



BE IT ORDERED:

That on this date Mr. Merritt Powell, Director of the DeSoto County Planning commission, made a recommendation to the Board of Supervisors regarding the following matter:

Forest Meadows—Rezoning from A-R to R-30 Overlay 115 acres

Located on the west side of Jaybird Road, north of Thousand Oaks S/D, Section 8, Township 3,

Range 7

Mr. Powell presented the staff's report and recommendations and stated that the Planning Commission recommended approval with a unanimous vote. He continued by stating that the City of Hernando had modified its position about development, saying that the decision about provision of curb and gutter was a County issue to decide. He made reference to a letter written by Mayor Gale dated February 13, 2001. He further stated that the City had agreed to provide water and sewer to this site. Mr. Thach stated that the City did not say that they did not want curb, gutter, and sidewalks.

Mr. Powell continued by stating that the site review committee suggested that the developer conduct a tree survey in order to save as many trees as possible.

Mr. Bob Dalhoff was present to represent this application. Mr. Dalhoff stated that he would not delve into the whole presentation about the rezoning for this site because he felt that all parties were familiar with most of the details of this request. However, there are two issues that he felt needed to be explained because Mr. Brown has agreed to make changes and he has provided updated information. No lots will be smaller than 20,000-sq ft. even though the R-30 overlay allows lots down to 16,000 sq. ft. Due to the concerns about traffic and circulation from the neighbors to the south, the access road should tie into the existing Oakbridge Road and will be moved to the last phase of the development. Until that point all traffic will be routed to the east-out onto Jaybird Road through the existing two roads.

The discussion about traffic continued specifically regarding new Highway 304 and its connection to Jaybird Road. The main concern about traffic is that this new subdivision will overburden Thousand Oaks Drive, through the existing subdivision out to McIngvale Drive. The primary orientation for traffic flow from the proposal is east to Jaybird Road, and hopefully, north to Byhalia or Green T Road and new Hwy 304 when it develops. McIngvale Road and Getwell Roads will have exits from new Hwy 304.

Mr. Dalhoff continued by stating facts about growth in the County and in the City of Hernando. The growth in the city along McIngvale Road was cited by Mr. Dalhoff as part of the neighborhood change to warrant rezoning. Additionally, he pointed out that while the Comprehensive Plan allows for a density of up to 3.5 units per acre, Forest Meadows proposes a density of 1.3 units per acre. He stated that there is growth in every direction from this site, and, more growth is coming. This proposal has taken site constraints into account and has sensitively designed a neighborhood that will blend with, and enhance, the existing community.

The discussion returned to saving trees. Mr. Dan Brown stated that the best possible way to save trees is for him to select/designate the house site and driveway before the homes are

built. Approval will be required for each and every house plan by the developer, therefore controlling the placement of all homesites.

A very long and involved discussion of road design standards for curb and gutters, sidewalks, and drainage followed. Mr. Brown and Mr. Dalhoff presented the position that because of the terrain of this site and the engineered drainage plans, which have been submitted, this proposal is appropriate without curb and gutter. Mr. Brown repeated that this proposal had more drainage design than any other development that he has built, and that curb and gutter would add an additional \$800,000.00 to the cost of development.

Mr. Tom Childress, County Engineer stated that in his experience, roadside drainage causes problems. The homeowners have to mow it, but can't use it. People fill it over time and it becomes a "headache" for the County.

When sidewalks were mentioned, Mr. Dalhoff stated that none are proposed so as to save as many trees as possible. The developer's suggestion of extra-wide lanes instead of sidewalks was not accepted, again on the basis of tree preservation. Mr. Powell stated that sidewalks are required by County Regulations and they would have to be exclusively waived. Mr. Thach commented that waiving regulations for many items would open a "Pandora's box" that we don't want to do.

Mr. Medlin stated that his position has always been against curb and gutter on larger rural lots because the problems caused in the drainage systems can become burdensome to the county.

All Supervisors voiced opinions on the problems of roads with or without curb and gutter, as well as, problems of road drainage and sidewalks. There was a desire to have the Planning Commission and the County Engineer study the issue further and conduct public hearings as needed.

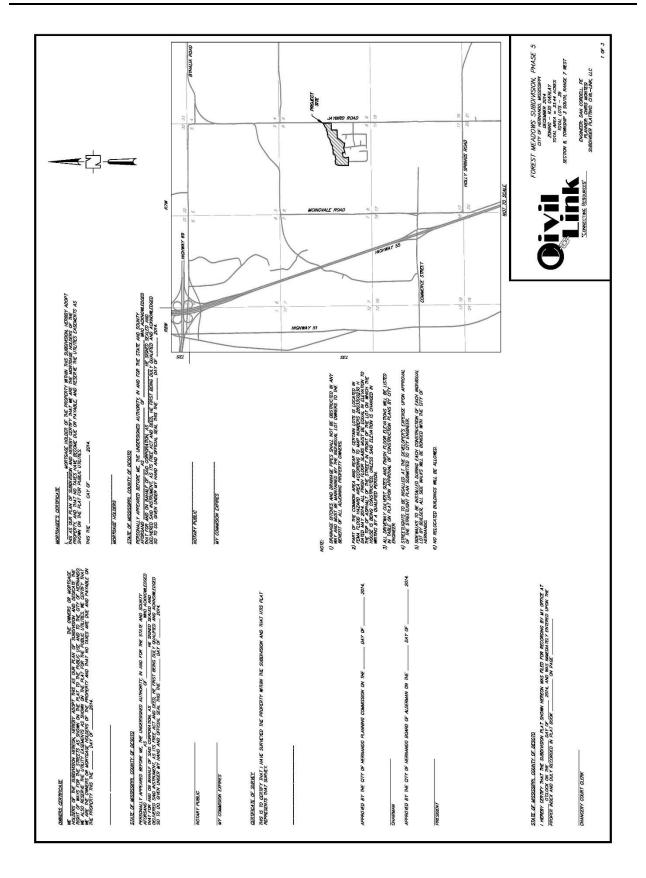
Mr. Lewis made a motion to uphold the Planning Commission's recommendation, because of the growth in the area and compliance with the comprehensive plan, to approve the rezoning application as presented with the additional conditions that the developer build concrete sidewalks per County regulations---on one side of all streets, except coves--- and that there be public access to the common area in all phases. Mr. Clifton seconded the motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>NO</u>
THIRD DISTRICT SUPERVISOR, GERALD CLIFTON	<u>YES</u>
FOURTH DISTRICT SUPERSIVOR, JOHN CALDWELL	ABSTAIN
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

ORDERED AND DONE IN REGULAR TERM, THIS 16TH DAY OF APRIL, 2001.

Tommy Lewis, President
DeSoto County Board of Supervisors



DECLARATION OF RESTRICTIVE COVENANTS OF FOREST MEADOWS Phase IV

THIS DECLARATION of Restrictive Covenants made this		day of	, 2014,
by	Christopher D. Montesi, Windstone Trust		

WITNESSETH:

WHEREAS, Christopher D. Montesi, Windstone Trust is the owner of the following described real property developed or in the process of being developed and subdivided into Forest Meadows in the South East 14 of Section 8, Township 3 South, Range 7 West, DeSoto County, Mississippi.

These covenants limitations and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until ______, at which time said covenants, limitations and restrictions shall be automatically extended for successive ten (10) year periods, unless by a Vote of the majority of the owners of the lots in this subdivision it is agreed to change said covenants in whole or in part. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants, limitations or restrictions herein, it shall be lawful for any person or persons owning lots in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants, limitation or restriction and either to prevent him or them from doing so or to recover damages or other dues for such court violations. Invalidation of any of these covenants, limitations or restrictions by judgment or court order shall in no wise affect any of the other provisions that shall remain in full force and effect. Said restrictive covenants are as follows, to-wit:

- No lot shall be used for any purposes except that of single family residential. No building shall be erected. altered, placed or permitted to remain on any lot other than one detached. single family dwelling, a private garage for not more than three cars, and separate detached buildings incidental to such use. Two or more lots may be combined for use as one lot and, in such case, the interior lot lines may be disregarded and the utility easement (unless in use) will be automatically revoked. In the event such lots are combined under one ownership for use as a single lot, no part of the combined lots may be sold or conveyed, except to the original size of the lots before being combined. No single lot in the subdivision as recorded can be re-subdivided into two or more lots for the purpose of building another dwelling.
- Easements for installation and maintenance of utilities, drainage facilities and sloping of banks are reserved as shown on the plat. The minimum setback is shown on the plat for each lot. The minimum setbacks are: front yard is thirty (30) feet, side yard is fifteen (15) feet, street side yard is twenty (20) feet and the rear yard is twenty five (25) feet.
- All dwellings and other structures on the lots must be in compliance with the requirements of the DeSoto County Planning Commission and its successors.

No obnoxious or offensive activities shall be carried on upon any lot, nor all anything be done which may be or become an annoyance or nuisance to the neighborhood. No business of any kind shall be carried on upon any lot or in any building on any lot. All lots and houses are to be for residential use only.

- No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other temporary buildings shall be used on any lot at anytime as a residence, either temporarily or permanently. No garage apartments will be allowed.
- No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sale period. The location and design of all mail boxes shall be subject to the approval of the developer or his successor.
- No lot shall be used or maintained as a dumping ground for rubbish. Trash garbage or other waste garbage shall not be kept, except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. The builder must remove all building debris, stumps, trees, etc., from each lot as often as necessary to keep the house and lot attractive.
- The total minimum heated floor area of a residence, exclusive of open porches or garages shall be 2,000 square feet. The minimum heated lower floor area of a split-level or two-story residence shall be 1,200 square feet. When a split-level or two-story residence has a sideattached two-car garage, the minimum heated lower floor area shall be 1,200 square feet. Openings of garages shall not be visible from the street, except for comer lots, and those lots, which are granted, permitted exceptions by the owners of the subdivision or the Architectural Control Committee. No white brick or stone will be allowed. All houses are to be sixty (60) percent brick veneer. A roof pitch of less that 7/12 to the main roof areas of the house is not allowed (this does not apply to porches). Driveways must be blacktop or concrete. All homes must have a traditional front elevation. The owner of the subdivision reserves the right to review the plan of any structure that is to be built on any lot. A preliminary sketch of a house must be submitted. A landscape package and plot plan showing the location of the driveway must be included with the plans before approval will be given. The landscape package must be equal to that of the FHA requirements. At such time as the owner of the subdivision does not own more that fifty (50) percent of the lots in the subdivision, he may appoint an architectural control committee to review the plans for the subdivision. Approval of the plans must be issued by the owner or by the architectural control committee before the lot owner may proceed with the construction of the house.
- All gardens must be planted to the rear of any main residence with only landscape materials such as trees, shrubs, and plants allowed in front of the main residence.
- 10. Any type of permanent fencing erected on the lots must be approved by the developer of the subdivision or the HOA Architectural Control Committee. No fences shall be erected on any portion of any lot between the front of the residence and the street and between the side of the residence and the street on the comer lots unless it is a Plantation Type Fence or two or three rail split cedar fence. All driveways will be either concrete or asphalt; no gravel driveways will be permitted.
- No vehicle, including but not limited to, recreational vehicles, camping trailer, house trailers, produce trailers, boats or any accessory trailers can be parked or stored on any lot unless same is under carport, in the garage, bam or other outbuilding, or to the rear of the main residence. Said vehicles must have a current state license plate. No tractor-trailer can be parked on any lot or on the street, and no trailer without a tractor can be parked on any lot or on the street.

- 12. No animals, livestock or poultry of any kind shall be kept, bred, or raised on any lot, except that dogs, cats and other small pets may be kept in a limited number and manner for personal use and enjoyment only, provided they are not kept, bred or maintained for any commercial purpose, that said animals are not an annoyance or nuisance to the neighborhood and that the proper fencing and shelter must be provided and approved by owners of the subdivision or the Architectural Control Committee or their successors.
- 13. No underground homes will be allowed. No shell or modular house will be permitted to be built in this subdivision regardless of the price or square footage of the house. All houses must be of new construction and no house that is moved from another area will be permitted.
- 14. The owner of the subdivision or the Architectural Control Committee reserves the right to review the plans of any structure that is built on any lot. The owner of the subdivision or the HOA Architectural Control Committee must approve or disapprove, in writing, within twenty (20) days the plans submitted. If the lot owner whose plans are to be approved does not receive this written approval or disapproval within said twenty (20) days, the lot owner will deem the plans approved and proceed with construction.
- 15. The construction of any house in the subdivision will be required to be complete within twelve (12) months from the date that the construction began and driveways shall be required to be complete within eighteen (18) months from the date that the house construction began. Sidewalks are to be installed by builder or buyer and are required to be completed within twelve (12) months from the date that the construction began.
- 16. Owner's Easement of Enjoyment. Every owner shall have a right and easement of ingress and enjoyment in and to the Common Area, if any, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:
- (a) The right of the Association to charge reasonable fees for the maintenance, repair or reconstruction upon the Common Area, if any, which the Association may acquire,
- (b) The Common Area, if any, cannot be mortgaged or conveyed without the consent of at least 2/3rds of the members. If acquired, such Common Areas shall be free and clear of all encumbrances.
- (c) The right of the Association to adopt rules and regulations for the benefit of the owners respecting use of the Common Area.
- 17. The maximum annual assessment for membership dues shall be Seventy-Five (\$75.00) Dollars and no cents. Any changes in dues will be subject to a vote of all members of the Association.

duly

STATE OF MISSISSIPPI COUNTY OF DeSOTO

Personally appeared before me, the undersigned authority in and for the said cound state, on this theday of, 2014, within my jurisdiction, the within named thristopher D. Montesi, who acknowledged that he executed the above and foregoing astrument.	nty
Notary Public	
My Commission Expires	

PLANS BOOK

FOREST MEADOWS SUBDIVISION Phase 5

FROM THE RECORDED COVENANTS AND RESTRICTIONS **FOREST MEADOWS PHASE 5**

Item #8 These are the parameters for all housing to be built in this phase. Homeowner Association will also have Architectural Approval prior to construction.

- 1. Minimum heated floor area 2,000 square feet.
- 2. Minimum lower floor area of a split-level shall be 1,200 square feet.
- 3. Openings of garages shall not be visible from the street.
- 4. No white brick or stone will be allowed.
- 5. All houses are to be sixty (60) percent brick veneer.
- 6. A roof pitch of at least 7/12
- 7. Driveways must be concrete.
- 8. All homes must have a traditional front elevation.
- 9. A preliminary sketch of a house must be submitted.
- 10.A landscape package and plot plan showing the location of the driveway
- 11.Landscape package equal to that of the FHA requirements.
- 12. Approval of the plans must be issued by the owner or by the architectural control committee before the lot owner may proceed with the construction of the house.
- 13. Maximum height for all residential uses is 35 feet.

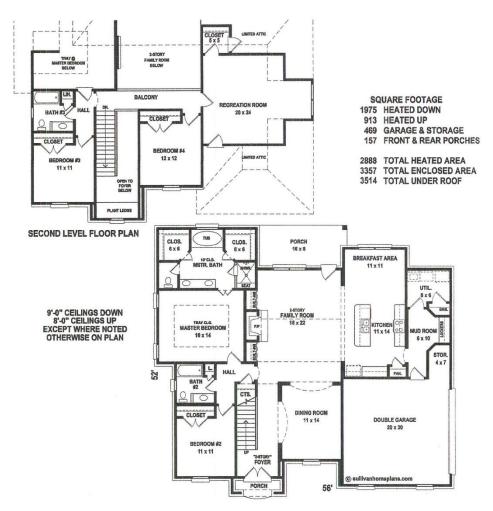
Square Footage

1975 Heated Down 913 Heated Up 469 Garage & Storage 157 Front & Rear Porches

2888 TOTAL HEATED AREA 3357 TOTAL ENCLOSED AREA 3514 TOTAL UNDER ROOF



The Carbin



FIRST LEVEL FLOOR PLAN





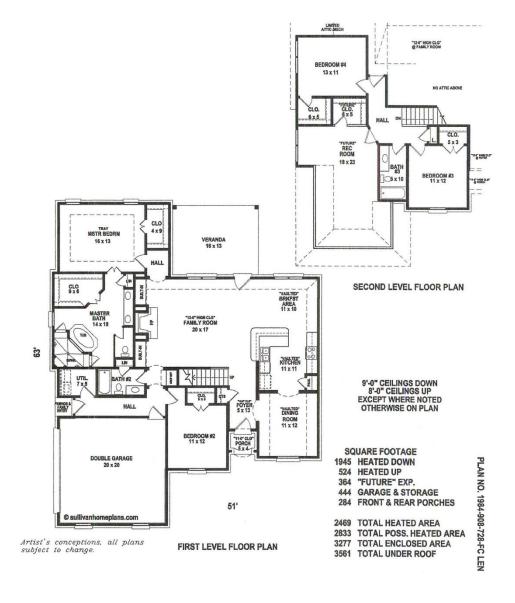
SQUARE FOOTAGE

1945 Heated Down 524 Heated Up 364 "Future Exp." 444 Garage & Storage 284 Front & Rear Porches

2469 TOTAL HEATED AREA 2833 TOTAL POSS. HEATED AREA 3277 TOTAL ENCLOSED AREA 3561 total under roof



Newport III

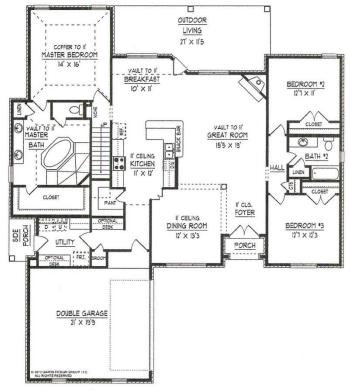


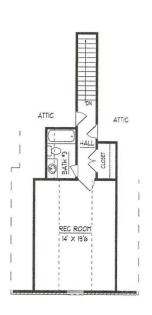


Somerset

2201 S.F. HEATED DOWN 428 S.F. HEATED UP 2629 TOTAL HEATED

480 S.F. GARAGE 26 S.F. FRONT PORCH 32 S.F. SIDE PORCH 273 S.F. OUTDOOR LIVING





Somerset

2201 S.F. HEATED DOWN 428 S.F. HEATED UP 2629 TOTAL HEATED

480 S.F. GARAGE
26 S.F. FRONT PORCH
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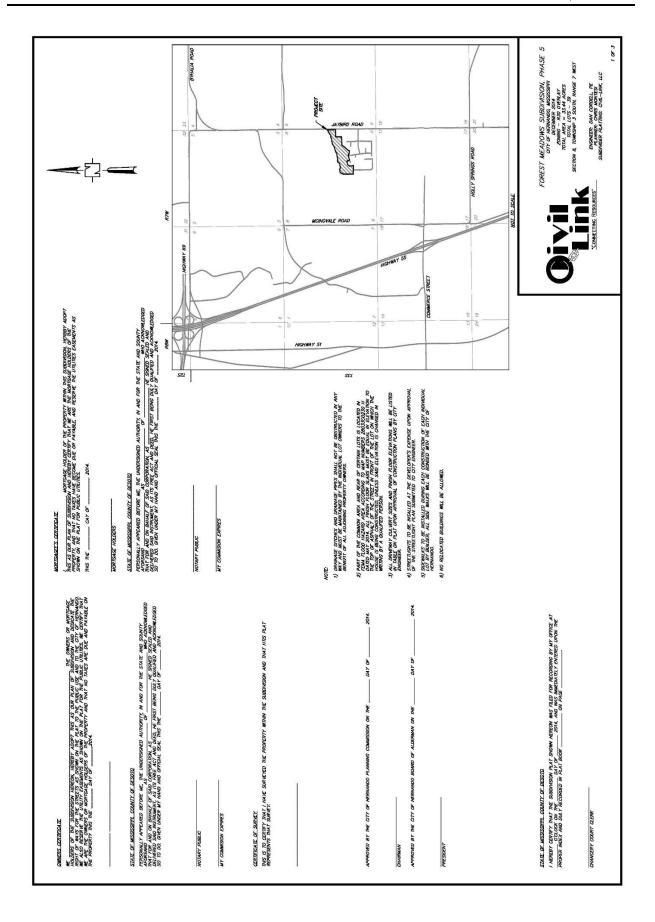


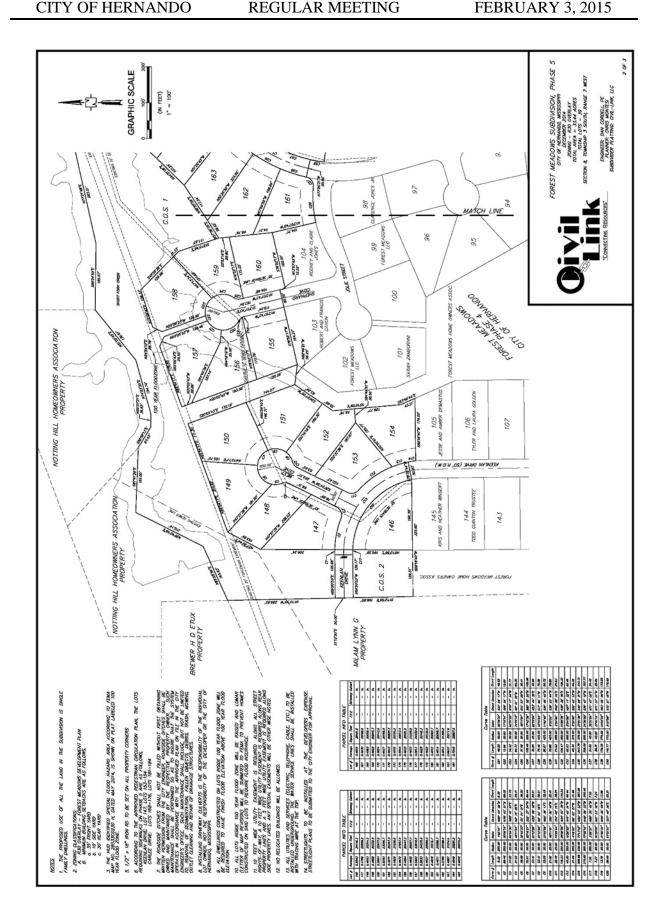
Verona 3

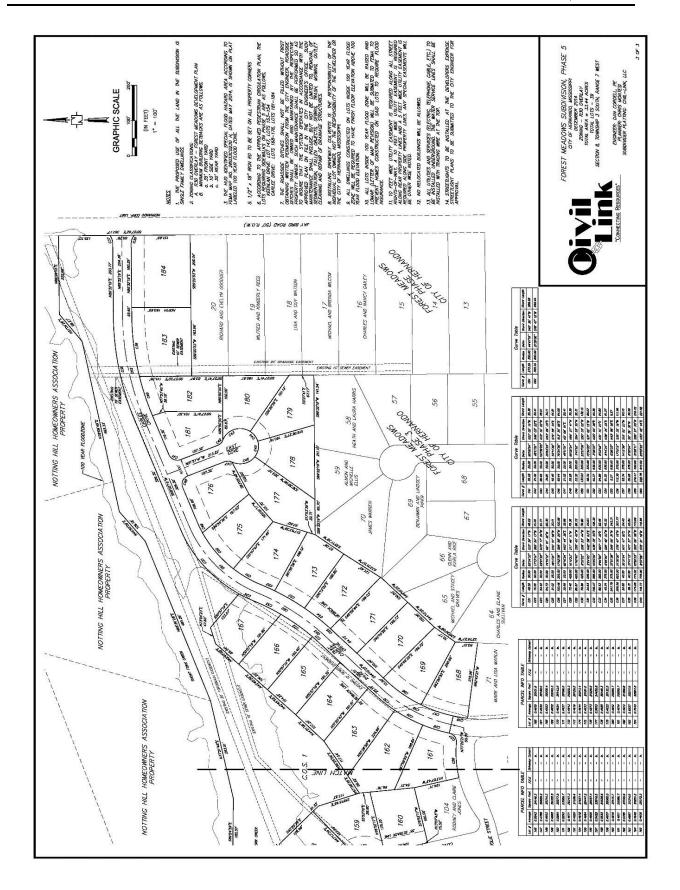
1717 6.F. HEATED DOWN 924 6.F. HEATED UP 2701 TOTAL HEATED

438 S.F. GARAGE 29 S.F. FRONT PORCH 186 S.F. REAR PORCH









Planning Director Jared Darby presented the staff report to the Board.

Alderwoman Brooks asked if any are in a flood zone.

Jared Darby answered yes, 2 or 3 are.

Joe Frank Lauderdale stated that a LOMAR takes 2 months.

Mayor Johnson asked what is different in this phase than the last.

Alderman Higdon stated that he had no opposition and it's in his ward.

Alderman Lauderdale asked who owns the ditch. North line of property?

Jared Darby - Ditch is owned by H.O.A. and not the City.

Jared Darby asked for staff report to be included in the minutes.

Alderman Lauderdale stated that the goal we are trying to achieve is for ditches to not be disturbed.

Mayor Johnson stated that not touching a ditch is the best action. If you buy a yard with a ditch it is going to eventually erode.

Alderman Lauderdale stated that he would like to pull out notes from last time.

Jared Darby asked if we could not add a specific buffer and move on.

Motion was duly made by Alderman Higdon, and seconded by Alderman Lauderdale to approve the application for the final plat approval for Forest Meadows, Phase 5. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of February, 2015

AUTHORIZE TO OPEN A HERNANDO MEMORIAL PARK PERPETUAL FUND BANK ACCOUNT

Alderman Miller asked what percent is going into the account.

Mayor Johnson answered 20%.

Alderwoman Brooks stated that the Cemetery committee recommended 20%.

Motion was duly made by Alderman Lauderdale, seconded by Alderman Higdon to authorize to open a Hernando Memorial Park Perpetual fund bank account. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of February, 2015.

AUTHORIZE TO OPEN A TOURISM FUND BANK ACCOUNT

Alderman McLendon asked if we were using the same bank.

Mayor Johnson answered yes.

Motion was duly made by Alderman Higdon, seconded by Alderman Lauderdale to authorize to open a Tourism Fund bank account. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of February, 2015.

AUTHORIZE TO CHANGE THE NAME ON THE MONEY MARKET BANK ACCOUNT TO FORFEITURE FUND

Motion was duly made by Alderman Lauderdale, seconded by Alderman McLendon to authorize to change the name on the Money Market bank account Forfeiture Fund. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of February, 2015.

APPROVE THE BEST BID FROM EVERGREEN SKATES FOR BUILDING A SKATEPARK

Motion was duly made by Alderman Miller, seconded by Alderwoman Brooks to approve the best bid from Evergreen Skates for building a skatepark, contingent upon fulfilling requirements and upon the City Engineer and City Attorneys approval. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of February, 2015.

GO INTO CLOSED SESSION TO DISCUSS GOING INTO EXECUTIVE SESSION FOR POLICE PERSONNEL

Motion was duly made by Alderman Hobbs, seconded by Alderman Higdon to authorize to go into closed session to discuss going into Executive session for Police Personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of February, 2015.

GO INTO EXECUTIVE SESSION FOR POLICE PERSONNEL

Motion was duly made by Alderman Higdon, seconded by Alderman Miller to authorize to go into Executive session for Police Personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of February, 2015.

COME OUT OF EXECUTIVE SESSION FOR POLICE PERSONNEL

Motion was duly made by Alderman Higdon, seconded by Alderman Lauderdale to authorize to come out of Executive session for Police Personnel. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 3rd day of February, 2015.

ADJOURN

There being no further business at this time a motion was duly made by Alderman Lauderdale, seconded by Alderman Higdon to adjourn.

Motion passed with a unanimous vote of "Aye".

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	MAYOR CHIP JOHNSON	
ATTEST:		
KATIF HARRIN CITY CI FRK		