

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, September 3, 2019 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Bryant, 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, Fire/EMS Chief Hubert Jones, Police Chief Scott Worsham, Assistant Police Chief Shane Ellis, Public Works Director Bobby Burton, Court Clerk Cassaundra Perry, Planning Director Keith Briley, Human Resource Director Julie Harris, Community and Economic Development Director Gia Matheny, Bookkeeper Octavia Glasper, Assistant Bookkeeper Eva Ward, Utility Clerk Annette Stotler, Animal Control Director Susan Huff, Brittany McGowen, Traci Thompson, Kelley Dion, Dana Davis, Glenda McCullough, Giner Wooley, Janet Clements, Christina Fantaziu, Annabelle Johnson, Martha Hamm, Carolyn Richards, Maria Vanesia Ingleton, Margaret Hicks, Bob Cooke, Rubye Walton, Casey Thomsen, Judy Baker, Pat Scott, Glen Joyner, Barbara Joyner, Wesley Joyner, Phyllis Johnson, Marlene Dressler, Onisha Brown, Chris Brown, Simone Johnson, Paula Lauderdale, Trish Stockton, Trisha Standard, Cory Donnelly, Valerie Donnelly, Roy Booth, Hannah Standard, Philip McDonough, Ashley Keating, Diane Franczyk, Patrica Coke, Jason Allen, David Lindsey, Austin Waldrop, Charlie Wiggins, Catherine Watson, Yvonne Fuller, Chris Fuller, James Rice, Ron Franczyk, Margie Cunningham, Sabra Cable, Tom Beck, Sandy Beck, Anna Barnes, Steven Pittman, John Leitmer, Doug Thornton, Patrick and Janet Ward, Chris Ward, Michelle Dunn, Chuck Smith, Barry Pettigrew, Chad Ayers, Carrie Threatt, Brenda McHill, Kim Derryberry, Kim Johnson, Bettie Britt, Michelle Klaus, Benjamin Klaus, Nellie Sanders, Paul Sanders, Katie Millican, Paula and Bruce Crow, Earl W Marbut, Kay Valentine, Tammy Thorn, Jonathan Pounders, Elizabeth McGruder, Holey Hoy, Hildi Hoopes, April Davis, and Gary McElhannon.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Miller gave the invocation.

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

September 3, 2019

6:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approve Agenda
- 5) Approve Docket of Claims No.'s 32391 - 32637
- 6) Authorize to pay Renasant Bank for a loan payment for the new shop building
- 7) Approve Minutes

8) Consent Agenda

- A) Authorize to accept a donation from Hernando Dental Group in the amount of \$350.00 for a Movie Night Sponsorship
 - B) Authorize to accept a donation from Jill Morris, Ballet Desoto in the amount of \$50.00 for a Scavenger Hunt Sponsorship
 - C) Authorize to accept a donation from Guy Keehner, Just a Buck Grilled Cheese Truck in the amount of \$125.00 for a Movie Night Sponsorship
 - D) Authorize to accept a donation from Leo Grew, Phase II Custom Painting in the amount of \$100.00 for a Movie Night Sponsorship
 - E) Authorize to accept a donation from Longview Point Baptist Church in the amount of \$350.00 for a Movie Night Sponsorship
 - F) Authorize to accept a donation from Glenda Alexander in the amount of \$50.00 for a Scavenger Hunt Sponsorship
 - G) Authorize to accept a donation from Tillman (River Bend) in the amount of \$350.00 for a Movie Night Sponsorship
 - H) Authorize the Katie Harbin and Cassaundra Perry to attend Small Town Conference on October 17-18, 2019 in Tupelo, MS, also authorize to pay registration and travel expenses
 - I) Authorize Alderman Miller and Alderwoman Brooks to attend the MML Board of Directors Meeting on September 26 – 27, 2019 in Starkville, MS, and also pay registration and travel expenses
 - J) Authorize Dewayne Williams, Dolly Brechin, Chris Couch, and Michael Carson to attend the MS Parks and Recreation Association Annual Conference in Biloxi, MS on October 21-23, 2019, also authorize to pay registration and travel expenses
- 9) Proclaim September 17, 2019 through September 23, 2019 as Constitution Week
- 10) Request from Friends of the Von Theatre, Steve Pittman, to temporarily close streets (1 block) to include Park St, South St, Elm St and West St
- 11) Request from Hernando High School, Margaret Hicks, to temporarily close streets for the Hernando High School Homecoming Parade on October 10, 2019
- 12) Request from Chuck and Debbie Smith to temporarily close streets for the Laura Green 5K on November 9, 2019
- 13) Authorize to hire Jason Rice as a certified Firefighter at a rate of \$12.26 per hour, pending pre-employment screenings
- 14) Authorize to hire Sandy Stewart as a Deputy Court Clerk at the rate of \$13.00 per hour, pending pre-employment screenings
- 15) Authorize to hire Jason Cahill in the Parks Department at a rate of \$10.00 per hour, pending pre-employment screenings
- 16) Authorize to give Brad Williams, in the Public Works Department, a 90 day probation raise of \$0.75 per hour
- 17) Authorize to give Eva Ward a raise of \$1.00 for receiving Certified Municipal Clerk designation with the International Institute of Municipal Clerks
- 18) PL-1394 – Appeal of the Planning Commission’s Denial of a Request for a Variance in the Rear Yard Setback Requirements of the C-2 Zoning District – 284 Pleasant Hill Road – Fasil Kebede with Beruk Properties
- 19) Discussion of the Grass Ordinance Amendment

- 20) Request to completely close West Commerce Street at the intersection with Caffey Street as part of the Square Pedestrian Improvement Project for five (5) working days.
- 21) Request from Barry Pettigrew to speak on his water issue
- 22) Continuation of Public Hearing on the proposed budget fye 2020
- 23) Discussion of the Hernando Animal Shelter
- 24) Discuss and adopt Ordinance Amendment for Establishing Provisions and Regulations for the Enforcement of Animal Control Within the City of Hernando
- 25) Adjourn

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019.

APPROVE DOCKET OF CLAIMS NO.'S 32391 - 32637

The Board of Aldermen were presented with a docket of claims No. 32391 - 32637 in the amount of \$514,226.75 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 Bryant, Alderman Miller, Alderman Higdon, Alderman McLendon, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019.

AUTHORIZE TO PAY RENASANT BANK FOR A LOAN PAYMENT FOR THE NEW SHOP BUILDING

Motion was duly made by Alderman Hobbs and seconded by Alderman Bryant to authorize to pay Renasant Bank for a loan payment for the new shop building. A vote was taken with the following results:

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

Those voting "Nay": Alderman Miller.

ORDERED AND DONE this the 3rd day of September, 2019.

APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD MEETING ON AUGUST 20, 2019, SPECIAL MEETING ON AUGUST 29, 2019 AND PUBLIC HEARING ON AUGUST 29, 2019

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 August 20, 2019, the Special Meeting on August 29, 2019 and the Public Hearing Meeting on August 29, 2019. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019.

CONSENT AGENDA

- A) Authorize to accept a donation from Hernando Dental Group in the amount of \$350.00 for a Movie Night Sponsorship
- B) Authorize to accept a donation from Jill Morris, Ballet Desoto in the amount of \$50.00 for a Scavenger Hunt Sponsorship
- C) Authorize to accept a donation from Guy Keehner, Just a Buck Grilled Cheese Truck in the amount of \$125.00 for a Movie Night Sponsorship
- D) Authorize to accept a donation from Leo Grew, Phase II Custom Painting in the amount of \$100.00 for a Movie Night Sponsorship
- E) Authorize to accept a donation from Longview Point Baptist Church in the amount of \$350.00 for a Movie Night Sponsorship
- F) Authorize to accept a donation from Glenda Alexander in the amount of \$50.00 for a Scavenger Hunt Sponsorship
- G) Authorize to accept a donation from Tillman (River Bend) in the amount of \$350.00 for a Movie Night Sponsorship
- H) Authorize the Katie Harbin and Cassaundra Perry to attend Small Town Conference on October 17-18, 2019 in Tupelo, MS, also authorize to pay registration and travel expenses
- I) Authorize Alderman Miller and Alderwoman Brooks to attend the MML Board of Directors Meeting on September 26 – 27, 2019 in Starkville, MS, and also pay registration and travel expenses
- J) Authorize Dewayne Williams, Dolly Brechin, Chris Couch, and Michael Carson to attend the MS Parks and Recreation Association Annual Conference in Biloxi, MS on October 21-23, 2019, also authorize to pay registration and travel expenses

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to approve the consent agenda as presented. 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 3rd day of September, 2019.

**PROCLAIM SEPTEMBER 17, 2019 THROUGH SEPTEMBER 23, 2019 AS
CONSTITUTION WEEK**

Motion was duly made by Alderman Hobbs and seconded by Alderwoman Brooks to proclaim the week of September 17 – 23, 2019 as Constitution Week and waive the reading. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019.

**REQUEST FROM FRIENDS OF THE VON THEATRE, STEVE PITTMAN, TO
TEMPORARILY CLOSE STREETS (1 BLOCK) TO INCLUDE PARK ST, SOUTH ST,
ELM ST AND WEST ST**

Steve Pittman presented the request. This even will be on October 12, 2019.

Motion was duly made by Alderman Harris and seconded by Alderman Miller to approve the request from Friends of the Von Theatre, Steve Pittman, to temporarily close streets (1 block) to include Park St, South St, Elm St, and West St. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019.

**REQUEST FROM HERNANDO HIGH SCHOOL, MARGARET HICKS, TO
TEMPORARILY CLOSE STREETS FOR THE HERNANDO HIGH SCHOOL
HOMECOMING PARADE ON OCTOBER 10, 2019**

Margaret Hicks presented the request. This event will be on October 10, 2019, line up at 5pm and parade starting at 630pm.

Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to approve the request from Hernando High School to temporarily close streets for the Hernando High School Homecoming Parade on October 10, 2019. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

**REQUEST FROM CHUCK AND DEBBIE SMITH TO TEMPORARILY CLOSE
STREETS FOR THE LAURA GREEN 5K ON NOVEMBER 9, 2019**

Motion was duly made by Alderman Harris and seconded by Alderwoman Brooks to approve the request from Chuck and Debbie Smith to temporarily close streets for the Laura Green 5k on November 9, 2019. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

**AUTHORIZE TO HIRE JASON RICE AS A CERTIFIED FIREFIGHTER AT A RATE
OF \$12.26 PER HOUR, PENDING PRE-EMPLOYMENT SCREENINGS**

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize to hire Jason Rice as a Certified Firefighter at a rate of \$12.26 per hour, pending pre-employment screenings, following the recommendation of the Personnel Committee, based on the recommendation of the Fire 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 3rd day of September, 2019

**AUTHORIZE TO HIRE SANDY STEWART AS A DEPUTY COURT CLERK AT THE
RATE OF \$13.00 PER HOUR, PENDING PRE-EMPLOYMENT SCREENINGS**

Motion was duly made by Alderman Higdon and seconded by Alderman McLendon to authorize to hire Sandy Stewart as a Deputy Court Clerk at a rate of \$13.00 per hour, pending pre-employment screenings, following the recommendation of the Personnel Committee, based on the recommendation of the Court Clerk. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

AUTHORIZE TO HIRE JASON CAHILL IN THE PARKS DEPARTMENT AT A RATE OF \$10.00 PER HOUR, PENDING PRE-EMPLOYMENT SCREENINGS

Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to authorize to hire Jason Cahill in the Parks Department at a rate of \$10.00 per hour, pending pre-employment screenings, following the recommendation of the Personnel Committee, based on the recommendation of the Parks Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

AUTHORIZE TO GIVE BRAD WILLIAMS, IN THE PUBLIC WORKS DEPARTMENT, A 90 DAY PROBATION RAISE OF \$0.75 PER HOUR

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to give Brad Williams in the Public Works Department a 90 day probation raise of \$0.75 per hour, following the recommendation of the Personnel Committee, based on the recommendation of the Public Works Director. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

AUTHORIZE TO GIVE EVA WARD A RAISE OF \$1.00 PER HOUR FOR RECEIVING THE CERTIFIED MUNICIPAL CLERK DESIGNATION WITH THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

Motion was duly made by Alderman Higdon and seconded by Alderwoman Brooks to give Eva Ward a raise of \$1.00 per hour, for receiving the Certified Municipal Clerk Designation with the International Institute of Municipal Clerks, following the recommendation of the Personnel Committee, based on the recommendation of the City Clerk. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

PL-1394 – APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A REQUEST FOR A VARIANCE IN THE REAR YARD SETBACK REQUIREMENTS OF THE C-2 ZONING DISTRICT – 284 PLEASANT HILL ROAD – FASIL KEBEDE WITH BERUK PROPERTIES

Planning Director Keith Briley presented the information, stated that they have requested this be tabled until the September 17, 2019 Mayor and Board of Aldermen meeting.

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to table this request until the September 17, 2019 Mayor and Board of Aldermen meeting. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

DISCUSS AND ADOPT THE GRASS ORDINANCE AMENDMENT

Planning Director Keith Briley presented the Grass Ordinance.

The Mayor and Board of Aldermen briefly discussion the ordinance.



MEMORANDUM

To: Board of Aldermen
 From: Keith Briley, AICP, Planning Director
 Date: September 3, 2019
 Re: Revised Grass Ordinance

This draft of the revised Grass Ordinance addresses the concerns that were discussed at the August 6, 2019, Board of Aldermen meeting. Please review the amendments and let me know if there are any additional changes you wish for me to incorporate into the ordinance. The items that have been added are found in the blue underlined text (text to be added). Items that are proposed to be removed and deleted are found in the red struck through text (~~text to be removed~~).

Changes to the Grass Ordinance

- The definitions in Section I were amended for clarification.
- Text was added include all commercial zoning districts in the enforcement area.
- In Section VI the time frame of 10-days was changed to 5-days.
- Various sections were reformatted for clarity without changing the content.
- Citation and fines were incorporated for repeat offenders.
- New language regarding the disposal of yard waste added with the inclusion of citation and fines for violations.
- Some of the section numbers were revised because of the addition of new sections.

**ORDINANCE OF THE CITY OF HERNANDO CONCERNING THE CONTROL OF
 NOXIOUS WEEDS AND CONTROLLING LAWN GRASS IN THE CITY OF
 HERNANDO, MISSISSIPPI**

WHEREAS, pursuant to § 21-19-1 et seq., of the Mississippi Code of 1972, as amended, the Mayor and Board of Aldermen have the power to make regulations to secure the general health of the City; to preserve good order and peace of the City; and to adopt codes dealing with general public health, safety, and welfare; and

WHEREAS, pursuant to § Section 21-17-5, of the Mississippi Code of 1972, as amended, the

Mayor and Board of Aldermen have the authority to adopt any orders, resolutions, or ordinances with respect to the municipal affairs of the City, which are not inconsistent with the Mississippi Constitution of 1890 or any other statute or law of the State; and

WHEREAS, the Mayor and Board of Aldermen have found and determined that the following regulations as set forth in this Ordinance are in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Hernando, Mississippi, as follows:

That the Grass Ordinance of the City of Hernando which was adopted by the Board of Aldermen on March 16, 2010, shall be amended in its entirety to read as follows.

An ordinance for the purpose of furthering the control and eradication of noxious weeds and controlling lawn grass in the City of Hernando; to impose obligations upon the owner, agent, or occupant of such lot with respect to said control, and eradication; and to implement the enforcement of said obligations by lien on the lands involved.

SECTION I: DEFINITIONS OF NOXIOUS WEEDS AND LAWNS

For the purpose of this Ordinance, the following definitions shall apply.

1. "noxious weeds" shall mean a valueless plant growing wild, especially one that grows on cultivated ground to the exclusion or injury of the desired crop or any undesirable or troublesome plant, especially one that grows profusely where it is not wanted.
2. Lawn shall mean a field of cultivated and mowed grass associated with the yards of dwellings and businesses.

SECTION II. APPLICATION OF ORDINANCE

This Ordinance shall apply to all lands in the City of Hernando, which are duly platted and recorded subdivisions zoned for single family residential use exclusive of lots upon which livestock is domiciled including the original town plat of the City of Hernando. This Ordinance shall apply to all lands in the City of Hernando, which are zoned for commercial uses both occupied and vacant.

SECTION III. EXEMPTIONS

Exemptions from the provisions of this Ordinance are flower gardens, plots of shrubbery, vegetable gardens, small grain plots, and agricultural vacant lands. An exemption under the terms of this Section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exemption categories.

SECTION IV. PRESENCE OF WEEDS A PUBLIC NUISANCE

It shall be unlawful for the agent, owner, or occupant of any land in the City of Hernando to cause, or permit to grow on said land any noxious weeds or grass higher than eight (8) inches in height. The presence of such weeds (as defined in Section I hereof) upon such land is hereby deemed to be detrimental to the public health, safety, and welfare of said City, and shall constitute a public nuisance.

SECTION V. DUTY OF OWNER, AGENT, OR OCCUPANT

It shall be the duty of the occupant of every premise and the owner of unoccupied premises within the City, to cut and remove, or destroy by lawful means, all such weeds, or other rank, noxious or harmful vegetation, as often as may be necessary to comply with the provisions of this Ordinance.

SECTION VI. FAILURE OF OWNER, AGENT, OR OCCUPANT TO COMPLY; ACTION BY THE CITY; COLLECTION OF EXPENSES; PENAL PROVISIONS

1. In the event that the owner, agent, or occupant of any land in said City to which this Ordinance applies, shall fail or refuse to comply with the provisions of Section IV hereof, then after five (5) days' notice to such person of the fact of a violation of Section IV, any officer, inspector, or other agent authorized by the Mayor and Board of Aldermen may enter upon such land and cut and destroy and all noxious weeds, or harmful vegetation, as defined in Section I hereof, located on such land.
 - A. The initial notice, made by the City of Hernando, to the owner or occupant, as the case may be, shall be in the form of a courtesy notice letting the owner and/or occupant know of the violation and that such owner and/or occupant shall have ten days to cure the violation.
 - i. That the form of notice shall be made in the form of delivery to the owner and/or occupant by the appointed agent of the City of Hernando and a like copy of said notice shall be mailed to the property address via certified mail return receipt requested and if no property address then to the address of the owner(s) of said property as determined from the DeSoto County Tax Collector's records.
 - ii. That in the event the owner and/or occupant is not home or does not answer the door when personal delivery is attempted the agent for the city shall leave a copy of said notice attached to the front door of the residence.
 - iii. That the initial notice shall be accompanied by a copy of this ordinance.
 - B. That all subsequent notices shall be made by the City of Hernando by the city's appointed agent by the delivery of a notice to the owner and/or occupant as well a copy of the same notice by certified mail to the property address via certified mail return receipt requested and if no property address then to the address of the owner(s) of said property as determined from the DeSoto County Tax Collector's records.
 - i. That in the event the owner and/or occupant is not home or does not answer the door when personal delivery is attempted the agent for the city shall leave a copy of said notice attached to the front door of the residence.
 - ii. That any subsequent notice need not be accompanied by a copy of the ordinance.
 - C. The City shall maintain a record of all such notices sent to any owner and/or occupant of any property, which may be the subject of these ordinances.
 - i. That all such records shall be kept in the Office of Planning for the City of Hernando.
 - D. That the City of Hernando Planning Department shall prescribe the form of said notice and shall consult with the City Attorney in the preparation of such notice.
2. The owner, agent, or occupant of such land shall be liable for all costs incurred by the City in connection with the cutting or destroying, including an additional fee of fifteen (15%) per cent for inspection, with a minimum cost or charge of Fifteen (\$15.00) Dollars.
3. From the time of the commencement of the cutting and destruction of such noxious weeds and vegetation, as defined in Section I, the City shall have a lien upon the land; and in the event the charges involved are not paid by the owner, agent, or occupant of said land within thirty (30) days from the date of billing of said person by registered or certified mail, return receipt requested payment shall be deemed delinquent and said lien enforceable as a tax lien, as is provided by law, against the land to be charged and collected as in the case of general property tax against the land in question.

4. In addition, if the owner, agent, or occupant refuses to comply with the provisions of this Ordinance after the receipt of the ten (10) days' notice, as provided for above, then, and in that event, such owner, agent or occupant shall be liable to a fine not exceeding Five Hundred (\$500.00) dollars and imprisonment not exceeding thirty (30) days; a violation of this Ordinance shall be deemed a misdemeanor.
5. In the event that the owner, agent, or occupant of any land in said City shall fail or refuse to comply with the provisions of Section IV again in the same calendar year, the owner, agent, or occupant shall be issued to a Citation to appear in court and shall be subject to the following fines.
 - A. 1st offense - \$100.00
 - B. 2nd offense - \$200.00
 - C. 3rd offense - \$300.00
 - D. Subsequent offences shall increase in \$100.00 increments.
6. If the violation is not corrected within 3 days of the judge rendering a decision against the owner, agent, or occupant, an additional fine of \$25.00 per day in violation shall go into effect until the violation is corrected.

SECTION VII: YARD WASTE DISPOSAL

1. Leaves, grass clippings, and other yard waste shall not be blown, swept, or dumped into a storm drain, street, driveway, drainage ditch, waterway, parking lot, or any other conveyance that provides for the collection and movement of stormwater.
2. Yard waste blown, swept, or dumped into any stormwater conveyance shall constitute a violation of best management practices for stormwater management.
3. All yard waste should be bagged for disposal at a permitted landfill, composted, or applied to an area of land where no possibility for entrance into the storm sewer system or a waterway exists.
4. Penalty
 - A. The first violation of this section shall result in a written notice issued in compliance with the procedure outlined in Section VI of this ordinance.
 - B. In the event that the owner, agent, or occupant of any land in said City shall fail or refuse to comply with the provisions of Section VII again in the same calendar year, the owner, agent, or occupant shall be issued to a Citation to appear in court and shall be subject to the fines as outlined in Section VI Paragraph 5 of this ordinance.
 - C. If the violation is not corrected within 3 days of the judge rendering a decision against the owner, agent, or occupant, an additional fine of \$25.00 per day in violation shall go into effect until the violation is corrected.

SECTION VIII: APPOINTMENT OF AGENT

The Mayor and Board of Aldermen may appoint an agent or agents to carry out the provisions of this Ordinance.

SECTION IX. SEPARABILITY CLAUSE

All Sections of this Ordinance are separable, and should any Section be declared invalid, such decision shall not affect the validity of the Ordinance as a whole.

SECTION IX. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after the adoption of the same.

SO Adopted, on this the 3rd day of September 2019.

VOTE:	<u>YEA</u>	<u>NAY</u>
ALDERMAN HARRIS	<u>X</u>	<u> </u>
ALDERMAN BRYANT	<u>X</u>	<u> </u>
ALDERMAN MILLER	<u>X</u>	<u> </u>
ALDERMAN HIGDON	<u>X</u>	<u> </u>
ALDERMAN MCCLENDON	<u>X</u>	<u> </u>
ALDERMAN BROOKS	<u>X</u>	<u> </u>
ALDERMAN HOBBS	<u>X</u>	<u> </u>

By:

N. C. "TOM" FERGUSON, MAYOR

ATTESTED TO:

KATIE HARBIN, CITY CLERK
(SEAL)

Motion was duly made by Alderman Hobbs and seconded by Alderman McLendon to adopt the Grass Ordinance and waive the reading. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

**REQUEST TO COMPLETELY CLOSE WEST COMMERCE STREET AT THE
INTERSECTION WITH CAFFEY STREET AS A PART OF THE SQUARE
PEDESTRIAN IMPROVEMENT PROJECT FOR FIVE (5) WORKING DAYS**

Jason Allen, Waggoner Engineering, presented the request. They are needing 1 calendar work week to be able to get the work done, and the concrete to set.

Mayor Ferguson asked if South Street would be an option for big trucks.

Jason Allen stated he was comfortable with that, we can add that.

Joe Frank Lauderdale stated that sounded reasonable.

Alderwoman Brooks asked where are the blockades going to be.

Jason Allen answered just past West Street, by the Library and Windy City.

Mayor Ferguson asked if we can require them to work Saturday and Sunday.

Jason Allen stated we can if we have to.

Alderman Miller said it states 7 calendar days.

Mayor Ferguson stated but he won't count them as work days.

Jason Allen stated we can request it.

Alderman Miller stated it will still be closed the same time.

Alderwoman Brooks asked if this is approved, when would you start.

Jason Allen answered next Monday hopefully.

Alderwoman Brooks asked if we need to notify businesses.

Jason Allen answered that they can draft a letter.

Alderman McLendon asked about people coming from the West on Commerce, then turn on Elm... Caffey is one way.

Kenny Stockton answered no, it isn't right there.

Jason Allen stated that they wanted to keep the detour as close to the site, so it won't affect businesses.

Christopher Brown, Thunderbird Hernando, asked if it will affect the Farmers Market.

Alderman Miller stated the Farmers Market won't be affected.

Motion was duly made by Alderwoman Brooks and seconded by Alderman Miller to approve to temporarily close West Commerce Street at the intersection with Caffey Street for 1 calendar week starting Monday September 9, 2019, adding additional signage for traffic and larger trucks to take a different detour route. 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 3rd day of September, 2019

REQUEST FROM BARRY PETTIGREW TO SPEAK ON HIS WATER ISSUE

Barry Pettigrew, 2884 Wren Street, spoke about a high water bill at his rental house. The Bill showed my tenant using 53,000 gallons in one month. My tenant, Taylor Bryant, said he did not use that much water and he has no reason to lie. I had a plumber come out to inspect, the plumber found no leaks. I also spoke to Alderman Hobbs and he didn't think that the meter would be bad. I'm asking for an adjustment to back to the normal usage.

Alderman Higdon asked Bobby Burton if he checked the meter.

Public Works Director Bobby Burton answered yes, it is working properly. The report shows abnormal usage from June 23rd to July 3rd, and it went back to normal usage on July 4th.

Barry Pettigrew stated that he knows some construction work was being done across the street. Maybe a line was hit or air got into the line, or it could be a faulty meter. It would help if the customer could get the high reading alert.

Bobby Burton stated that right now we aren't set up to monitor meters on a daily basis.

Taylor Bryant, 2884 Wren Street, stated that when he call, after his water was shut off, I was asked why the water usage was so high. She said my normal usage was 3-4 thousand gallons. I had to pay \$300 to get the water turned back on. She said they could see the high usage.

Bobby Burton stated that we can see the high usage at the end of the month, on a report we run.

Taylor Bryant asked about a high usage alert.

Mayor Ferguson stated that we don't have that part of the software yet.

Barry Pettigrew stated that he doesn't know how to address the forms to fill out if he didn't have anything to fix.

Alderwoman Brooks asked why some readings in between the high ones are low ones.

Alderman Hobbs answered those are per days usage.

Taylor Bryant asked how does it fluctuate if its leaking.

Alderman Miller asked if it was just used.

Barry Pettigrew stated I guess it's possible, but no more possible than a meter being messed up. Mr. Pettigrew asked if we have a tester.

Bobby Burton answered that we have ordered one.

Barry Pettigrew asked how do you know its good if you don't have a tester. I think if they sell a \$1200.00 tester, then there is a possibility that meters go bad.

Bobby Burton stated that meters do sometimes go bad, but when they go bad they slow down.

Alderman McLendon asked about the software.

Mayor Ferguson stated that we are working on that, we will need an antenna on top of the tank for this.

Bobby Burton stated that we are trying to get where we won't have to have an antenna.

Barry Pettigrew stated that based on inconsistencies I would like to ask for an adjustment.

Alderman Harris asked why don't you go through the process.

Taylor Bryant stated that when I asked for an adjustment, I was told an adjustment for what.

Barry Pettigrew stated that he knows the process, but there is no leak.

Alderman Harris stated I think you should go through the process; I don't know what else you can do. Mr. Burton are you ok with that.

Bobby Burton stated if he goes through the process and it doesn't meet requirements, then what.

Alderman Hobbs stated that I think this is out of the ordinary, we could look at an exception.

Charlie Wiggins, 1804 Gracie, stated that 6 months into living in his current home, it stated they used 83,000. We asked for an adjustment, we got it. There was no way we used that water. I got a variance. There could be a problem with the meters.

Alderman Miller asked Mr. Wiggins how long ago was that adjustment.

Mr. Wiggins answered a year or so ago.

Alderman Higdon stated that he thinks he should go through the process.

Alderman Hobbs asked what is the difference in what he is appealing now.

Barry Pettigrew stated he did try, I didn't have a leak fixed.

Alderman Miller stated it is a difference, we don't have his history.

CONTINUATION OF PUBLIC HEARING ON THE PROPOSED BUDGET FYE 2020

Mayor Ferguson opened up the public hearing.

Alderman Miller stated that in other services in streets, 001-201-600, that's going into repairs. 001-201-720, it's \$870K, even though they all go to the same, we are just talking about a different way. I think it's more important to have contingency than to have \$1,000,000 in roads and overlays. We can take some of that and balance this budget. This is the only line item we can go to, to balance. That's where we start tonight. If anyone else see's something else, let me know. I also looked at a 2% increase for employees, maybe we can do that later if revenues come up.

Mayor Ferguson stated that's what we've always done, take from streets.

Alderman Higdon stated that the Mayor thinks we can balance this by Thursday.

Alderman Miller stated look at what we've cut, Parks, the least supported. Overlays has more than tripled.

Alderman Hobbs asked did y'all call Jackson about the fire truck.

Mayor asked Fire Chief if he called. I haven't.

Fire Chief Jones answered that the ladder is 20 years. It's 10 and 15. They can't get parts for anything older than 10 years.

Alderman Hobbs stated he spoke to Steven Applewhite, he said commercial is 15 years, custom is 20 and the ladder is 25. I'm asking you to check into it. I already asked for y'all to check into it. Has it been tested this year?

Chief Jones answered yes, it was borderline this year, the pump and engine. Mr. Jones stated that he needs to speak to whomever you spoke to, cause it's not adding up. I'm going to find out.

Alderman McLendon asked Keith if he checked into the number of permits, cars on streets.

Planning Director Keith Briley stated that there was an increase based on subdivision build out. 574 lots approved. Based on the 2010 census it comes to 2.67 persons per household, so about 1,533 people. Based on building permits issued, 392 permits, and the 2010 census, about 2.67 people per household, it would be about 1,047 people.

Alderman McLendon stated and everyone has 2 vehicles per household.

Keith Briley stated we are growing.

Alderman McLendon asked how much do we get per house.

Mayor Ferguson answered about \$400, and it's 2 years later. Mayor stated that we should get about \$13,000 out of a gas station. Freds closed.

Alderman McLendon stated so an increase in population, did we increase man power.

Alderman Miller stated you have to increase revenue.

Alderman McLendon stated the people need to know.

Alderman Miller stated they know. The houses aren't even built.

Keith Briley stated the homes are being sold before they are finished.

Mayor Ferguson stated we can continue this meeting Thursday at 530pm.

John Pounders, 605 W Northern Street, asked how far away are you.

Mayor Ferguson answered \$141K.

DISCUSSION OF THE ANIMAL SHELTER

Mayor Ferguson stated that he thinks we should thank Mr. Thornton for doing this work for free. How do we push him, does someone know? How do we get the plans?

Doug Thornton, 342 W Valley, stated that we are ready to issue the plans. We are waiting on advertising and bid dates. We had some questions before issuing the plans.

Mayor Ferguson stated this could change, based on cost. I think we should get bids before signing the contract.

Kim Derryberry asked when did you submit the plans.

Doug Thornton answered about 1 month ago, 6 months ago.

Alderman Hobbs stated we have already approved the site construction.

Dog Thornton stated that is the first I've heard about it.

Alderman Hobbs stated we don't have signed contract yet.

Mayor Ferguson stated we haven't signed it yet because we don't know what we will build yet.

Alderman Hobbs stated we can go ahead and start the dirt work, Doug? Joe Frank?

Doug Thornton answered yes

Joe Frank Lauderdale answered yes.

Alderman Miller stated so the Board already approved it.

Mayor Ferguson stated he hasn't signed because I haven't seen the plans.

Melissa Stevens, 3145 Big Ben, stated that she doesn't understand. She has an engineer for a husband that built the Peabody in a year.

Mayor Ferguson asked did he get paid or volunteer.

Melissa Stevens answered volunteered.

Mayor Ferguson stated that he hasn't seen plans.

Melissa Stevens asked why, are you not in charge.

Mayor Ferguson answered No. The Board is.

Alderman Hobbs stated that we can end this if you sign the contract.

Michelle Klaus, 87 Bea Ave, stated what will happen tonight to an animal, if we received one, will you take it home.

Mayor Ferguson answered No I won't. I'm not in that business.

Kelley Dion stated that she has fostered 20 kittens, 5 adult cats, in her home.

Mayor Ferguson asked where are these animals coming from.

Kelley Dion answered in Hernando. People throw animals out of vehicles all the time. There is a lady in Hernando that won't spay her cat. We tried to do it for her and she won't let us. She gets rid of kittens all of the time.

Cindy Hudson stated you do need a shelter. Will you remain a no kill shelter?

Alderman Miller stated that no where in our ordinance does it say no kill shelter.

Mayor Ferguson stated that is coming up with the next agenda item. Mayor stated we tried to get this updated last year, it had the word euthanize in it and the public went crazy, it was a fiasco, like this. We dropped it and nothing got done.

Cindy Hudson asked was the euthanizing for sick animals?

Mayor Ferguson answered he didn't know.

Alderman Miller stated that we are getting side tracked. We won't get anything done if we don't stay on track.

Doug Thornton stated that we had a design and review meeting and it was approved by Keith. We need permission to advertise for bids, then we can get a contractor and get the construction drawings.

Alderwoman Brooks stated a lot of people will like to donate, how does that fit in?

Doug Thornton answered we are putting in a donation form in the bid packets.

Chris Fuller, 1887 Cotton Drive, asked if we could take the emotion out of this and use common sense. There would be no more dragging feet. Can we have the assurance, please, that we can go to the next step with no more dragging feet.

Mayor Ferguson asked where are we dragging feet. Government is slower than private companies.

Chris Fuller stated lets take the emotion out.

Mayor Ferguson stated we could use your help with donations.

Animal Control Director Susan Huff stated that volunteers have been raising funds themselves.

Mayor Ferguson stated you're not making donation sot he City, your making them to the vet.

VOHAS stated we are making donations, our money, time and supplies.

Mayor Ferguson stated we don't know who's making donations, it messes up our accounting.

Cindy Hudson stated we'll let you know, we'll get you the information.

Susan Huff stated I can get let you know the information.

Alderman Miller stated we are getting side tracked again. We need proper documentation, follow the chain of command.

Kim Derryberry, stated you asked where you're dragging your feet. Alderman Hobbs and Miller got us the money 4 years ago. We now have a director, an assistant and 2 part time employees. No money is budgeted for the building. A partial drawing was submitted 6 months ago, the Board has approved the dirt work, so the sooner you sign the contract we can get going. There is an anonymous donor that wants to donate \$50,000 to the shelter. There are others who want to donate money, materials, etc. We can get the High School Art club/class to paint for free. I think its ridiculous that it's been 4 years and we can't get the dirt work done. I'm happy to hear that we will build it and get a loan for the rest of the cost. Susan Huff should know more than what she knows, she's not informed. I'm asking for a communication committee. I'll head it up. Let's see what we can get donated and bid the rest. Can it be presented in advance, we need to have some kind of communication.

Susan Huff stated that she didn't know about the dirt work, I could have gotten some of that donated.

Alderman Miller stated we have to follow the chain of command.

Carolyn Richards asked about the bond fund, the animal shelter line, are the funds still there.

Mayor Ferguson answered yes.

**DISCUSS AND ADOPT ORDINANCE AMENDMENT FOR ESTABLISHING
PROVISIONS AND REGULATIONS FOR THE ENFORCEMENT OF ANIMAL
CONTROL WITHIN THE CITY OF HERNANDO**

City Attorney Kenny Stockton stated that that amendment has a minimum charge of \$10 and a maximum of \$125.

Susan Huff stated when she first started working here they charged \$40, that's way too low. You have to charge based on animal population. We were charging \$75 to \$100, no one ever followed the \$10 fee. I would lower it when we had an influx in animals.

Mayor Ferguson stated we have not been following the state statue.

Kenny Stockton stated we weren't following the Ordinance.

Susan Huff stated that she is proposing that we do what everyone else around here does. The prices change. We can have "specials". It is done that way for a reason. If I have to go to the Board everytime I have 300 kittens, I'd be here all of the time.

Kenny Stockton stated that's the way I have it in here, a range. Susan Huff and the Police Chief would decide the price.

Sandy Beck, 1767 W Oak Grove Rd, wanted clarification on the ordinance, the one with euthanize.

Kenny Stockton stated the previous one said they could be if not claimed, that was removed from the new one.

Sandy Beck asked what would determine to euthanize.

Kenny Stockton answered if they are injured and/or suffering from an incurable disease.

Mayor Ferguson asked what was the difference in the ordinance.

Kenny Stockton answered that the part that stated City may humanly euthanize if unclaimed was taken out.

Alderman McLendon asked if you can bring us what the amount of revenue could be with the new fees.

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

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of September, 2019

RECESS

There being no further business at this time a motion was duly made by Alderman Bryant, seconded by Alderman Miller to recess until September 5, 2019 at 5:30pm.

Motion passed with a unanimous vote of "Aye".

MAYOR TOM FERGUSON

ATTEST:

KATIE HARBIN, CITY CLERK