

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, February 2, 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, Fire Chief Marshal Berry, Deputy Fire Chief Sam Witt, Assistant Public Works Director Lee Germany, Zoning Administrator Kristen Duggan, Park and Recreation Director Dewayne Williams, Sibonie Swatzyna, Darrell Dixon, Dale Bellflower, Chris Tong, Bruce Robinson, Ryan Duffee, Julie Hopkins, Scott Trapolino, Ben Piper, and Mike Lemmon.

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### PLEDGE OF ALLEGIANCE

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Pledge of Allegiance

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### INVOCATION

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Alderman Harris gave the invocation.

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### AGENDA

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Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

February 2, 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 40527 - 40645
- 6) Approve Minutes from the regular Mayor and Board of Aldermen Meeting on January 19, 2021
- 7) Consent Agenda
  - A) Authorize to accept a donation from Rodger and Patricia Clark in the amount of \$50.00 for the Hernando Animal Shelter Building in Memory of Alderman Sonny Bryant
  - B) Authorize to accept a donation from Frank and Marilyn Canada in the amount of \$25.00 for the Hernando Animal Shelter Building in Memory of Alderman Sonny Bryant
  - C) Authorize Katie Harbin, Eva Ward and Aimee Claire Holder to attend the Mississippi Municipal Clerks and Collectors Association on March 24-26, 2021 in Gulfport, MS, also authorize to pay registration and travel expenses
  - D) Authorize Cassaundra Perry to attend the Mississippi Municipal Court Clerks 2021 Spring Leadership Conference March 10 – 12, 2021 in Natchez, MS

- E) Authorize Gia Matheny to attend the Community Development Institute (year 2) on August 1 – 6, 2021 at the University of Central Arkansas in Conway, AR, also authorize to pay registration and travel expenses
- F) Authorize to accept a donation from The Hernando Parks and Recreation Foundation in the amount of \$5,246.00 for the Parks Department to purchase an infield groomer for the Baseball fields
- G) Authorize to declare the following surplus and dispose of by donating to the Desoto County EMA:
- Hurst Power Unit no city #
  - Hurst # 59177
  - Hurst Cutter city # is scratched off
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  - Hydraulic truck mount hose reel w Red hose reel City # 1496 mounted in back of Crème Puff
  - Red Electric truck mount Electric cord reel no City # plate has a number of 987580
  - 2401 hurst rescue tools
  - 2058 Hurst Power Unit
  - 2059 Hurst Spreader
  - 2060 Hurst Ram
- H) Authorize to pay B.J. Page for invoice 01-2021 in the amount of \$1,980.00 for Planning Professional Services (didn't make the docket)
- I) Authorize Brennan Robertson to attend the Dizzy Dean Meeting on February 6, 2021 in Louisville, MS, also authorize to pay travel expenses
- 8) Authorize to hire Jeremy Hester for the open maintenance position in the Parks Department as a seasonal employee at \$10 per hour, pending drug and background screening results

- 9) Authorize Mayor Ferguson to sign a Contract for Professional Services for Water / Wastewater Mapping and Training with Canopy Spatial
- 10) Authorize Mayor Ferguson to sign the FY 2020 Continuing Disclosure Engagement Letter with Butler Snow
- 11) Authorize to advertise for the NRCS projects
- 12) Authorize to charge a \$35.00 sanitation fee for the Gale Center Rental
- 13) Authorize to promote Lee Germany to Public Works Director at a salary \$60,000 per year
- 14) Discussion of CARES Act money
- 15) Executive Session – Police Personnel
- 16) Adjourn

**Alderman Hobbs requested that item #13 be moved to Executive Session**

Motion was duly made by Alderman Hobbs and seconded by Alderman McLendon to approve the agenda after moving Item # 13 to Executive Session, as presented.

Mayor Ferguson asked if Alderman Hobbs and Alderman McLendon had the revised agenda.

Alderman Hobbs answered yes.

Mayor Ferguson asked Alderman Hobbs what is item # 13, what do you have.

Alderman McLendon stated no I do not have a revised agenda, I'm looking online.

Alderman Hobbs stated item 13 is "Authorize to promote Lee Germany to Public Works Director at a salary \$60,000 per year"

Mayor Ferguson stated do we have a second.

Alderman McLendon stated I don't have a revised agenda.

Alderwoman Brooks seconded Alderman Hobbs motion.

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to approve the agenda as presented, after moving item # 13 to Executive Session. 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 2<sup>nd</sup> day of February, 2021.

**AMENDED AGENDA**

Agenda  
City of Hernando  
Mayor and Board of Alderman  
Regular Meeting

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- 8) Authorize to hire Jeremy Hester for the open maintenance position in the Parks  
 Department as a seasonal employee at \$10 per hour, pending drug and background  
 screening results
- 9) Authorize Mayor Ferguson to sign a Contract for Professional Services for Water /  
 Wastewater Mapping and Training with Canopy Spatial
- 10) Authorize Mayor Ferguson to sign the FY 2020 Continuing Disclosure Engagement Letter  
 with Butler Snow
- 11) Authorize to advertise for the NRCS projects
- 12) Authorize to charge a \$35.00 sanitation fee for the Gale Center Rental
- 13) Discussion of CARES Act money
- 14) Executive Session – Police Personnel and Public Works Personnel
- 15) Adjourn

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**APPROVE DOCKET OF CLAIMS NO.'S 40527 - 40645**

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The Board of Aldermen were presented with a docket of claims No. 40527 - 40645 in the amount of \$226,943.37 for approval.

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

Those voting "Nay": None.

ORDERED AND DONE this the 2<sup>nd</sup> day of February, 2021.

**APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD OF  
ALDERMEN MEETING ON JANUARY 19, 2021**

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to approve the minutes from the regular Mayor and Board of Aldermen Meeting on January 19, 2021, 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 2<sup>nd</sup> day of February, 2021.

**CONSENT AGENDA**

- A) Authorize to accept a donation from Rodger and Patricia Clark in the amount of \$50.00 for the Hernando Animal Shelter Building in Memory of Alderman Sonny Bryant
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- H) Authorize to pay B.J. Page for invoice 01-2021 in the amount of \$1,980.00 for  
 Planning Professional Services (didn't make the docket)
- I) Authorize Brennan Robertson to attend the Dizzy Dean Meeting on February 6,  
 2021 in Louisville, MS, also authorize to pay travel expenses

Motion was duly made by Alderman Higdon and seconded by Alderman Harris 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 2<sup>nd</sup> day of February, 2021.

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**AUTHORIZE TO HIRE JEREMY HESTER FOR THE OPEN MAINTENANCE  
 POSITION IN THE PARKS DEPARTMENT AS A SEASONAL EMPLOYEE AT \$10  
 PER HOUR, PENDING DRUG AND BACKGROUND SCREENING RESULTS**

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Motion was duly made by Alderwoman Brooks and seconded by Alderman Higdon  
 to authorize to hire Jeremy Hester for the open Maintenance Position in the Parks  
 Department as a Seasonal Employee starting at \$10.00 per hour, pending drug and background  
 screening results, following the recommendation of the Personnel Committee, based on the  
 recommendation of the Parks and Recreation Director. 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 2<sup>nd</sup> day of February, 2021.

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**AUTHORIZE MAYOR FERGUSON TO SIGN A CONTRACT FOR PROFESSIONAL  
 SERVICES FOR WATER / WASTEWATER MAPPING AND TRAINING WITH  
 CANOPY SPATIAL**

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Motion was duly made by Alderman Higdon and seconded by Alderman Harris to  
 authorize Mayor Ferguson to sign a contract for Professional Services for Water / Wastewater  
 Mapping and Training with Canopy Spatial. 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 2<sup>nd</sup> day of February, 2021.

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**AUTHORIZE MAYOR FERGUSON TO SIGN THE FY 2020 CONTINUING DISCLOSURE ENGAGEMENT LETTER WITH BUTLER SNOW**

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Motion was duly made by Alderwoman Brooks and seconded by Alderman Miller to authorize Mayor Ferguson to sign the FY 2020 Continuing Disclosure Engagement Letter with Butler Snow. 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 2<sup>nd</sup> day of February, 2021.

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**AUTHORIZE TO ADVERTISE FOR THE NRCS PROJECTS**

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Motion was duly made by Alderman Hobbs 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 2<sup>nd</sup> day of February, 2021.

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**AUTHORIZE TO CHARGE A \$35.00 SANITATION FEE FOR THE GALE CENTER RENTAL**

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Alderman Miller stated even the groups that we waive the rental fee for should have to pay this fee.

Mayor Ferguson stated I agree.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to charge a \$35.00 sanitation fee for the Gale Center Rental. 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 2<sup>nd</sup> day of February, 2021.

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**DISCUSSION OF CARES ACT MONEY**

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Alderman Miller stated he has received all of the information he needed on the CARES Act money and would like to end this discussion on CARES ACT.

Mr. Miller stated he would like to look at giving employees a 1.5% raise out of the general fund, put on the next agenda.

Alderman McLendon stated that would need to be moved to the next agenda.

Alderman Miller stated right. I was clarifying it, so it wouldn't be political, like some people are trying to do. So you wouldn't take it at say that we are trying to give raises with the CARES Act money.

Alderman McLendon stated thank you so much.

Alderman Hobbs asked how much is 1.5%.



Alderman McLendon stated we are talking about the CARES Act.

Human Resource Manager Julie Harris stated that she gave all of those numbers to the Mayor. I didn't figure a 1.5%, I figured a 1%, 2%, and 3%, but I will be happy to figure a 1.5%.

Alderman Harris asked if we are looking at 9 months or 12 months.

Human Resource Manager Julie Harris stated she calculated both and gave them to Mayor Ferguson.

Alderman Harris stated if we approve a 1.5%, we are looking at 9 months.

Alderman Miller stated he would like to have the 1.5% raise for employees on the next agenda.

Alderman McLendon stated I don't know why we are talking about something that isn't on the agenda.

Human Resource Manager Julie Harris stated that the total for a 1.5% increase would be \$124,269.30 for 9 months.

Alderman Hobbs asked if we can get a 1.5%, 1.75% and a 2% for an 8 month time period before the next meeting, or whatever the time period is left for the fiscal year. We might can give an addition increase since the time is less now.

Alderman Higdon stated he has still yet to see the financial status of the city.

Alderman Hobbs asked where we are with the 2019 audit.

Mayor Ferguson stated where do we stand on that Katie.

City Clerk Katie Harbin stated that we are waiting for Melinda to finish up her work and then the Auditor to finish their part. The last update I was given was it should be completed within the next couple of months.

Alderman Higdon stated so the end of April.

City Clerk Katie Harbin answered yes.

Alderman Hobbs asked without the audits being complete, is that illegal, we can't get a grant without these audits, is that right, we can't apply for them without the audits?

City Clerk Katie Harbin answered that would be correct for most grants I would think.

Alderman Hobbs asked typically when should the audit be done.

City Clerk Katie Harbin answered within six (6) months of the year ending.

Alderman Hobbs asked why are we so late.

City Clerk Katie Harbin answered we got behind years ago when we had to change firms, in 2017, then they just working on them to catch up. We were almost caught up this time last year, they were working on them, but I believe COVID hindered the Auditor with his work and they just fell behind from there.

Alderwoman Brooks asked is there anything we can do.

Alderman Miller stated no, it's just the process. We had some underlying circumstances that couldn't be avoided.

Alderman McLendon stated I have a question concerning the CARES Act money. This money that we spent, that we received, did we have this coming in from the previous year. So if

we spend money, it was left over from last year. Then we got reimbursed. From money that was carried over.

City Attorney Kenny Stockton stated no.

Alderman McLendon stated I'm just wondering.

Mayor Ferguson asked Katie can you answer his question.

City Clerk Katie Harbin asked Aldermen McLendon to repeat the actual question.

Alderman McLendon stated we got CARES Act money.

City Clerk Katie Harbin answered correct.

Alderman McLendon how did they come up with the formula for that. Did we issue a receipt, how did we do that.

City Clerk Katie Harbin the State received money, they divided it up amongst the Cities based on population. We have a set amount that we received. In order to get that I had fill out a form and send in backup that shows where we spent money that was related to COVID and that was Personnel, since that was our largest expense.

Alderman McLendon stated so they reimbursed us money.

City Clerk Katie Harbin answered yes.

Alderman McLendon stated ok so we had money left over last year in abundant, or either we had an abundance of sales tax money, that we used to pay for COVID and then we got paid back from the State

City Clerk Katie Harbin stated I would have to go look to see if we had anything left over from last years budget. We are doing well with Sales Tax, so it's possible it is a combination of both.

Alderman McLendon stated so everyone has a clear picture of how we got the money. Did we have an excess of money going in.

City Clerk Katie Harbin answered we don't have an excess of money going into a budget.

Alderman McLendon stated so from October 1<sup>st</sup> to now, we've increased #330,000 basically. That's what we are saying we got from the State to go in the general fund for stuff that wasn't budgeted in this year's budget.

City Clerk Katie Harbin answered yes..

Alderman McLendon stated so this is over from what we projected.

City Clerk Katie Harbin answered yes.

Alderman McLendon stated we are \$330,000 over what we were projecting for the 2021 budget, at this time.

City Clerk Katie Harbin answered at this time.

Alderman McLendon stated not all year, but at this time.

City Clerk Katie Harbin answered correct.

Alderman Miller stated and the only reason it is over is because the State sent the money to us.

Alderman McLendon stated by the formula of what you spent.

City Clerk Katie Harbin stated no sir, by the population.

Alderman McLendon stated no ma'am.

City Clerk stated yes sir, that is what they stated.

City Attorney Kenny Stockton stated yes, it was based on population.

Alderman Miller stated it was based on population.

Alderman McLendon stated that's where we have an issue.

City Attorney Kenny Stockton stated no we are not.

Alderman Hobbs stated Mike I have a question for you, did this have to go through Legislation.

City Attorney Kenny Stockton stated yes it did.

Alderman McLendon stated it did.

Alderman Hobbs stated quit wasting our time. If we are doing something wrong, let us know. Quit asking question that you already know the answer to.

Alderman McLendon stated each meeting I've said it's illegal.

City Clerk Katie Harbin stated Alderman McLendon I've asked for that information, I've researched it, I've called different State agencies, and no one knows what you are talking about.

City Attorney Kenny Stockton stated we haven't done anything illegal. Alderman McLendon stated at the last meeting we have, he said he'd send us the documentation. I never received anything. I asked Katie and the Mayor, if they had gotten anything, they haven't received anything. I'm assuming no one else on this Board has received anything. I immediately researched it after the meeting the other night. MML has published nothing regarding what Alderman McLendon is talking about. I also called the State Auditor and we did it exactly the way we were supposed to. It was very simple, a very simple formula. I was amazed at how simple it was. It was based upon population. All you had to do is say that you spent X number of dollars, which Hernando, Olive Branch, Southaven, and all of the other Cities have been more than able to do. So, Alderman McLendon if you have any knowledge that the City of Hernando has broken any law, any law, relative to the CARES Act you're under a duty to not only share that information, but to provide that information.

Alderman McLendon stated that MEMA has that information.

City Attorney Kenny Stockton stated Alderman McLendon you stated last time you had information and what we were doing was illegal. To this day, I haven't received that. I have researched it. You tell who to call, that Hernando, and I guess every other City in this State is violating the law.

Alderman McLendon stated nobody used it for raises.

Alderwoman Brooks stated we aren't doing that.

City Attorney Kenny Stockton stated that has nothing to do with this.

Alderman McLendon stated we discussed raises under the CARES Act.

City Attorney Kenny Stockton stated but if you wanted to do that, it is perfectly legal too.

Alderman Harris stated the motion that has been made isn't to use CARES Act money, the motion before us is to use general fund money.

City Attorney Kenny Stockton stated that was not in the form of a motion, that was just discussion.

Alderman Harris stated that item is for the next agenda, we aren't using the CARES money for pay raises.

Alderman McLendon stated that is all I needed.

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### **GO INTO CLOSED SESSION FOR POLICE AND PUBLIC WORKS PERSONNEL**

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Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to go into closed session to discuss going into Executive Session Police and Public Works Personnel. 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 2<sup>nd</sup> day of February, 2021.

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### **GO INTO EXECUTIVE SESSION FOR NEGOTIATIONS**

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Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to go into Executive Session for Police and Public Works Personnel. 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 19<sup>th</sup> day of January, 2021.

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### **COME OUT OF EXECUTIVE SESSION**

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Motion was duly made by Alderman Higdon and seconded by Alderman Miller to come out of executive session. 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 2<sup>nd</sup> day of February, 2021.

**PUBLIC WORKS PERSONNEL - AUTHORIZE TO PROMOTE LEE GERMANY TO  
PUBLIC WORKS DIRECTOR WITH A SALARY OF \$60,000 YEARLY**

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Motion was duly made by Alderman Higdon and seconded by Alderman McLendon to authorize to promote Lee Germany to Public Works Director increasing his salary to \$60,000 yearly. A vote was taken with the following results:

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

Those voting "Nay": Alderman Hobbs.

ORDERED AND DONE this the 2<sup>nd</sup> day of February, 2021.

**POLICE PERSONNEL - AUTHORIZE TO SUSPEND DISPATCHER MISSY  
LAUGHTER**

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Motion was duly made by Alderman Miller and seconded by Alderman Harris to authorize to suspend Dispatcher Missy Laughter for violating the handbook policies for a total of 84 hours without pay, to receive training, and to be on a six (6) month probationary period. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 2<sup>nd</sup> day of February, 2021.

**ADJOURN**

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