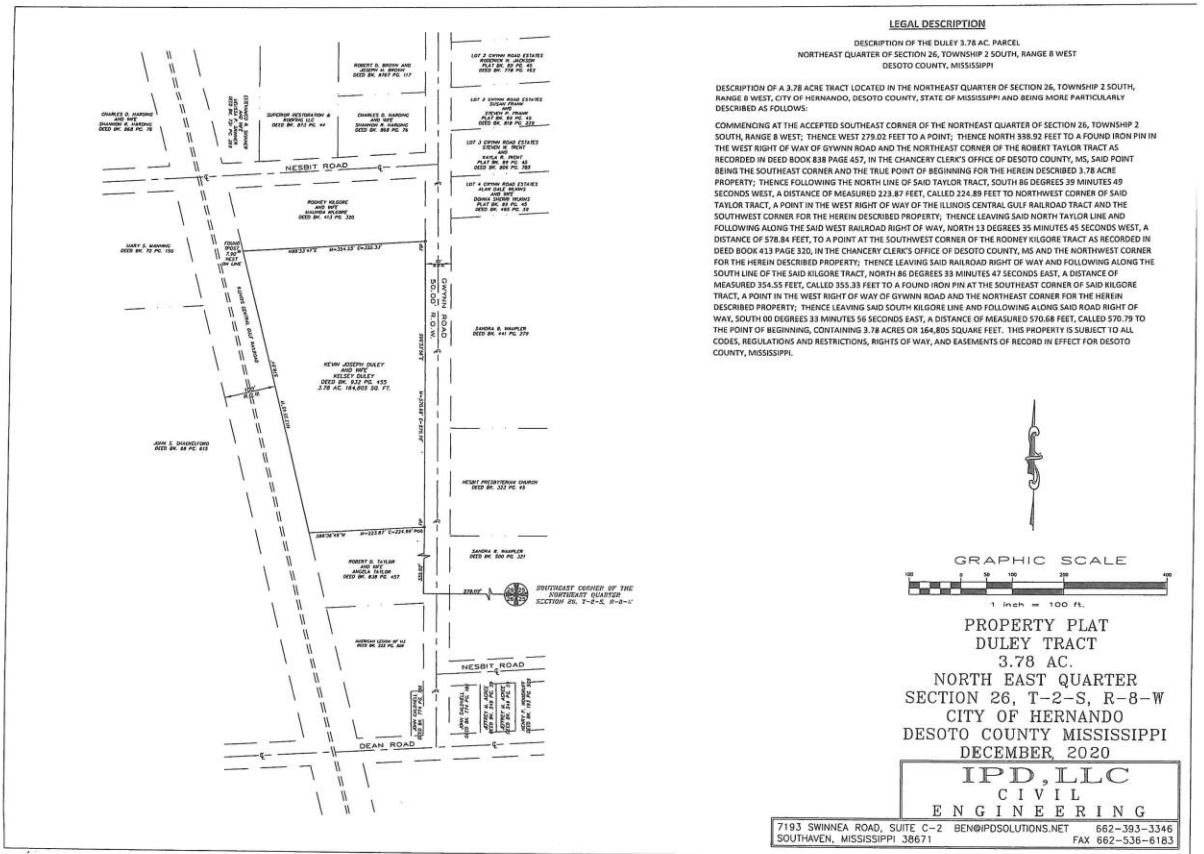
1/5/2021

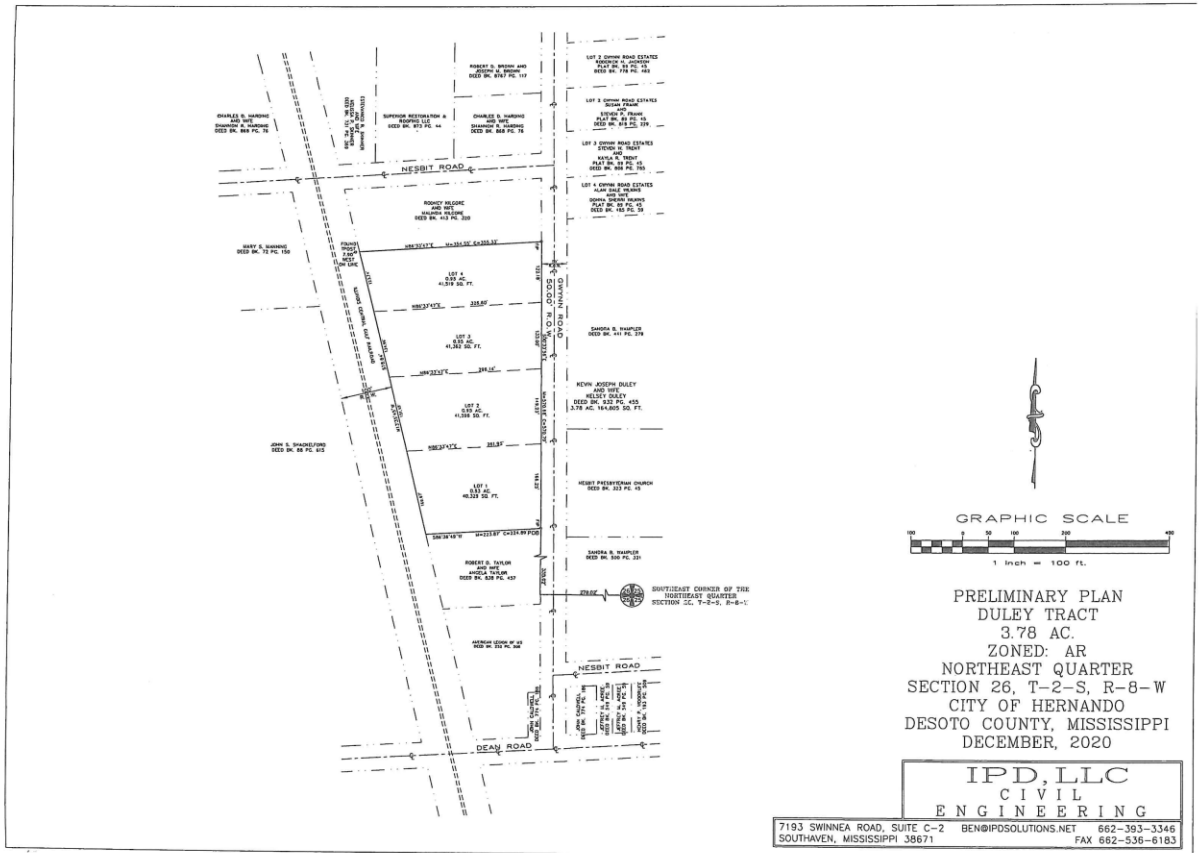
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1/1





LEGAL DESCRIPTION

DESCRIPTION OF THE DULEY 3.78 AC. PARCEL
 NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 8 WEST
 DESOTO COUNTY, MISSISSIPPI

DESCRIPTION OF A 3.78 ACRE TRACT LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 8 WEST, CITY OF HERNANDO, DESOTO COUNTY, STATE OF MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ACCEPTED SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 8 WEST; THENCE WEST 279.02 FEET TO A POINT; THENCE NORTH 338.92 FEET TO A FOUND IRON PIN IN THE WEST RIGHT OF WAY OF GYWNN ROAD AND THE NORTHEAST CORNER OF THE ROBERT TAYLOR TRACT AS RECORDED IN DEED BOOK 838 PAGE 457, IN THE CHANCERY CLERK'S OFFICE OF DESOTO COUNTY, MS, SAID POINT BEING THE SOUTHEAST CORNER AND THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED 3.78 ACRE PROPERTY; THENCE FOLLOWING THE NORTH LINE OF SAID TAYLOR TRACT, SOUTH 86 DEGREES 39 MINUTES 49 SECONDS WEST, A DISTANCE OF MEASURED 223.87 FEET, CALLED 224.89 FEET TO NORTHWEST CORNER OF SAID TAYLOR TRACT, A POINT IN THE WEST RIGHT OF WAY OF THE ILLINOIS CENTRAL GULF RAILROAD TRACT AND THE SOUTHWEST CORNER FOR THE HEREIN DESCRIBED PROPERTY; THENCE LEAVING SAID NORTH TAYLOR LINE AND FOLLOWING ALONG THE SAID WEST RAILROAD RIGHT OF WAY, NORTH 13 DEGREES 35 MINUTES 45 SECONDS WEST, A DISTANCE OF 578.84 FEET, TO A POINT AT THE SOUTHWEST CORNER OF THE RODNEY KILGORE TRACT AS RECORDED IN DEED BOOK 413 PAGE 320, IN THE CHANCERY CLERK'S OFFICE OF DESOTO COUNTY, MS AND THE NORTHWEST CORNER FOR THE HEREIN DESCRIBED PROPERTY; THENCE LEAVING SAID RAILROAD RIGHT OF WAY AND FOLLOWING ALONG THE SOUTH LINE OF THE SAID KILGORE TRACT, NORTH 86 DEGREES 33 MINUTES 47 SECONDS EAST, A DISTANCE OF MEASURED 354.55 FEET, CALLED 355.33 FEET TO A FOUND IRON PIN AT THE SOUTHEAST CORNER OF SAID KILGORE TRACT, A POINT IN THE WEST RIGHT OF WAY OF GYWNN ROAD AND THE NORTHEAST CORNER FOR THE HEREIN DESCRIBED PROPERTY; THENCE LEAVING SAID SOUTH KILGORE LINE AND FOLLOWING ALONG SAID ROAD RIGHT OF WAY, SOUTH 00 DEGREES 33 MINUTES 56 SECONDS EAST, A DISTANCE OF MEASURED 570.68 FEET, CALLED 570.79 TO THE POINT OF BEGINNING, CONTAINING 3.78 ACRES OR 164,805 SQUARE FEET. THIS PROPERTY IS SUBJECT TO ALL CODES, REGULATIONS AND RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD IN EFFECT FOR DESOTO COUNTY, MISSISSIPPI.



9/17/2020 9:36:02 AM
DK W BK 932 PG 456-457
DESOTO COUNTY, MS
Misty Heffner
CHANCERY CLERK
This Document Was eRecorded

File No: 2020079533
Prepared By:
Bridgforth, Buntin & Emerson, PLLC
5293 Getwell Road
Southaven, MS 38672
(662) 393-4450

INDEXING INSTRUCTIONS: PART OF THE NE ¼ OF S 26, TS 2S, R 8W, DESOTO COUNTY, MISSISSIPPI.

WARRANTY DEED

JAMES E. MOUNTJOY, and wife
THERESA B. MOUNTJOY
225 Church Ave.
Ashland, MS 38603
Home/Work: 901-486-8081

GRANTORS

TO

KEVIN JOSEPH DULEY, and wife
KELSEY L. DULEY
1561 Gwynn Rd.
Nesbit, MS 38651
Home/Work: 901-412-0081

GRANTEES

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) cash in hand paid and other good and valuable considerations, the receipt of all of which is hereby acknowledged, JAMES E. MOUNTJOY AND WIFE, THERESA B. MOUNTJOY, do hereby sell, convey and warrant unto, KEVIN JOSEPH DULEY AND WIFE, KELSEY L. DULEY, the land lying and being situated in DESOTO County, Mississippi, more particularly described as follows, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

DK W BK 932 PG 456

The warranty in this deed is subject to rights of way and easements for public roads and public utilities, setback lines, subdivision and zoning regulations, in effect in the City of Nesbit, DeSoto County, Mississippi and further subject to all applicable building restrictions and restrictive covenants of record.

Easements of record as recorded in Book 582, Page 700, in the office of the Chancery Clerk of DeSoto County, Mississippi.

Taxes for the year 2020 have been prorated.

Possession is to be given with delivery of deed.

WITNESS their signatures this the 15th day of September, 2020.

JAMES E. MOUNTJOY

THERESA B. MOUNTJOY

STATE OF: Mississippi
COUNTY OF: DeSoto

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this the 15th day of September, 2020, within my jurisdiction, the within named, JAMES E. MOUNTJOY AND WIFE, THERESA B. MOUNTJOY, who acknowledged that they executed the above and foregoing instrument.

My Commission expires: _____

Notary Public

FILE: 2020079533



LEGAL DESCRIPTION

3.8 acres, more or less, located in Section 26, Township 2 South, Range 8 West, DeSoto County, Mississippi begin described as Follows: **Northeast 1/4**

Beginning at a point located 279.02' West and 338.92' North of the Southeast Corner of the Northeast Quarter of Section 26, Township 2 South, Range 8 West, DeSoto County, Mississippi, said point being on the West Right of Way of Gwynn Road and the Point of Beginning of the herein described tract. Thence North 02°44'88" West: 570.79' along the West Right of Way of Gwynn Road to an iron pin. Thence North 02°44'88" West: 570.79' along the West Right of Way of Gwynn Road to an iron pin. Thence South 65°31'49" East 355.33' to an iron pin on the East Right of Way of the Illinois Central Gulf Railroad. Thence south 15°44'46" East 578.84' along the East Right of Way of the Illinois Central Gulf Railroad to an iron pin. Thence North 86°25'39" East 224.89' along a fence line to an iron pin at a Point of Beginning.

Being a portion of the same property conveyed to James E. Mountjoy and wife, Theresa B. Mountjoy, as tenants by the entirety with full rights of survivorship and not as tenants in common, by Warranty Deed from Richard E. Coker and Susan H. Coker of record in Book 505, Page 158, Chancery Clerk's Office for DeSoto County, Mississippi, dated 07/18/2005 and recorded on 07/22/2005.

WILLIAM L. HARDEN
1146 NESBIT RD
NESBIT, MS 38651

BOBBIE JEAN WARD
1146 NESBIT RD
NESBIT, MS 38651

MARY S. MANNING
P O BOX 114
NESBIT, MS 38651

JOHN CALDWELL
1550 NESBIT RD
NESBIT, MS 38651

NESBIT PRESBYTERIAN CHURCH
1552 GWYNN RD
NESBIT, MS 38651

HENRY P. WOODRUFF
PO BOX 203
NESBIT, MS 38651

JEFFREY M. ACREE
897 SOUTH HIGHLAND
MEMPHIS, TN 38111

JOHN SCOTT SHACKELFORD
802 SECOND ST
COLDWATER, MS 38618

GRENADA RAILWAY LLC
1505 SOUTH REDWOOD RD
SALT LAKE, UT 84104

SANDRA B. WAMPLER
1620 GWYNN RD
NESBIT, MS 38651

AMERICAN LEGION DEPT OF MS
P O BOX 143
NESBIT, MS 38651

SUPERIOR RESTORATION & ROOFING LLC
1116 NESBIT RD
NESBIT, MS 38651

SUSAN FRANK
1716 GWYNN ROAD
NESBIT, MS 38651

RODNEY W. KILGORE
1691 GWYNN RD
NESBIT, MS 38651

ALAN DALE WILKINS
1684 GWYNN RD
NESBIT, MS 38651

ESTEVANICO R. SKINNER
1120 NESBIT RD
NESBIT, MS 38651

STEVEN WESLEY TRENT
1702 GWYNN RD
NESBIT, MS 38651

COREY J. CODY
1166 NESBIT RD
NESBIT, MS 38651

CUMBERLAND PRESBYTERIAN CHURCH
PO BOX 134
NESBIT, MS 38651

CHARLES D. HARDING
1802 W JACKSON #68
OXFORD, MS 38655

ROBERT D. TAYLOR
1545 GWYNN ROAD
NESBIT, MS 38651

EDNA SUE H. BROWN
1719 GWYNN ROAD
NESBIT, MS 38651

LOMAR A. LOPEZ
976 NESBIT RD
NESBIT, MS 38651



ZONING AMENDMENT APPLICATION

I. REQUESTED AMENDMENT

Existing Zoning : AR Requested Zoning R-40

II. PROPERTY LOCATION AND DESCRIPTION

Property Location: 1561 GUYAN ROAD
Located on the: WEST Side of GUYAN ROAD
Nearest Intersection: NEVIER Rd.
Section: 26 Township: 2-S Range: 8-W Existing Zoning: AR
Gross Acreage: 3.78 Ac. Total Number of Lots: 4
Type of Sanitary Sewer: Public - City of Hernando
List Any Existing Structures: House & BARN

III. APPLICANT CONTACT INFORMATION

Table with 4 columns: Name, Address, Telephone, E-mail. Rows include Kevin Duley (Property Owner), Ben W. Smith (Owner's Designated Agent), Kevin Duley (Developer), and Ben W. Smith (Engineer/Surveyor).

IV. EXPLANATION OF REQUEST

In accordance with Article XVIII Amendments, §iv. A written response from the applicant shall be submitted that demonstrates the appropriateness of the requested change. The written response shall address the following:

(1) How the proposed amendment would conform to the General Development Plan; *This amendment conforms to the DeSoto County General Development Plan for Large Lot Residential Use. This tract was annexed by the City of Hernando.*

(2) Why the existing zoning district classification of the property in question is inappropriate or improper *The existing zoning district of AR with a minimum area of 1.5 acres is improper for this "old town" area of wealth where numerous parcels exist under 1.5 acres. However, this parcel, as it exists, meets the minimum lot size before division.*

(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; *The existing zoning map of this area designates an AR District. However, numerous parcels do not meet the minimum area requirement of 1.5 acres making these parcels non-compliant. It is not that the neighborhood has changed but the zoning maps adopted never reflected the land use map.*

V. SUBMITTAL FEE

Planned Districts \$500 base fee + 50 per acre, over five acres/\$4,000 maximum fee.
Unplanned Districts \$250 base fee + 50 per acre, over five acres/\$4,000 maximum fee.
Note: All fees are nonrefundable

VI. SUBMITTAL ACKNOWLEDGEMENT

I, the undersigned, being the owner of record, or the owner's designated agent, certify that the above information is true and correct to the best of my knowledge. I further agree that I am informed concerning the provisions of the zoning ordinance of the City of Hernando, Mississippi, as it affects the approval of zoning amendments by the City. Applicant states that the following items are included with this application at the time of submission.

- The Zoning Amendment Application, the Disclosure of Ownership form, and the Designation of Agent Form.
- A current survey of the property sought to be rezoned, prepared by an engineer or land surveyor.
- A legal description by metes and bounds of the entire property to be zoned based upon the prepared survey.
- A drawing of the neighborhood, drawn to scale, showing all properties, and the owners of those properties, within 500 ft. of any property line of the subject property, including the dimensions of each property, and the widths of all streets, roads or alleys.
- A list of the names and addresses of the owners reflected upon the drawing of the neighborhood on gummed mailing labels.
- Agree to required property notification.
- All required items are to be submitted in a digital format (.pdf) online at www.mygovernmentonline.org.

Signature of Property Owner or Designated Agent [Signature] Date 1/20/2020

Ben Smith, 2700 Stonebrook, stated that the Planning Commission approved this in 1995. The County changed the zoning. AR is 1.5 acres. Lots surrounding are not compliant with the acreage. If something happens and the house is destroyed, if the damage is more than 50%, they will not be able to build back. We are asking to subdivide the property, currently 3.8 acres, to 1 acre lots. When the City did the comp plan, you had a mistake. Liz can show you what will be built, and how much they will sell for.

Alderman Miller stated on a rezoning we can-not entertain that.

Kenny Stockton stated that can-not be discussed.

Alderman Harris asked do you know the actual size of the surrounding lots.

Ben Smith answered ½ to ¾ acre.

Motion was duly made by Alderman Harris and seconded by Alderman Miller to recommend to approve the rezoning of Parcel No. 208726010 0002300, which is located north of Dean Road and west of Gwynn Road at 1561 Gwynn Road, from A-R Agricultural Residential to R-40, Single Family Residential Low Density. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of January, 2021.

**AUTHORIZE MAYOR FERGUSON TO SIGN A TENNIS SERVICE AGREEMENT
WITH HOLLY BIGHAM**

Motion was duly made by Alderman Harris and seconded by Alderman Hobbs to authorize Mayor Ferguson to sign a Tennis Service Agreement with Holly Bigham. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of January, 2021.

**AUTHORIZE MAYOR FERGUSON TO SIGN A CONTRACT FOR ELECTION
SERVICES WITH BRANDI JOHNSON, DEPUTY CIRCUIT CLERK**

Motion was duly made by Alderman Hobbs and seconded by Alderman Higdon to authorize Mayor Ferguson to sign a Contract for Election Services with Brandi Johnson, Deputy Circuit Clerk. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of January, 2021.

**AUTHORIZE MAYOR FERGUSON TO SIGN A CONTRACT FOR ELECTION
CONSULTANT SERVICES WITH DAVID ROSS, DESOTO COUNTY ELECTION
COMMISSIONER**

Motion was duly made by Alderman Hobbs and seconded by Alderman Miller to authorize Mayor Ferguson to sign a Contract for Election consultant Services with David Ross, Desoto County Election Commissioner. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 19th day of January, 2021.

AUTHORIZE THE PARKS DEPARTMENT TO ADVERTISE FOR QUOTES FOR A \$94,000 LOAN FOR REPAIRS TO PARKS (BASEBALL FIELD IMPROVEMENTS)

Alderman Hobbs asked why do we need this loan?

Mayor Ferguson stated it balanced the budget.

Alderman Hobbs asked what is it for.

Dewayne Williams answered to repair drainage at the ball fields, grading and other repairs to the fields.

Mayor Ferguson stated it was in the budget.

Alderman Miller stated it originally was more than that, the amount was cut.

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to authorize the City to advertise for quotes for a \$94,000 loan for repairs to parks. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

APPROVE CAP LOAN APPLICATION SUBMISSION FOR THE AWG PROJECT

Alderman Miller asked the Mayor to mention that we had the public hearing on this.

Mayor Ferguson stated that we had a public hearing at the last Board Meeting.

Motion was duly made by Alderman Harris and seconded by Alderman Hobbs to approve a CAP Loan Application submission for the AWG project. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

AUTHORIZE TO READVERTISE THE CONGER PARK PATHWAY IMPROVEMENTS PROJECT

Mayor Ferguson stated the bids came in way over the engineers estimate.

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to readvertise the Conger Park Pathway Improvements Project. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

PROCLAIM FEBRUARY 12, 2021 AS ARBOR DAY

Motion was duly made by Alderman Harris and seconded by Alderman Higdon to approve the Proclamation proclaiming February 12, 2021 as Arbor Day. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

DISCUSSION OF CARES ACT MONEY

Mayor Ferguson stated that the COVID is not over with. The Federal law expired. Other cities and Counties adopted an Order to extend the Order. I think we should adopt this Order.

Kenny Stockton stated that the Mayor asked me to look at this, this morning. Others have extended this pay. If someone gets sick and they don't have any sick time, they couldn't get paid right now.

Mayor Ferguson asked Chief if they shut down the Police Academy.

Police Chief Worsham answered yes.

Alderman Harris stated I don't know if two (2) months is enough.

Kenny Stockton stated there might be something else to come, money.

Alderman Miller stated that wasn't the only discussion on the CARES money. I wanted the Mayor to review the salary structure of department heads. I requested to know what it would cost for a 1%, 2% and 3% raise. I received that information and it would be less than half of what we received. The index is 1.7%. If the Board will consider 1.5% raise across the Board and wait on the Mayor for his recommendation.

Alderman Higdon stated he stands in opposition of using any of this money until we received a complete update on the city finances.

Alderman Miller stated if we didn't have this money, this wouldn't have come up. If we haven't had received this money we'd be in the same position. We've told the employees that after the first of the year we'd look to see what the revenue was. It's already above our projection.

Alderman McLendon stated that the MML just sent something out about this. You can't even discuss pay raises with cares money. I'll get Shari Veazey to call each Alderman tomorrow. Where's our attorney.

Alderman Miller stated he hasn't seen anything on it.

Kenny Stockton stated I haven't seen anything on what he said.

Alderman Higdon stated I think we should wait.

Alderman McLendon stated it's illegal.

Alderwoman Brooks stated Mike, if you have something why don't you send it to us.

Julie Hopkins stated the website says it can only be spent on three things.

Kenny Stockton stated that is what's required for the reimbursement.

Mayor Ferguson stated let's have Alderman McLendon and Kenny Stockton get together to see what we can spend it on.

Alderman Miler stated we've spoke about this two (2) weeks ago. Y'all can vote how you want. I just asked the Board to consider a 1.5% raise.

Motion was duly made by Alderman Higdon and seconded by Alderman Miller to table this item for two (2) weeks. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

**ADOPT ORDER OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
HERNANDO, MISSISSIPPI REGARDING COVID-19 PAID LEAVE**

**ORDER OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF HERNANDO, MISSISSIPPI
REGARDING COVID-19 PAID LEAVE**

WHEREAS, the Families First Coronarius Response Act (FFCRA) expired on December 31, 2020 and which required, among other things, that employers provided paid sick leave, for up to eighty (80) hours if an employee was subject to a COVID-19 quarantine/isolation order or has been diagnosed with COVID-19 virus or was experiencing COVID symptoms and was seeking a medical diagnosis to determine if the employee actually had the virus; and

WHEREAS, with the expiration of the FFCRA there is no authority for the City of Hernando, Mississippi to continue to provide such COVID related paid sick leave other than that which is available under the City of Hernando's current regular sick and/or annual leave policy, unless there is some additional policy enacted by the Mayor and Board of Alderman;

WHEREAS, under existing state law, the city is authorized to adopt such sick leave policies as said governing authorities deem appropriate;

WHEREAS, the City of Hernando, Mississippi believes that during the ongoing pandemic it would be in the best interest of the city and it's employees to put into place immediately an additional eighty (80) hours of paid leave if any city employee is either: diagnosed with the COVID-19 virus, required to quarantine due to direct exposure to the COVID-19 virus, is experiencing COVID-19 symptoms and is seeking testing or other such diagnosis to said virus and/or is subject to a requirement by a medical provider to quarantine for any reason related to the COVID-19 virus;

WHEREAS, this policy shall be applied prospectively only and shall have no retroactive effect;

WHEREAS, no employee who has previously received eighty (80) hours under the FFCRA shall be eligible for this additional relief as set out in this Order;

WHEREAS, this policy may be amended or terminated at anytime by the governing authorities of the City of Hernando should at any time any state or federal legislation be enacted that would have similar provisions regarding the subject of this Order; and

WHEREAS, this Order shall remain in effect until March 31, 2021 and shall not extend beyond the aforesaid date unless further action is taken by the governing authorities.

SO ORDERED AND DONE on this 19th day of January, 2021.


TOM FERGUSON, MAYOR

ATTESTED TO:


KATIE HARBIN, CITY CLERK

(SEAL)



2

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to adopt the Order of the Mayor and Board of Aldermen of the City of Hernando, Mississippi regarding COVID-19 Paid Leave. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

DISCUSSION OF CHANGING VOTER POLLING LOCATIONS

Mayor Ferguson asked Kenny Stockton if we had time to change the locations. The location on Holly Springs Road is very dangerous.

Kenny Stockton stated that I believe Katie may have spoken to someone and have some knowledge on it. You'd have to adopt an Ordinance to do it.

Katie Harbin stated that one of the County Election Commissioners and myself do not think we have enough time to change the polling locations right now. The information would have to be updated in the election system, then new voter registration cards printed and mailed out. To make the change you'll have to have an ordinance prepared, adopt the ordinance then wait the 30 days for it to go into effect. After that you'd update the system and send out new cards. You would be looking at around the first of March at the earliest for citizens to receive their new cards. That would be one month before the primary election. Citizens sometimes get

confused as it is with the polling locations being different from the county. I think they could possibly go to the wrong place trying to vote, then get discouraged and not vote at all. Also, you have candidates that are out campaigning telling voters where to vote at, using the current locations.

Mayor Ferguson asked why do we have to wait the 30 days.

Kenny Stockton answered it's the law. Someone could object, or the law could change.

Alderman Hobbs stated what about having extra police presence there.

Kenny Stated you could do that. Katie also mentioned, if allowed, to use the lot next door to the Fire Station on Holly Springs for parking.

Alderwoman Brooks stated if it's not raining.

Alderwoman Brooks asked about sending out 2 sets of cards.

Alderman Miller stated the wards changing is the biggest change, we definitely want that out there as soon as possible.

Alderman McLendon asked if we could add it to the water bills.

Alderman Miller stated not every voter has their name on a water bill.

Mayor Ferguson stated we could advertise it hard.

Alderman Miller stated it would be less disruption if we only moved one location and send out 2 sets of cards. You have to get the new cards with the new ward lines first.

Ben Piper stated one thing to consider is you only had one contested race last time. This time it will be 2 contested races, so it might be more traffic.

Dale Bellflower stated there is already confusion out there. Since most of the new ward 6 used to vote at the Holly Springs location. There is a lot of confusion out there now.

Alderman Higdon stated if we could have assured speed control, that would help a lot of it.

Alderman Miller stated based on comments we might be better leaving it as is now.

Mayor Ferguson stated we all agree to leave it as it and have traffic control.

**AUTHORIZE MAYOR FERGUSON TO SIGN A CONTRACT WITH BURFORD PAGE
FOR PROFESSIONAL PLANNING SERVICES**

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to authorize Mayor Ferguson to sign a contract with Burford Page for Professional Planning Services. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

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

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

GO INTO EXECUTIVE SESSION FOR NEGOTIATIONS

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

COME OUT OF EXECUTIVE SESSION

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 19th day of January, 2021.

ADJOURN

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".

MAYOR TOM FERGUSON

ATTEST:

KATIE HARBIN, CITY CLERK