

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES
DISTRICT FOUR SUPERVISOR LEE CALDWELL, PRESIDING
February 11, 2019

A. CALL TO ORDER

The February 11, 2019 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Lee Caldwell, Board President.

Deputy Bruce Holbrook opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

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|--------------------------|------------------------------|
| Supervisor Jessie Medlin | District 1 |
| Supervisor Mark Gardner | District 2 - ABSENT |
| Supervisor Bill Russell | District 3 |
| Supervisor Lee Caldwell | District 4 |
| Supervisor Michael Lee | District 5 |
| Sheriff Bill Rasco | Sheriff's Department -ABSENT |
| Misty Heffner | Chancery Clerk |
| Vanessa Lynchard | County Administrator |
| Sam Barber | Board Attorney |

B. INVOCATION

Deputy Planning Director Austin Cardosi offered the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF AGENDA: ADDITIONS & DELETIONS

County Administrator Vanessa Lynchard requested to add the following:

1. Proposed Annexation – Potential Legislation (New, F.2.)

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to approve the Agenda with the additions, deletions and corrections listed above.

The motion passed by a vote as follows:

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| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>ABSENT</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

E. OLD BUSINESS

1. Walls Fire Department Sign – Authorize Allocation & Clerk to Write Check

Supervisor Caldwell stated the Board voted to purchase the sign, but they did not authorize the clerk to write the check.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the allocation and authorize the clerk to write the check.

The motion passed by a vote as follows:

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|--|---------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>ABSENT</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

2. Zoning Ordinance Update

Mr. Hopkins presented a portion of the draft Zoning Ordinance starting on pg. 94 for clarification of the “R-E” zone.

Mr. Cardosi presented a copy of the A-R zone from the current Zoning Ordinance. He stated that in the current zoning ordinance churches and schools are permitted uses in the A-R zone however under the proposed ordinance schools and churches are missing from the R-E zone. He then recommended that churches be a permitted use in the R-E zone. Supervisor Medlin asked what would happen if a church wanted to build within a subdivision. Mr. Cardosi stated that if it is a permitted use then the church would have to go through a site plan design to address setbacks, design, parking, etc.

Mr. Cardosi stated that all the uses in the current A-R are not in the proposed R-E, the Board may want to look at the current A-R uses to see if they need to be included in R-E. There was discussion of placing platted and recorded residential subdivisions in the proposed R-E zone.

Supervisor Russell asked if churches are allowed/permitted in all other residential zones. Mr. Cardosi stated that they are. Supervisor Russell stated they should be allowed in all zoning districts.

There was discussion of agriculture uses such as produce stands in the A and A-R zonings and state statutes that allows for agricultural sales on these properties, i.e. produce stands.

Supervisor Russell stated that the uses in R-E zone should be the same as in other residential zoning districts.

There was discussion about the 10 ft. height rule of accessory buildings being in effect in the front yard, if the building is going to be larger it needs to be behind the house.

To recap R-E uses will be the same as other residential districts. Staff will look into state statutes concerning produce stands. Mr. Nowak will look into the Agricultural law/rule to make sure changing the ordinance will not lose “grandfather” status.

There was discussion that new schools will need to go through site plan review to make sure that the following is addressed:

- Traffic
- Parking
- Security
- Availability of utilities

There was discussion that schools may want to be in more residential zones than on commercial zones. May want to sit down with School Board when applications for new schools are applied for to work through a plan. Additional regulations may be needed for schools to make sure the review process includes traffic analysis, flood analysis and to address/look at future growth. Need to meet with the School Board about future subdivisions.

Supervisor Caldwell stated that she would like for 35 ft. towers be moved from permitted uses to conditional uses in all residential zoning districts.

Supervisor Caldwell stated that she would like for schools be moved from permitted uses to conditional uses in all zoning districts.

Supervisor Russell asked how much can towers be regulated with FAA and FCC laws. Mr. Cardosi stated that he has spoken with Mr. Nowak and Mr. Swims about what can be done, i.e. can heavily regulate the aesthetics of the poles and towers, but under FCC regulations there are significant limitations on what can be regulated.

There was discussion about sales trailers in new subdivision and the need to place time limits on the trailers.

Mr. Cardosi stated that the new ordinance will do away with residential overlays and move overlays to PUD.

Mr. Cardosi stated that on pg. 172 they need to add the language that the PUD rezoning approval serves as the Preliminary approval for PUDs, and final approvals will be required. Also needs language added that stating small tweaks to move lot lines, etc. can go just to the Planning Commission.

Supervisor Russell stated that he is concerned that Board of Supervisors can consider converting a rezoning back to previous classification, he stated he feels that a rezoning should automatically revert back to original zoning if no work has begun after 5 years. There was discussion that the developer would need to be notified the rezoning is about to expire. Supervisor Russell asked Mr. Barber to look into a reverter clause for rezonings. He stated that staff may want to look at rezoning that have been rezoned for years with no activity yearly to see if the zoning is still appropriate.

Supervisor Medlin asked if "F-1" which allows 5 families per acre would allow for apartments. Mr. Hopkins stated that it could. There was discussion of if there was a moratorium on apartments. Not sure whether if there is or if it is just in the Board minutes or orders.

Mr. Barber stated that he would like to see language addressing dedication of right of way to the County.

There was discussion of taking out that the 50 house minimum to require open space in PUD district.

Supervisor Russell stated he would like to see language addressing someone building a 1,000' high tower at the end of an existing runway, like what is happening in Walls at the airstrip. There was discussion that if building a runway could require the owner to get an easement at the end of runway so nothing is built. Need to contact MDOT and/or FAA to see what is required to get a certificate for airspace.

On pg. 178 I69/269 Overlay District

There was discussion that it will be difficult to enforce. The original document was written more to recommend how things should be developed in the corridor.

Supervisor Russell asked how staff plans to enforce or monitor this portion of the Ordinance. Mr. Cardosi stated that is staff's concern, how can this be monitored and enforced. Supervisor Russell stated that I-269 Corridor Plan seems more like the Comp Plan than the Zoning Ordinance. Mr. Cardosi stated that one question staff has is can the County legally use the I-269 Corridor Study to approve or disapprove of a rezoning application. There was discussion of adding a sentence in rezoning staff reports asking does the application match/conform to the I-269 Overlay District.

There was discussion of how the I-269 Corridor Study could be incorporated into the updated Zoning Ordinance. It was discussed that we may need to include the place type map to show all the place types and areas they cover.

Mr. Hopkins presented a copy of the letter he wants to send to the City of Hernando with the County's comments concerning the rezoning on Robinson Gin Road. He stated

that the City of Hernando sent comments with their concerns about a Conditional Use being heard on the February 11, 2019 Board of Adjustment meeting.

Supervisor Lee made a Motion and Supervisor Medlin seconded the Motion to authorize Mr. Bennie Hopkins sending a letter to the City of Hernando addressing the County's comments concerning the rezoning on Robinson Gin Road.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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| FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN | YES |
| SECOND DISTRICT SUPERVISOR, MARK GARDNER | YES |
| THIRD DISTRICT SUPERVISOR, BILL RUSSELL | YES |
| FOURTH DISTRICT SUPERVISOR, LEE CALDWELL | YES |
| FIFTH DISTRICT SUPERVISOR, MICHAEL LEE | YES |

F. NEW BUSINESS

1. Recommendation from Insurance Committee

Mrs. Lynchard stated the Insurance Committee met and is requesting the Board authorize a \$500,000.00 transfer from ending cash & budgeted interest overage into the insurance fund to cover the shortfall.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the transfer of \$500,000.00 from ending cash and overages from the budgeted interest bearing accounts to the insurance fund as recommended by the Insurance Committee.

The motion passed by a vote as follows:

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| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>ABSENT</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

See Exhibit F.1.

2. Proposed Annexation – Potential Legislation

Supervisor Lee said the proposed legislation the Board sent to Jackson regarding annexation procedures did not make it out of committee. He stated the Lewisburg residents really want this legislation and Rep. Robert Foster is looking at a Local & Private.

Board Attorney Sam Barber stated a Local & Private cannot conflict with current statues. He stated a Local & Private might not affect the current annexation because it has already been filed in court; but it would help for the future.

Supervisor Lee said he really wants to help the people in the proposed annexation area and show support by requesting the legislature to approve a Local & Private. The Board agreed.

Supervisor Medlin stated a Local & Private supported by the Board should be looked upon favorably in court for the people opposing the annexation.

Supervisor Caldwell stated she wanted to look at every way and turn every stone to help make this happen.

Supervisor Michael Lee made the motion and supervisor Jessie Medlin seconded the motion for the firm of Smith, Phillips, Mitchell, Scott & Nowak to work with Rep. Foster on drafting a Local & Private regarding the annexation process.

The motion passed by a vote as follows:

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|--|------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
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|--|---------------|
| Supervisor Mark Gardner, Second District | <u>ABSENT</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

G. EXECUTIVE SESSION

The executive session portion of these minutes is recorded under the portion of the minutes called "Executive Session".

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to recess the Board meeting until Tuesday, February 19, 2019 at 9:00 a.m.

The motion passed by a vote as follows:

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|--|---------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>ABSENT</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

THIS the 4th day of March, 2019, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Lee Caldwell, President
DeSoto County Board of Supervisors