

The Mayor and Board of Aldermen of the City of Hernando met in regular session at City Hall on Tuesday, February 6, 2018 at 6:00 P.M. with Mayor Tom Ferguson presiding. Aldermen present were: Alderman Harris, Alderman Bryant, Alderman Miller, Alderman Higdon, Alderwoman Brooks, and Alderman Hobbs. Also present for the meeting were: City Clerk Katie Harbin, City Attorney Kenny Stockton, Police Chief Scott Worsham, Assistant Police Chief Shane Ellis, Fire Chief Hubert Jones, Human Resources Manager Julie Harris, Public Works Director Gary McElhannon, Planning Director Keith Briley, Zoning Administrator Kristen Duggan, Director of Community Economic Development Gia Matheny, Wade Stark, Diane Franczyk, Michael Johnson, Simone Johnson, Ronald F Franczyk, Paula Lambert, Jerry D McBride, Jerry Dee McBride, Vicky McLendon, Barry Bridgeforth, Rita Ray, Jim Seay, John Shelton, Kathy Shelton, Carolyn Richards, Pat McLeod, Susan Harris, JoAnn B Gooch, Jesse Dement, Andriano Dement, Todd Ainsworth, Grace Owens, Debra Trapp, William Trapp, Chris Leigh, Jackie Woods, Marcus Ross, Robert Carter, Hollie McDonald, Preston Kenedy, Emma Williams, Riley Kate Box, Emily Hiely, Whitney Jackson, Hannah Laurie, Cameron Wright, Nahomi Lopez, Aika Owens, Banner Pounders, Matt Davis, Sophie Hivt

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

INVOCATION

Alderman Miller gave the invocation.

Mayor Ferguson recognized the Mayor's Youth Council

AGENDA

Agenda
City of Hernando
Mayor and Board of Alderman
Regular Meeting

February 6, 2018

6:00pm

- 1) Call the meeting to order
- 2) Pledge of Allegiance
- 3) Invocation
- 4) Approve Agenda
- 5) Approve Docket of Claims No.'s 121740 – 122032 less 121783 – 121791
- 6) Approve Docket of Claims No.'s 121783 – 121791 (Bryant)
- 7) Approve Minutes
- 8) Consent Agenda

- A) Authorize Hubert Jones, Marshel Berry, Sam Witt, and Matt Massey to attend the MS Fire Investigators Spring Seminar in Oxford, MS on April 11-13, 2018, also authorize to pay registration and travel expenses.
 - B) Authorize Katie Harbin, Julie Harris, Eva Ward and Octavia Glasper to attend the 48th Annual Clerks Spring Conference in Flowood, MS on March 7-9, 2018, also authorize to pay registration and travel expenses.
 - C) Authorize Officer Jason Colman and James Ratliff to attend The Trauma of Law enforcement class in Madison, MS on March 5 – 7, 2018, also authorize to pay travel expense
 - D) Authorize Detective White and Gates to attend the Investigation of Suicide class in Tunica, MS on February 20-21, 2018 also authorize to pay registration
 - E) Authorize Keith Briley and Kristen Duggan to attend the Technical Skill Workshop in Jackson, MS on March 1, 2018, also authorize to pay registration and travel expenses
- 9) Authorize to give Roderick Robertson in the Sewer department a 90-day performance raise of \$0.50 per hour
- 10) Authorize to hire Makala Davis as a full time Dispatcher, at the non-certified rate
- 11) Proclaim March 2, 2018 as Bradley Sowell Day
- 12) Authorize Hernando High School to use the Gale Center, at no cost, on March 2, 2018 for a reception for Bradley Sowell
- 13) Authorize Tom Pittman, Community Foundations of Northwest Mississippi to use the Gale Center, at no cost, a grant writing workshop for nonprofits on June 6, 2018
- 14) Authorize the Hernando Farmers Market Inc to use the Gale Center, at no cost, to host their vendor meeting on February 26, 2018
- 15) Application for the Rezoning from the R-10 Residential Single-Family District Medium Density to the "O" Office District – 2557 West Street – Mr. Jim Seay
- 16) Application for the Rezoning from the M-1 Light Industrial Zoning District to the R-10 Residential Single-Family District Medium Density – Southwest Corner of Memphis Street and Ferguson Road (Parcel No. 308112000 0000500) – Mr. Robert Barber with Orion Planning+Design
- 17) Application for Final Plat Approval for St. Ives Section C – The Eastern end of St. Ives Drive – Brian Hill with Lifestyle Homes, LLC
- 18) Application for Final Plat Approval for St. Ives Section D – The Eastern end of St. Ives Drive – Brian Hill with Lifestyle Homes, LLC
- 19) Authorize to amend the no smoking ordinance
- 20) Discussion of the Parades, Races and events in the City
- 21) Authorize the City to apply the AFG Grant for the Fire Department
- 22) Authorize the Mayor to sign the Continuing Disclosure Engagement letter with Butler Snow
- 23) Discussion of Fireworks for 4th of July
- 24) Authorizing to host the 2019 MSA (MS Soccer Association) District Tournament

- 25) Discussion of Public Works Department Policy or Procedure for adjustments to water and sewer bills
- 26) Discussion of Civil Link road improvement program
- 27) Discussion of Municipal Depository Bid
- 28) Authorize Mayor to sign an agreement for the purchase of equipment with Desoto County
- 29) Adjourn

Motion was duly made by Alderman Higdon, and seconded by Alderman Miller to approve the agenda as presented, after moving the item for the “Application for the Rezoning from the R-10 Residential Single-Family District Medium Density to the "O" Office District – 2557 West Street – Mr. Jim Seay” and the item for the “Application for the Rezoning from the M-1 Light Industrial Zoning District to the R-10 Residential Single-Family District Medium Density – Southwest Corner of Memphis Street and Ferguson Road (Parcel No. 308112000 0000500) – Mr. Robert Barber with Orion Planning & Design” to be item #9 and #10. A vote was taken with the following results:

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

Those voting “Nay”: None.

ORDERED AND DONE this the 6th day of February, 2018.

APPROVE DOCKET OF CLAIMS NO.’S 121740 – 122032 less 121783 - 121791

The Board of Aldermen were presented with a docket of claims No. 121740 – 122032 less 121783 - 121791 in the amount of \$494,222.31 for approval.

Motion was duly made by Alderman Higdon, and seconded by Alderman Miller 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, Alderwoman Brooks, Alderman Hobbs, and Alderman Harris.

Those voting “Nay”: None.

ORDERED AND DONE this the 6th day of February, 2018

APPROVE DOCKET OF CLAIMS NO.’S 121783 – 121791 (Bryant)

Alderman Bryant recused himself and left the room.

The Board of Aldermen were presented with a docket of claims No. 121783 - 121791 in the amount of \$4,409.58 for approval.

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

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

Those voting “Nay”: None.

ORDERED AND DONE this the 6th day of February, 2018

**APPROVE THE MINUTES FROM THE REGULAR MAYOR AND BOARD MEETING
ON JANUARY 18, 2017**

Motion was duly made by Alderman Higdon, and seconded by Alderman Bryant to approve the Minutes from the regular Mayor and Board of Aldermen meeting on January 18, 2017. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

CONSENT AGENDA

- A) Authorize Hubert Jones, Marshel Berry, Sam Witt, and Matt Massey to attend the MS Fire Investigators Spring Seminar in Oxford, MS on April 11-13, 2018, also authorize to pay registration and travel expenses.
- B) Authorize Katie Harbin, Julie Harris, Eva Ward and Octavia Glasper to attend the 48th Annual Clerks Spring Conference in Flowood, MS on March 7-9, 2018, also authorize to pay registration and travel expenses.
- C) Authorize Officer Jason Colman and James Ratliff to attend The Trauma of Law enforcement class in Madison, MS on March 5 – 7, 2018, also authorize to pay travel expense
- D) Authorize Detective White and Gates to attend the Investigation of Suicide class in Tunica, MS on February 20-21, 2018 also authorize to pay registration
- E) Authorize Keith Briley and Kristen Duggan to attend the Technical Skill Workshop in Jackson, MS on March 1, 2018, also authorize to pay registration and travel expenses

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks 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, and Alderman Higdon.

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

**APPLICATION REZONING FROM THE R-10 RESIDENTIAL SINGLE-FAMILY
DISTRICT MEDIUM DENSITY TO THE "O" OFFICE DISTRICT – 2557 WEST
STREET**

Alderman Higdon stated that Alderman McLendon asked if we would table this item, he is sick and unable to be in attendance at the meeting tonight. This item is in his ward.

Planning Director asked Alderman Higdon to include the date they are tabling this item to, in his motion.

Motion was duly made by Alderman Higdon and seconded by Alderman Miller to table this item until the February 20, 2018 Mayor and Board of Aldermen meeting. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

APPLICATION FOR THE REZONING FROM THE M-1 LIGHT INDUSTRIAL ZONING DISTRICT TO THE R-10 RESIDENTIAL SINGLE-FAMILY DISTRICT MEDIUM DENSITY – SOUTHWEST CORNER OF MEMPHIS STREET AND FERGUSON ROAD (PARCEL NO. 308112000 0000500) MR. ROBERT BARBER WITH ORION PLANNING AND DESIGN

Alderman Higdon stated that Alderman McLendon asked if we would table this item, he is sick and unable to be in attendance at the meeting tonight. This item is in his ward.

Planning Director asked Alderman Higdon to include the date they are tabling this item to, in his motion.

Motion was duly made by Alderman Higdon and seconded by Alderman Miller to table this item until the February 20, 2018 Mayor and Board of Aldermen meeting. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

AUTHORIZE TO GIVE RODERICK ROBERTSON IN THE SEWER DEPARTMENT A 90-DAY PERFORMANCE RAISE OF \$0.50 PER HOUR

Motion was duly made by Alderman Hobbs and seconded by Alderman Harris to authorize to give Roderick Robertson in the Sewer Department a 90-day performance raise of \$0.50 per hour. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

AUTHORIZE TO HIRE MAKALA DAVIS AS A FULL TIME DISPATCHER AT THE NON-CERTIFIED RATE

Motion was duly made by Alderman Higdon and seconded by Alderman Hobbs to authorize to hire Makala Davis as a full time dispatcher at the non-certified rate of pay, following the recommendation from the Personnel Committee, based on the recommendation of the Police Chief. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

PROCLAIM MARCH 2, 2018 AS BRADLEY SOWELL DAY

Alderman Miller stated that a committee has been established made up of local officials, citizens and with the Board of Education, we will be retiring Bradley Sowell's jersey on March 2.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to proclaim March 2, 2018 as Bradley Sowell Day. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

AUTHORIZE HERNANDO HIGH SCHOOL TO USE THE GALE CENTER AT NO COST ON MARCH 2, 2018, FOR A RECEPTION FOR BRADLEY SOWELL

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to authorize Hernando High School to use the Gale Center at no cost on March 2, 2018 to host a reception for Bradley Sowell. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

AUTHORIZE TOM PITTMAN, COMMUNITY FOUNDATIONS OF NORTHWEST MISSISSIPPI TO USE THE GALE CENTER AT NO COST ON JUNE 6, 2018 TO HOLD A GRANT WRITING WORKSHOP FOR NONPROFITS

Mayor Ferguson stated, Kenny correct me if I'm wrong, they cannot charge the participants

Kenny Stockton stated that is up to the Board.

Alderman Miller stated that it states there is no cost.

Mayor Ferguson stated no cost to the citizens, that is what the state auditor report read.

Alderman Miller stated that it says it in there, no cost, they fall under the nonprofit umbrella.

Motion was duly made by Alderman Higdon and seconded by Alderman Harris to authorize the Community Foundation of Northwest Mississippi to use the Gale Center at no cost on June 6, 2018, to hold a grant writing workshop for nonprofits. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

AUTHORIZE THE HERNANDO FARMERS MARKET INC TO USE THE GALE CENTER AT NO COST TO HOST THEIR VENDOR MEETING ON FEBRUARY 26, 2018

Motion was duly made by Alderman Miller and seconded by Alderwoman Brooks to authorize the Hernando Farmers Market Inc to use the Gale Center at no cost to host their vendor meeting on February 26, 2018. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

**APPLICATION FOR FINAL PLAT APPROVAL FOR ST. IVES SECTION C – THE
EASTERN END OF ST. IVES DRIVE – BRIAN HILL WITH LIFESTYLE HOMES, LLC**

Planning Director Keith Briley presented the application and staff report. Planning Commission recommend approval subject to staff comments.



**City of
Hernando**
MISSISSIPPI

**BOARD OF ALDERMEN
STAFF REPORT**

Project No.: PL-1297	Item No.: __
Request: Final Subdivision Plat – St. Ives Subdivision Section C	
Location: The Eastern end of St. Ives Drive	
Applicant: Mr. Brian Hill with Lifestyle Homes, LLC	
Date: February 6, 2018	

INTRODUCTION:

Mr. Brian Hill, Lifestyle Communities, the owner of the property, is requesting Final Plat Approval for Section “C” of St. Ives a 36 lot 16.66 acres single family residential subdivision.

BACKGROUND:

Section A of Saint Ives Subdivision was approved in the County prior to its annexation into the City of Hernando. At that time, the subject property was located in the County’s “R-15” zoning district with a minimum lot size of 15,000 sq. ft. The County Board of Supervisors approved the final plat on February 7, 2007, and the plat was subsequently recorded in the Chancery Court Clerk’s office on April 10, 2007.

In 2009, following the properties’ annexation into the City, Mr. Hill requested that the property be re-zoned from the “R-15” zoning district to the “PUD,” Planned Unit Development District. The Board of Aldermen approved the rezoning to PUD, the project text, and the preliminary plan on December 15, 2009, subject to the following conditions:

1. To put streets at the end of the cul-de-sac, the second street to the north between lots 75 and 73 and lots 10 and 9.
2. Must be built to specifications of Mr. Jones. (Mr. Dewey Jones of Jones-Davis & Associates had prepared a drainage study that was submitted at this meeting.)
3. Make plans that were presented the plan approved.
4. Put in 15’ buffer on Lot #14.
5. Put “Exhibit “A” in the minutes as part of the approval.

Section B of Saint Ives Subdivision received Final Plat approval from the Planning Commission on November 11, 2017, and from the Board of Aldermen on November 21, 2017.

DISCUSSION:

Saint Ives Subdivision Section C will be located on the east side of Saint Ives Section B. Access will be by the southern extension of Saint Ives North to its intersection with Ouse Valley Lane which runs east and west with a stub out to the east for connection to Section D. Ouse Valley Cove will be a temporary cul-de-sac on the north side which will have a stub out with dedicated right-of-way for connection to the property to the north. The proposed lots vary in size from smallest at 7,878 sq. ft. to the largest at 20,298 sq. ft.

PLANNING COMMISSION ACTION:

On January 9, 2018, the Planning Commission met and voted by a 4 to 2 split decision to grant Final Plat approval for St. Ives Subdivision Section "C" a 36-lots - 16.66-acre single family detached residential subdivision, subject to Staff Comments.

STAFF COMMENTS:***Standard Subdivision Comments***

1. All landscaping in all common open space areas, natural areas, buffer areas, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
2. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
3. Grading, drainage, and engineering construction plans shall be submitted to the Office of Planning for review and approval by the City Engineer and Public Works Director.
4. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision, or any phase of the subdivision, is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks.
5. Sidewalks shall be installed on the both sides of all streets.
6. Finished floor elevations shall be listed for each lot.

7. Streetlights shall be installed at the developer's expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
8. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
9. No relocated buildings will be allowed.
10. Surrounding properties that are within 100 ft. shall be outlined with ownership records given.
11. Federal Emergency Management Agency (FEMA) designated floodplain and flood elevations shall be illustrated on the plat.

Project Specific Comments

1. If approved, the Developer shall proceed to the January 16, 2018, Board of Aldermen meeting for Final Plat Approval.
2. The street design and lot layout for Section "B" conforms to the currently approved preliminary plat of the 2009 PUD approval.
3. The currently approved project text for the PUD establishes a minimum lot size of 8,000 sq. ft. The plat shall be revised because Lot 107 is proposed to be 7,878 sq. ft. The lot is below the approved minimum lot size.
4. The developer shall extend the restrictive covenants recorded with Section "A" to incorporate the lots in Section "C" into the Homeowners Association (HOA). Copies of the Homeowners Association declaration for Section "C" and a copy of the incorporation papers of the Homeowners Association shall be submitted to the City staff for inclusion into the file.
5. Warranty deeds transferring all common elements in Section "C" from Lifestyle Communities to the Saint Ives Homeowners Association shall be recorded in the Chancery Court Clerk's Office with the recording of the plat. Copies of those warranty deeds shall be delivered to the Planning staff for inclusion in the files.
6. All conditions attached to the original approval of the zoning, project text, and preliminary development plan for Saint Ives Subdivision by the Board of Aldermen on December 15, 2009, and all subsequent amendments and revisions, to remain in full force and effect.
7. Revise the submitted final plat for Saint Ives Subdivision, Section "C" to address the following:
 - A. Revise the final plat to reflect the required utility easements and any drainage easements required on each of the lots, along with the front yard setback line.
 - B. Revise the final plat to reflect the same lot numbering system on the preliminary plat.
8. Appoint a temporary City Engineer for this project to exercise the authority and responsibilities of the City Engineer in light of the current City Engineer's conflict relative to this application.

City of Hernando Board of Aldermen
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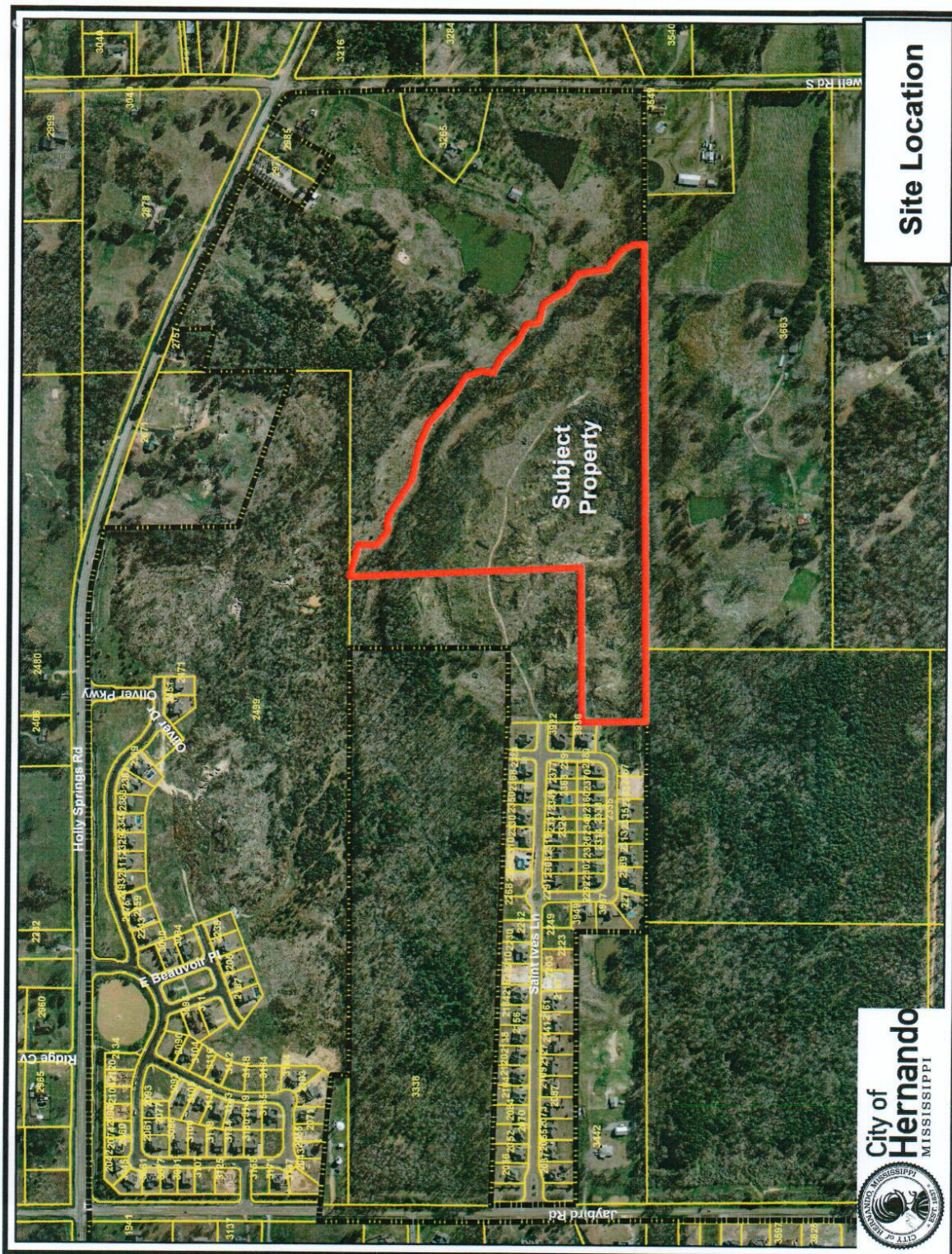
9. Following Final Plat Approval by the Board of Aldermen, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
10. Following Final Plat Approval by the Board of Aldermen and prior to the beginning of construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando's Land Subdivision Ordinance.
11. Prior to recording the final plat, all Public Improvements shall be installed, completed, and accepted by the City of Hernando.
12. Prior to recording the final plat, the Developer shall include all required certificates and execute those that are applicable to him and his assigns.
13. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning. Corner lots shall include potential addresses for both streets.
14. Prior to Construction Plan approval, the Developer shall obtain a Large Area Grading Permit from the Mississippi Department of Environmental Quality (MDEQ) and submit a copy to the Office of Planning.

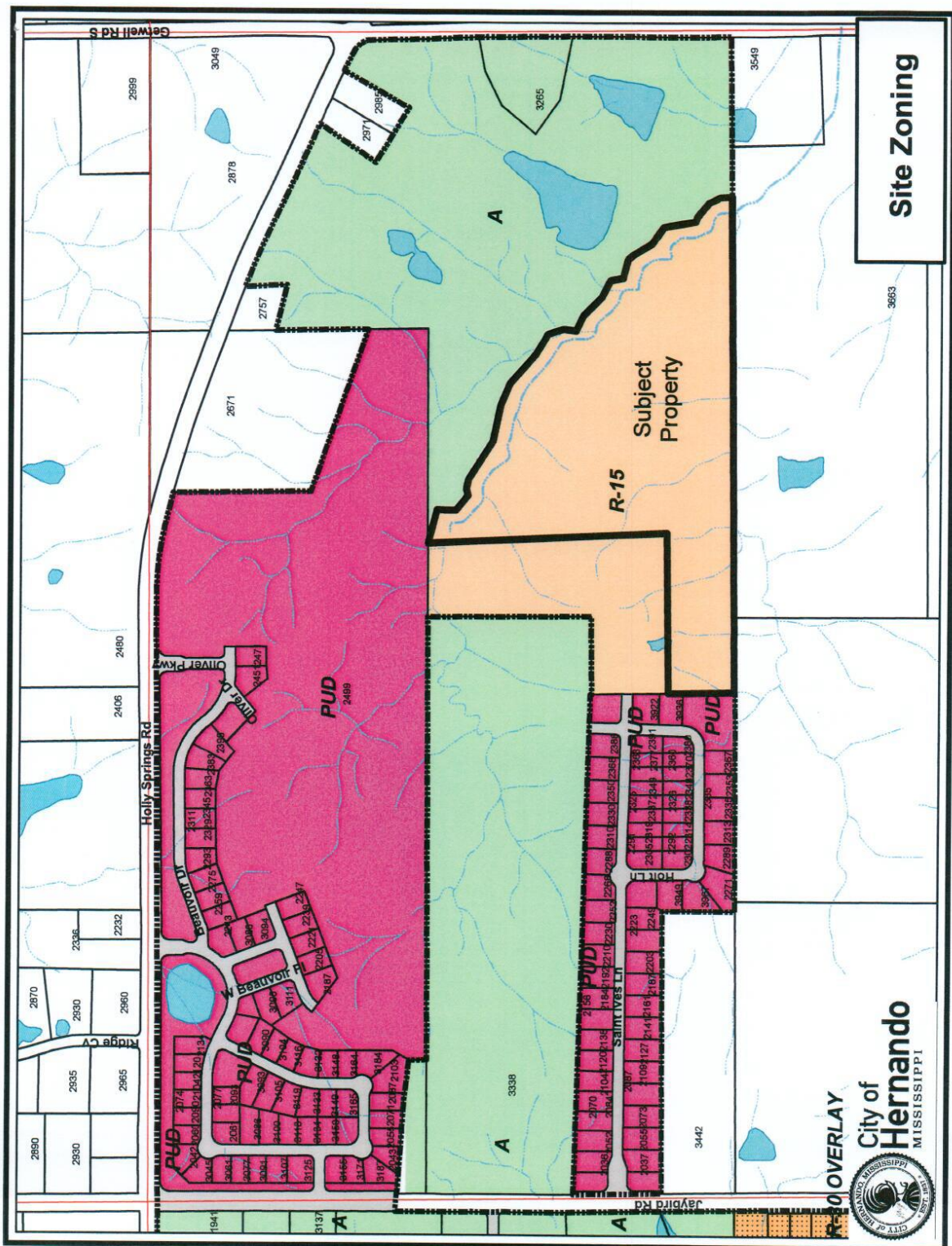
STAFF RECOMENDATION:

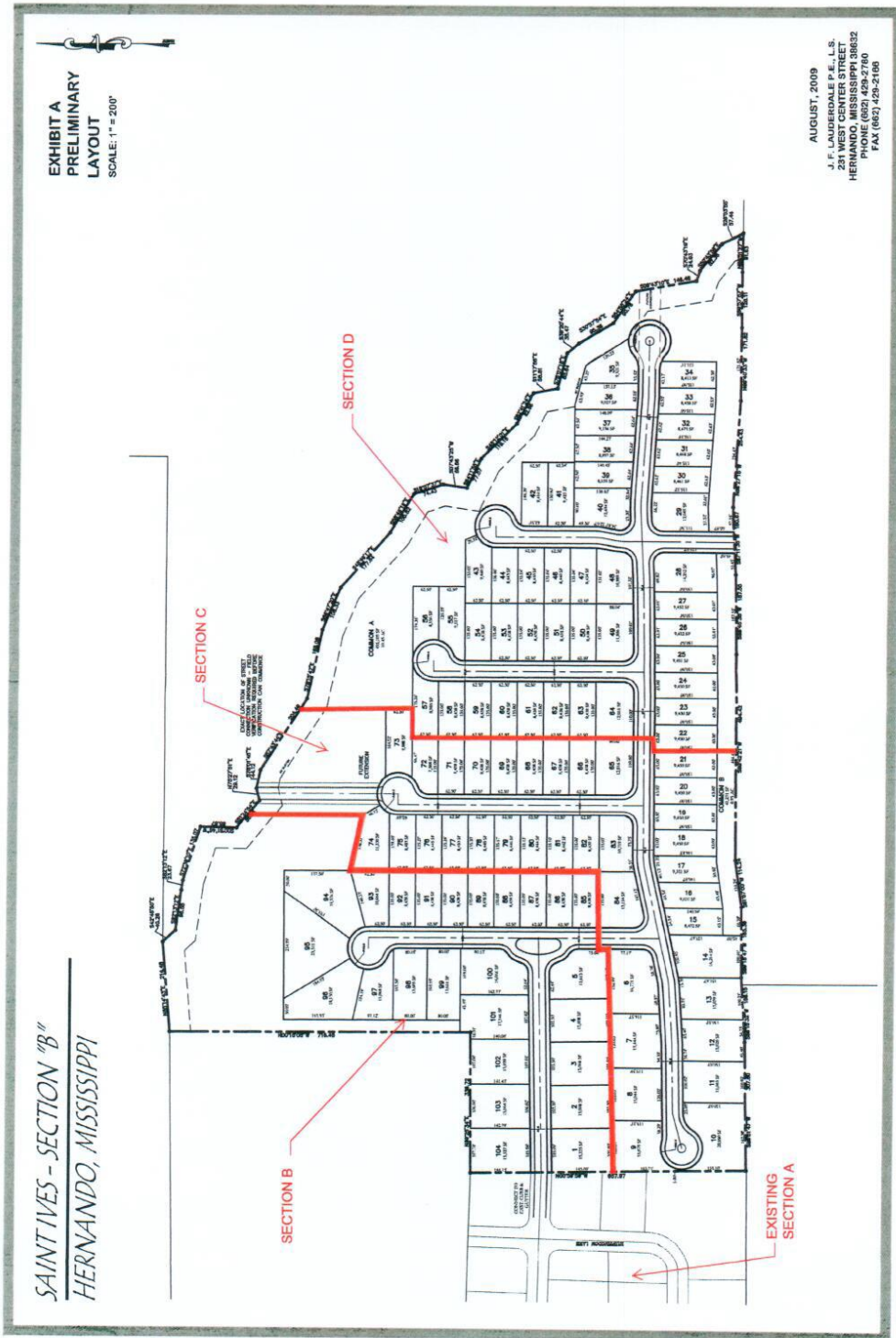
Staff recommends approval subject to staff comments.

PROPOSED MOTION:

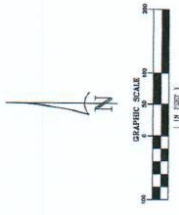
I move to grant Final Plat approval for St. Ives Subdivision Section "C" a 36-lots - 16.66-acre single family detached residential subdivision, subject to Staff Comments.





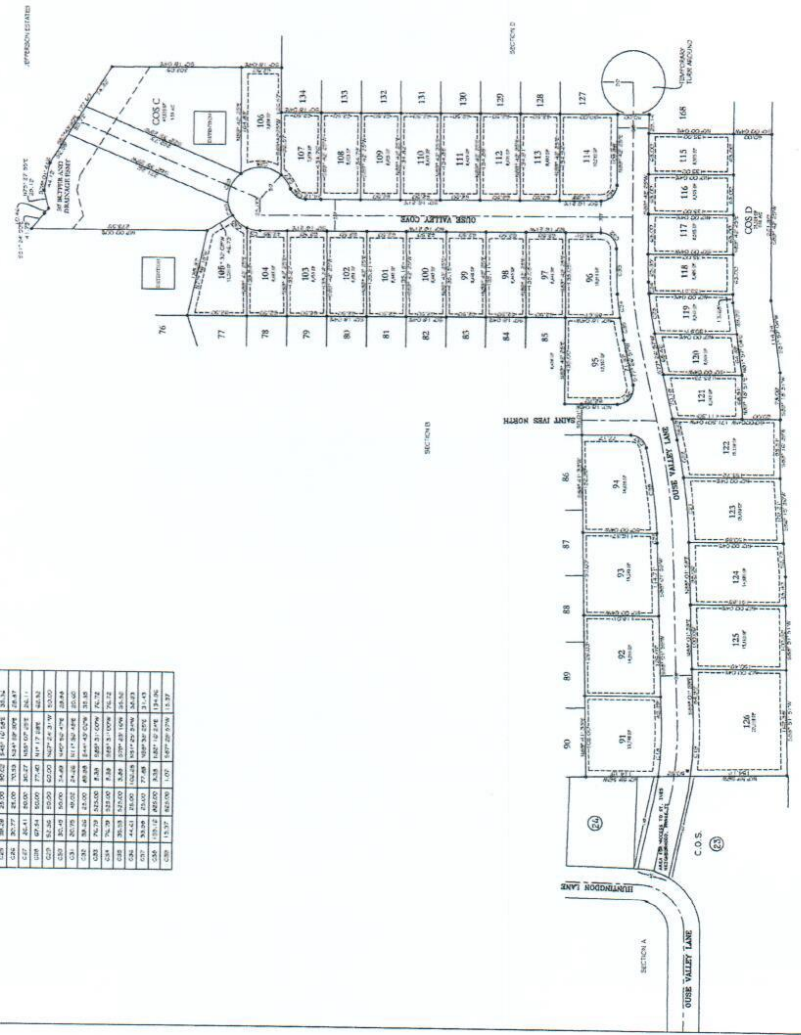


- GENERAL NOTES:**
1. MINIMUM SETBACKS ARE AS FOLLOWS:
FRONT YARD - 30 FT.
SIDE YARD - 5 FT.
 2. ALL LOTS SHALL BE SUBJECT TO THE CITY OF HERNANDO'S SUBDIVISION MAP LETTERS RIGHTS-OF-WAY. A STREET AND UTILITY EASEMENT IS REQUIRED ALONG PROPERTY LINES AND NEAR PROPERTY LINES. ANY EASEMENTS SHALL BE SHOWN ON THE SUBDIVISION MAP.
 3. WATER SERVICES IS SHOWN AS AVAILABLE BY THE CITY OF HERNANDO. SEWER SERVICE IS MADE AVAILABLE BY THE CITY OF HERNANDO.
 4. ALL PROPERTY DOES NOT FALL WITHIN ANY IDENTIFIED HAZARDOUS WASTE ZONING DISTRICTS AS SHOWN ON THE CITY OF HERNANDO'S HAZARDOUS WASTE ZONING MAP. ALL LOTS SHALL BE SUBJECT TO THE CITY OF HERNANDO'S HOMEOWNERS ASSOCIATION AND ARE SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS AS SHOWN ON THE SUBDIVISION MAP OF RECORD IN THE OFFICE OF THE CLERK OF THE CLERK OF HESLO COUNTY, MISSISSIPPI, IN BOOK 95 ON PAGE 87.
 5. REFERENCED FROM LIES HERNANDO PLAT, AS SAME IS SHOWN IN THE OFFICE OF THE CLERK OF HESLO COUNTY, MISSISSIPPI, IN BOOK 95 ON PAGE 88.



SECTION C
ST. IVES SUBDIVISION
 CITY OF HERNANDO, MISSISSIPPI
 DATE: 02/06/2018
 TOTAL AREA: 10.48 AC
 TOTAL LOTS: 34
 TOTAL ACRES: 10.48
 1277 FLORENCE ROAD
 HERNANDO, MISSISSIPPI 39326

Lot #	Area (sq. ft.)	Area (Acres)	Area (Acres)
76	10,480.00	0.24	0.24
77	10,480.00	0.24	0.24
78	10,480.00	0.24	0.24
79	10,480.00	0.24	0.24
80	10,480.00	0.24	0.24
81	10,480.00	0.24	0.24
82	10,480.00	0.24	0.24
83	10,480.00	0.24	0.24
84	10,480.00	0.24	0.24
85	10,480.00	0.24	0.24
86	10,480.00	0.24	0.24
87	10,480.00	0.24	0.24
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1/03/12 2:34:02
DK W BK 672 PG 415
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

(Space Above This Line For Recording Data)

File No: 2011122585
Prepared By & Return To:
Bridgforth & Buntin, PLLC
P. O. Box 241
Southaven, MS 38671
(662) 393-4450

INDEXING INSTRUCTIONS: Part of the Northeast Quarter and Northwest quarter of Section 21, Township 3 South, Range 7 West, DeSoto County, Mississippi

WARRANTY DEED

ST. IVES GROUP, LLC,
a Mississippi limited liability company
1074 Thousand Oaks Drive
Hernando, Mississippi 38632
Business: 662-429-2332

GRANTOR

TO

LIFESTYLE COMMUNITIES, LLC,
a Mississippi limited liability company
1074 Thousand Oaks Drive
Hernando, Mississippi 38632
Business: 662-429-2332

GRANTEE

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) cash in hand paid and other good and valuable considerations, the receipt of all of which is hereby acknowledged, ST. IVES GROUP, LLC, a Mississippi limited liability company, does hereby sell, convey and warrant unto LIFESTYLE COMMUNITIES, LLC, a Mississippi limited liability company, the land lying and being situated in DeSoto County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT "A"

DK W BK 672 PG 416

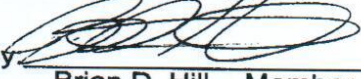
The warranty in this deed is subject to rights of way and easements for public roads and public utilities, and zoning regulations in effect in the City of Hernando, DeSoto County, Mississippi and further subject to Right of Way to Mississippi Power & Light Company of record in Book 180, Page 424, in said Clerk's office; and further subject to prior reservation or conveyance of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on and under the subject property.

Taxes for the current year to be pro-rated

Possession is to be given with delivery of Deed.

WITNESS the signature of the duly authorized member of said St. Ives Group, LLC this 29th day of December, 2011.


ST. IVES GROUP, LLC

By 
Brian D. Hill - Member

STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this the 29th day of December, 2011, within my jurisdiction, the within named Brian D. Hill, who acknowledged that he is a Member of St. Ives Group, LLC and that for and on behalf of the said St. Ives Group, LLC, and as its act and deed he executed the above and foregoing Warranty Deed, after first having been duly authorized so to do.




Notary Public

T:\LUAN\7\WD ST. IVES GROUP, LLC TO LIFESTYLE COMMUNITIES, LLC

EXHIBIT "A"

TRACT 1

A 43.56, more or less, acre tract of land being located in the northeast quarter and northwest quarter of section 21, township 3 south, range 7 west of the Chickasaw Meridian, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at a nail found at the southwest corner of the northwest quarter of section 21, township 3 south, range 7 west of the Chickasaw Meridian; thence north 89 degrees, 38' 48" east, a distance of 2314.98' to a 1/2" metal pipe set, said metal pipe being the true point of beginning of the herein described tract of the herein described tract; thence north 00 degrees 39' 36" west, a distance of 657.96' to a 1/2" metal pipe set; thence north 89 degrees 25' 34" east, a distance of 336.72' to a 1/2" metal pipe set; thence north 00 degrees 18' 08" west, a distance of 688.34' to a 1/2" metal pipe set; thence north 89 degrees 28' 59" east, a distance of 336.66' to a 1/2" metal pipe set; thence south 72 degrees 39' 10" east, a distance of 23.67' to a 1/2" metal pipe set; thence south 00 degrees 51' 46" west, a distance of 135.07' to a 1/2" metal pipe set; thence south 51 degrees 24' 34" east, a distance of 86.06' to a 1/2" metal pipe set; thence north 75 degrees 27' 51" east, a distance of 29.12' to a 1/2" metal pipe set; thence south 78 degrees 01' 45" east, a distance of 44.12' to a 1/2" metal pipe set; thence south 57 degrees 43' 44" east, a distance of 204.49' to a 1/2" metal pipe set; thence south 78 degrees 15' 47" east, a distance of 168.08' to a 1/2" metal pipe set; thence south 66 degrees 47' 20" east, a distance of 108.33' to a 1/2" metal pipe set; thence south 48 degrees 49' 17" east, a distance of 177.64' to a 1/2" metal pipe set; thence south 38 degrees 49' 19" east, a distance of 105.82' to a 1/2" metal pipe set; thence north 18 degrees 07' 37" east, a distance of 74.43' to a 1/2" metal pipe set; thence south 07 degrees 43' 25" west, a distance of 56.66' to a 1/2" metal pipe set; thence south 64 degrees 11' 33" east, a distance of 77.37' to a 1/2" metal pipe set; thence south 45 degrees 12' 01" east, a distance of 119.16' to a 1/2" metal pipe set; thence south 62 degrees 41' 24" east, a distance of 82.66' to a 1/2" metal pipe set; thence south 11 degrees 17' 56" east, a distance 38.81' to a 1/2" metal pipe set; thence south 75 degrees 07' 18" east, a distance of 85.64' to a 1/2" metal pipe set; thence south 39 degrees 20' 44" east, a distance of 33.47' to a 1/2" metal pipe set; thence south 30 degrees 57' 54" east, a distance of 95.36' to a 1/2" metal pipe set; thence south 50 degrees 55' 24" east, a distance of 90.78' to a 1/2" metal pipe set; thence south 09 degrees 43' 10" east, a distance of 146.48' to a 1/2" metal pipe set; thence south 70 degrees 43' 19" east, a distance of 24.93' to a 1/2" metal pipe set; thence south 50 degrees 43' 58" east, a distance of 82.36' to a 1/2" metal pipe set; thence south 26 degrees 03' 55" east, a distance of 57.44' to a 1/2" metal pipe set in a barbed wire fence; thence, along said fence the following calls, north 88 degrees 51' 27" west, a distance of 91.63' to a 1/2" metal pipe set; thence south 89 degrees 57' 57" west, a distance of 128.11' to a 1/2" metal pipe set; thence north 89 degrees 40' 33" west, a distance of 171.82' to a 1/2" metal pipe set; thence north 86 degrees 27' 15" west, a distance of 254.43' to a 1/2" metal pipe set; thence south 37 degrees 11' 35" west, a distance of 168.67' to a 1/2" metal pipe set; thence south 88 degrees 43' 38" west, a distance of 187.55' to a 1/2" metal pipe set; thence south 89 degrees 42' 21" west, a distance of 494.42' to a 1/2" metal pipe set; thence south 81 degrees 57' 00" west, a distance of 114.26' to a 1/2" metal pipe set; thence 89 degrees 18' 47" west, a distance of 163.39' to a 1/2" metal pipe set; thence south 86 degrees 15' 32" west, a distance of 156.15' to a 1/2" metal pipe set; thence south 88 degrees 51' 47" west, a distance of 307.80' to the point of beginning. Containing 43.56 acres, more or less and being subject to all codes, covenants, easements, revisions, restrictions, regulations, and rights of way of record.

TRACT 2

A 0.21, more or less, acre tract of land being located in the northeast quarter of section 21, township 3 south, range 7 west of the Chickasaw Meridian, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the southwest corner of the northwest quarter of section 21, township 3 south, range 7 west of the Chickasaw Meridian; thence north 82 degrees 38' 41" east, a distance of 2964.45' to a 1/2" metal pipe set, said metal pipe being the true point of beginning of the herein described tract; thence north 00 degrees 18' 08" west, a distance of 27.92' to a 1/2" metal pipe set; thence north 85 degrees 14' 43" east, a distance of 214.48' to a 1/2" metal pipe set; thence south 42 degrees 45' 50" east, a distance of 40.26' to a 1/2" metal pipe set; thence south 82 degrees 13' 12" east, a distance of 96.39' to a 1/2" metal pipe set; thence south 89 degrees 28' 39" west, a distance of 336.60' to the point of beginning. Containing 0.21 acres, more or less and being subject to all codes, covenants, easements, revisions, restrictions, regulations, and rights of way of record.

27265-D

**Office of Planning**

January 10, 2018

Brian Hill
Lifestyle Communities, LLC
1074 Thousand Oaks Drive
Suite 1
Horn Lake, MS 38637

Via email: rforrest@lifestylehomesms.com

Re: PL-1297 – St. Ives Subdivision Section D

Dear Mr. Hill:

The City of Hernando Planning Commission heard your application for Final Plat Approval for the above referenced project on Tuesday, January 9, 2018. The Planning Commission voted to approve the final plat. Your application will now go to the Board of Alderman for Final Plat Approval on Tuesday, January 16, 2018, at 6:00 p.m. in the Board Room of City Hall. You or a representative must be present to answer any questions the Board may have.

If you should have any additional questions concerning this matter, please contact me.

Sincerely,

/s/ *Keith Briley*

Keith Briley, AICP
Planning Director

475 West Commerce Street

Hernando, MS 38632

662-429-9092

www.cityofhernando.org

Alderwoman Brooks stated that she represents the citizens of St. Ives, and has been asked to ask a list of questions. Does the Board, City Engineer, or Public Works aware of the current condition of Saint Ives Lane and associated connected streets? If so, can the Board, City Engineer, or Public Works Director describe the conditions for the record?

Mayor Ferguson stated that we don't have the engineer here tonight, he is in Jackson at an engineer's meeting.

Planning Director Keith Briley stated that we will have to hire an outside engineer.

Alderwoman Brooks stated that she does drive over there and when construction crews are there, it is very hard to get in and out, when they are not there, you can see signs of erosion and deterioration around the circle area. With the heavy trucks going through there, it will have to have repairs made.

Alderwoman Brooks asked what would be the anticipated condition of said roads be after 2-5 years of continuous development traffic? Traffic that would include cement trucks, lumber trucks, brick trucks, and sod trucks.

Planning Director Keith Briley stated that the Board can require the developer hold a maintenance bond on the existing roads, until a certain percentage of build out is achieved.

Alderman Higdon stated that all roads are final.

Keith Briley stated he does not know.

Alderman Brooks stated that was her next question.

Alderman Miller stated yes, they have been turned over to the city. It appears that the questions are geared toward traffic conditions, driving construction. The temporary engineer can recommend a maintenance bond amount. It has nothing to do with the condition now.

Alderwoman Brooks stated that the current condition of the roads is a main concern.

Alderman Harris referenced item number 4 in the staff comments, asked has the 3 inch of black top been done yet.

Alderman Miller answered yes, on the current streets, but it hasn't been done on the new area.

Alderman Harris stated that I think they are both a concern right now, the current streets and new ones.

Alderwoman Brooks stated exactly.

Alderman Millers stated that it has nothing to do with what is before us tonight.

Alderman Harris asked if a maintenance bond cover the existing streets.

Planning Director Keith Briley stated that you can do it to cover streets of construction traffic.

Alderwoman Brooks stated that we are depending a lot on the maintenance bond. Mrs. Brooks asked has the developer ever defaulted on any infrastructure improvement bonds with the City of Hernando?

Alderman Miller stated that's like asking if anyone has had a ticket.

Alderwoman Brooks stated that we are relying a lot on that maintenance bond.

Kenny Stockton stated that when the time comes, we will handle that.

Alderman Miller stated that the money will be there, with the bond.

Alderwoman Brooks asked what mechanisms, requirements, or, procedures will be placed on the developer to insure that the city's assets, St. Ives Section A access roads, will be protected from the wear and tear of the continued development traffic of 100+ lots?

Planning Director Keith Briley answered that a maintenance bond would be put in place for protection.

Alderwoman Brooks asked if there was anyone in the audience that would like to speak.

Keith Briley stated that the applicant needs to have a chance to speak first.

Alderman Higdon stated that when an engineer is hired, Keith will need to get with him about the bond amount.

Alderman Miller stated that we will get with the attorney to make sure we have proper language in there.

Barry Bridgeforth, 5293 Getwell Rd, I don't have anything to add other than to say that the roads are city roads.

Alderman Miller asked if Mr Bridgeforth understands what we will require.

Barry Bridgeforth stated I'm not sure if you can attached a maintenance bond .to an existing city street.

Alderman Miller stated that if it is a construction route we can.

Kenny Stockton answered yes they can, or you can install a construction entrance.

Barry Bridgeforth stated that we don't have a location to make a construction entrance.

Kenny Stockton stated we know, you'll have to bond the streets then.

Gary McElhannon stated that we have repaired a spot on the street, and 2 weeks later it was messed up again due to concrete trucks.

Barry Bridgeforth stated that he will get with the applicant.

Susan Gooch Harris, 3550 Bolin Road, stated that her parents own the land adjacent to the St Ives property. Mrs. Harris expressed concern for drainage and erosion issues, wanted to confirm plans to expand. Mrs. Harris requested her statement prepared become part of the minutes.

Hello, my name is Susan Gooch Harris and I live at 3550 Bolin Road, Hernando, MS. My parents, Steve and JoAnn Gooch, live at 3663 Getwell Road South, Hernando, MS, which is the property located adjacent to the southern line of St. Ives sections C and D. We are here tonight to confirm that the recommendations made by the planning commission and the commitments made by Mr. Brian Hill at the Board of Supervisors meeting on June 7, 2006 during the rezoning of St. Ives section B will be fulfilled. We are also here tonight to express concerns over possible drainage and erosion problems from this proposed expansion of the St. Ives planned unit development.

Noted in the Board of Supervisors minutes from case # 680, "Order to Approve the St. Ives Rezoning Application" from June 7, 2006, you will see that Commissioner Powell, as he presented to the board stated, "the main concerns from the planning commission meeting regarding this case were the drainage, flooding and traffic." You will also see that Mr. Hill "began by saying he would construct a 6' cedar wood fence along with a 15' buffer on five sides of the property." Finally, you will see that, "the planning commission had two requests." The second request being the drainage, "there is to be a 15' non-disturbance buffer along the south border of the ditch and a 6' cedar wood fence along the entire south property line which will be located on the north side of the buffer. He will also be leaving all trees on the property line which in turn should not affect Ms. Gooch's side of the ditch at all. The ditch will be preserved."

It is our expectation that Mr. Hill **will** provide a 15' buffer **and** a 6' cedar wood fence along the entire St. Ives south property line **and** that the fence will be located on the north side of the buffer between his property and the Gooch property.

Just as it was Supervisor Latimer's concern in 2006, it is our concern that **all** storm water issues "are done as required". Mr. Hill then replied to Mr. Latimer that, "the detention will run into the ditch." According to the 2008 City of Hernando Zoning Ordinance for planned unit developments, "(3) Provisions for water supply, sanitary sewers, storm water drainage, and connections shall be made to the satisfaction and requirements of the city of Hernando and the appropriate state authority." Mr. Swims stated at a DeSoto County Planning Commission meeting on April 27, 2006, that, "if the property is annexed, the county does not look at the drainage plans, **it will be the city's responsibility.**"

We would like to bring to the attention of this board that the ditch bordering the southern property line of St. Ives and the northern property line of the Gooch property is a major tributary that proceeds to South Fork and to the Coldwater River. In addition to St. Ives planned unit development, Jefferson Place planned unit development (which is still under construction with current earthmoving) flows into this same ditch, which is already creating major water flow that has increased the width and depth of the ditch. According to the 2004 DeSoto County GIS map, runoff from approximately 300 acres flows into the ditch in question. At the time of the meeting on June 7, 2006, Commissioner Powell stated to Supervisor Latimer that, "the drainage plans will be looked at by the engineering department but that **has not yet been done.**" Supervisor

Latimer then stated that, "the water cannot leave the property faster than prior development." Supervisor Lewis made a motion to uphold the planning commission's decision to approve the application with the agreement that a **closer look would be taken at a large water retention plan.**

In a letter from Jones-Davis & Associates, Inc. Consulting Engineer/Land Surveyors dated November 23, 2009, the following comments were offered, "The location of the proposed detention facility at the southeast corner of the project appears to be reasonable **provided that the final design provides for an elevation that precludes flooding from the receiving stream.** The south limits of the common area **should include a berm or levee** to separate the project runoff from the natural runoff that occurs from the south so as to prevent this runoff from entering the detention basin."

In closing, I would like to request that my comments be entered into the record of meeting minutes. I would like clarification that **all** of the above will be fulfilled **before** final approval of St. Ives sections C and D and clarification of who will be responsible should future erosion and/or drainage issues occur. I would also like to direct your attention to several articles spanning from December 17, 2007 to the most recent article in the *DeSoto Times-Tribune* from Thursday, January 18, 2018, "Erosion Plagues Local Residents". These articles are a sampling of many complaints from city residents in recent years regarding drainage and erosion issues with subdivisions within the Hernando city limits. My parents have lived at their residence for over 45 years; the problems you create should not become theirs.

* Show maps of deforestation *

Keith Briley stated that the developer is now providing a 60 foot buffer as common open space. As far as the grading, construction plans will have to be submitted before any work can begin, and we will review them to make sure it isn't detrimental to surrounding properties.

Susan Gooch Harris asked the difference between a buffer and detention area.

Keith Briley stated that on the proposed plat you have before you the detention basin area in on the north border. Common open space is on the south, is just a common open space. For section D, there is to be a detention area at the southeast corner of the area.

Susan Gooch Harris stated that in the minutes the entire south part of property was going to be the detention area. I still want and answer about the fence.

Mayor Ferguson asked if the fence and drainage are in there.

Keith Briley stated that there is no fence on the plat, the City can require that they put language about the fence on the plat. Normally that's done when construction plans are in place.

Susan Gooch Harris stated that she has it there in the minutes when he is quoted saying he would put a fence up. A cedar wood fence along the property line.

Mayor Ferguson asked if we adopted it.

Kenny Stockton stated that we accepted it as it was from the county, so whatever the county accepted.

Barry Bridgeforth stated that the City required a hydraulic study be done. The original plot called for 2 lots in the south east corner, after the study was done it changed to a 60 foot buffer and there is a detention basin to the North and South.

Alderman Higdon asked what the size was of the detention area.

Barry Bridgeforth stated he wasn't sure, it should be in the packet you have.

Alderman Miller stated that fencing was required in the original approval. Mr. Miller asked when it came to the City with the hydraulic study, was it mentioned to do away with the fencing?

Kenny Stockton stated that it is still there, I didn't see anything on the fence.

Mayor Ferguson stated that he is still kind of new at this, but it seems like we have a lot to work out. One thing is to hire a temporary engineer, figure out the bond.

Barry Bridgeforth stated we are here for a final plat approval, my client accepted all of the conditions from the Planning Commission. What we are here for tonight is if we meet what was approved in 2009.

Alderman Miller stated we can raise the issue now or later to require the fencing, we can approve the fencing later.

Keith Briley stated that one of the staff's comments is that the city and developer enter into a subdivision development contract. The fence can be put in the contract, so it is binding. Alderman Miller asked when do we put that in there. Since it was there.

Keith Briley stated the contract will follow the final plat approval. It is my understanding that if the fence was in there when we accepted it from the county, then the fence is still in there.

Alderman Miller asked can we approve with recommendations.

Alderman Higdon stated that it wasn't mentioned a month ago.

Mayor Ferguson stated that it was adopted so it has to be there.

Susan Gooch Harris stated that we pushed for that fence is because my parents are older, they don't go over the entire property all of the time. We hunt back there and are afraid that kids can come over and get into the pond, the well, etc. There are serious reasons we are pushing for this fence. We are trying to keep them out for their safety. The subdivision almost borders the entire property. He agreed to a fence, he should keep his word. Also, did he do the basin as he was supposed to?

Alderman Hobbs how was it originally zoned again?

Barry Bridgeforth answered R15.

Alderman Hobbs stated then it came back to the city in 2009 as a PUD, when we change over, we don't start over correct.

Kenny Stockton answered no, it carries over.

Alderman Hobbs asked Mr. Hill about the comment on the fence.

Brian Hill answered that he doesn't remember about the fence. If it's in the minutes, then I said it. When we did the hydraulic study, I went from a 15 foot buffer to a 60 foot buffer. After the study the fence was not drawn in it. A series of detention basins were along the border, south line. Originally it had 2 additional lots, the study required us to turn those into a detention basin.

Alderman Hobbs stated that he does remember the drainage plan was better.

Brian Hill stated we used Davey Jones to do the study, I trust him.

Jo Ann Gooch stated that she owns the property. There is a very dangerous ditch from Jefferson to St Ives, it comes into the ditch on my property. You have to pay attention to what you approve.

Alderman Higdon stated that the fence is the last issue. We want to be in agreement with what the county approved and what the City approved in 2009.

Brian Hill stated if it hasn't been taken out, I will build the fence.

Mr. Harris stated each time we come up to this, something changes. We need to stop and think before we do anymore. We have more water problems. If you said you'd put up a fence, put up a fence. It is a factor. I have to cut a forge 2 or 3 times a year to get across the ditch now. I'm running out of dirt. We didn't have that problem before.

Alderman Miller stated the only thing left is the fence.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to approve the application for final plat approval for St. Ives section C – The eastern end of St. Ives Drive by Brian Hill with Lifestyle Homes, LLC, with the recommendations from the Planning Commission, with hiring a temporary engineer to work with the City Planner to come up with the appropriate maintenance bond amount and to check the minutes for the information about the fence on the southern side. A vote was taken with the following results:

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

Those voting "Nay": Alderwoman Brooks.

ORDERED AND DONE this the 6th day of February, 2018

APPLICATION FOR FINAL PLATT APPROVAL FOR ST. IVES SECTION D – THE EASTERN END OF ST. IVES DRIVE – BRIAN HILL WITH LIFESTYLE HOMES, LLC



City of
Hernando
MISSISSIPPI

**PLANNING COMMISSION
STAFF REPORT**

Project No.: PL-1298 **Item No.:** ___
Request: Final Subdivision Plat – St. Ives Subdivision Section D
Location: The Eastern end of St. Ives Drive
Applicant: Mr. Brian Hill with Lifestyle Homes, LLC
Date: February 6, 2018

INTRODUCTION:

Mr. Brian Hill, Lifestyle Communities, the owner of the property, is requesting Final Plat Approval for Section “D” of St. Ives a 42-lot 17.72 acres for a single family residential subdivision.

BACKGROUND:

Section A of Saint Ives Subdivision was approved in the County prior to its annexation into the City of Hernando. At that time, the subject property was located in the County’s “R-15” zoning district with a minimum lot size of 15,000 sq. ft. The County Board of Supervisors approved the final plat on February 7, 2007, and the plat was subsequently recorded in the Chancery Court Clerk’s office on April 10, 2007.

In 2009, following the properties’ annexation into the City, Mr. Hill requested that the property be re-zoned from the “R-15” zoning district to the “PUD,” Planned Unit Development District. The Board of Aldermen approved the rezoning to PUD, the project text, and the preliminary plan on December 15, 2009, subject to the following conditions:

1. To put streets at the end of the cul-de-sac, the second street to the north between lots 75 and 73 and lots 10 and 9.
2. Must be built to specifications of Mr. Jones. (Mr. Dewey Jones of Jones-Davis & Associates had prepared a drainage study that was submitted at this meeting.)
3. Make plans that were presented the plan approved.
4. Put in 15’ buffer on Lot #14.
5. Put “Exhibit “A” in the minutes as part of the approval.

Section B of Saint Ives Subdivision received Final Plat approval from the Planning Commission on November 11, 2017, and from the Board of Aldermen on November 21, 2017.

DISCUSSION:

Saint Ives Subdivision Section D will be located on the east side of Saint Ives Section C. Access will be by the eastern extension of Ouse Valley Lane which runs east and west. Ouse Valley Lane will have a temporary cul-de-sac on the east side which will have a stub out with dedicated right-of-way for connection to the property to the east. Additionally, Gilbreath Cove will stub out to the south for connection to future developments. Lots will vary between 8,015 sq. ft. and 12,220 sq. ft.

PLANNING COMMISSION ACTION:

On January 9, 2018, the Planning Commission met and voted by a 4 to 2 split decision to grant Final Plat approval for St. Ives Subdivision Section "D" a 42-lots 17.72-acre single family residential subdivision, subject to Staff Comments.

STAFF COMMENTS:***Standard Subdivision Comments***

1. All landscaping in all common open space areas, natural areas, buffer areas, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
2. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
3. Grading, drainage, and engineering construction plans shall be submitted to the Office of Planning for review and approval by the City Engineer and Public Works Director.
4. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision, or any phase of the subdivision, is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks.
5. Sidewalks shall be installed on the both sides of all streets.
6. Finished floor elevations shall be listed for each lot.

City of Hernando Board of Aldermen
Page 2 of 4

7. Streetlights shall be installed at the developer's expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director for approval.
8. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
9. No relocated buildings will be allowed.
10. Surrounding properties that are within 100 ft. shall be outlined with ownership records given.
11. Federal Emergency Management Agency (FEMA) designated floodplain and flood elevations shall be illustrated on the plat.

Project Specific Comments

1. If approved, the Developer shall proceed to the January 16, 2018, Board of Aldermen meeting for Final Plat Approval.
2. The street design and lot layout for Section "D" conforms to the currently approved preliminary plat as approved in 2009 with the PUD approval.
3. The currently approved project text for the PUD establishes a minimum lot size of 8,000 sq. ft. All proposed lots meet the minimum lot size.
4. The developer shall extend the restrictive covenants recorded with Section "A" to incorporate the lots in Section "D" into the Homeowners Association (HOA). Copies of the Homeowners Association declaration for Section "D" and a copy of the incorporation papers of the Homeowners Association shall be submitted to the City staff for inclusion into the file.
5. Warranty deeds transferring all common elements in Section "D" from Lifestyle Communities to the Saint Ives Homeowners Association shall be recorded in the Chancery Court Clerk's Office with the recording of the plat. Copies of those warranty deeds shall be delivered to the Planning staff for inclusion in the files.
6. All conditions attached to the original approval of the zoning, project text, and preliminary development plan for Saint Ives Subdivision by the Board of Aldermen on December 15, 2009, and all subsequent amendments and revisions, shall remain in full force and effect.
7. Revise the submitted final plat for Saint Ives Subdivision, Section "D" to address the following:
 - A. Revise the final plat to reflect the required utility easements and any drainage easements required on each of the lots, along with the front yard setback line.
 - B. Revise the final plat to reflect the same lot numbering system on the preliminary plat.
8. Appoint a temporary City Engineer for this project to exercise the authority and responsibilities of the City Engineer in light of the current City Engineer's conflict relative to this application.

City of Hernando Board of Aldermen
Page 3 of 4

9. Following Final Plat Approval by the Board of Aldermen, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
10. Following Final Plat Approval by the Board of Aldermen and prior to the beginning of construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando's Land Subdivision Ordinance.
11. Prior to recoding the final plat, all Public Improvements shall be installed, completed, and accepted by the City of Hernando.
12. Prior to recording the final plat, the Developer shall include all required certificates and execute those that are applicable to him and his assigns.
13. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning. Corner lots shall include potential addresses for both streets.
14. Prior to recording the final plat, the Gilbreath Cove will stub out and dedicated right-of-way shall be extended south to the property line.
15. Prior to Construction Plan approval, the Developer shall obtain a Large Area Grading Permit from the Mississippi Department of Environmental Quality (MDEQ) and submit a copy to the Office of Planning.

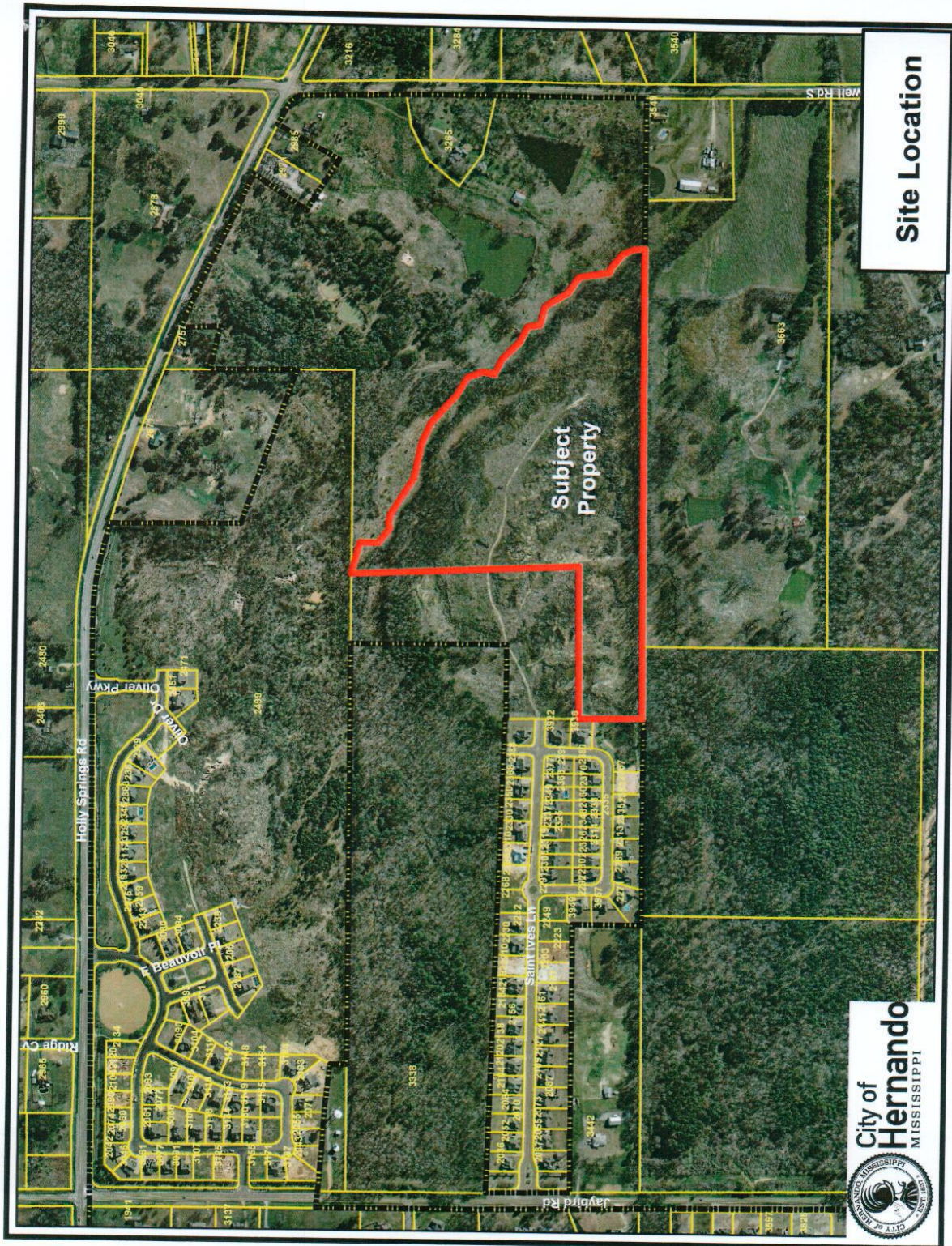
STAFF RECOMENDATION:

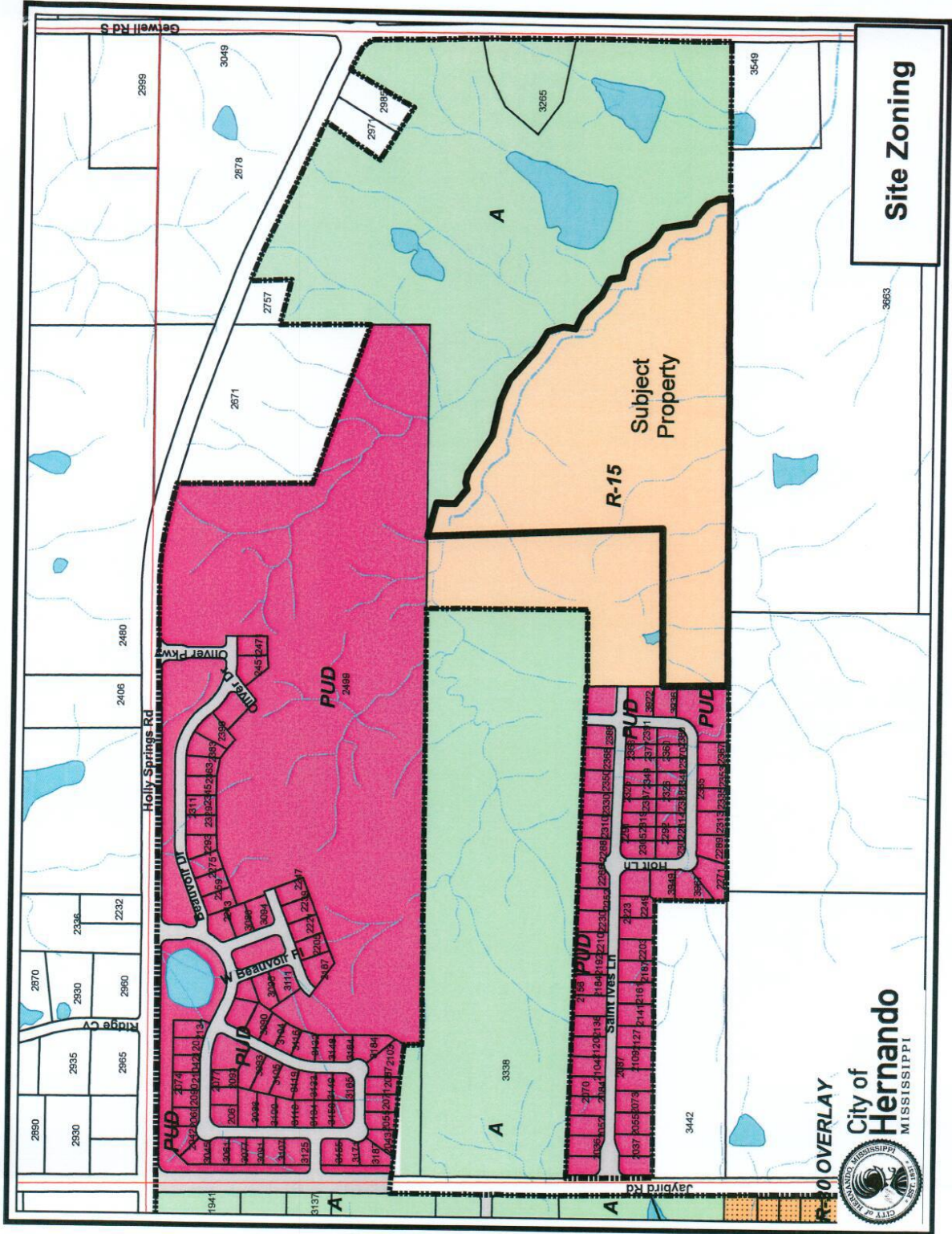
Staff recommends approval subject to staff comments.

PROPOSED MOTION:

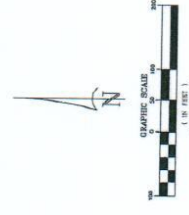
I move to grant Final Plat approval for St. Ives Subdivision Section "D" a 42-lots 17.72-acre single family residential subdivision, subject to Staff Comments.

City of Hernando Board of Aldermen
Page 4 of 4



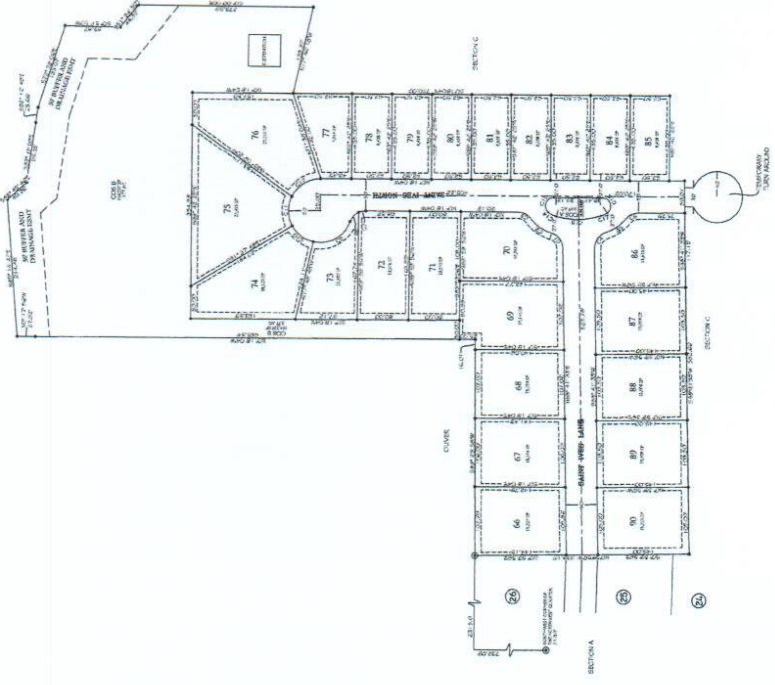


- GENERAL NOTES:**
1. MINIMUM SETBACKS ARE AS FOLLOWS:
FRONT YARD - 30 FT. FROM FACE OF CURB
SIDE YARD - 5 FT.
 2. 30 FEET WIDE UTILITY EASEMENT IS REQUIRED ALONG ALL STREET FRONT YARDS. ALL UTILITIES SHALL BE DEEPENED AND LOCATED ALONG THIS PROPERTY LINE AND ALL PROPERTY LINES AND SPECIAL EASEMENTS WILL BE OTHERWISE NOTED.
 3. WATER SERVICE IS MADE AVAILABLE BY NORTH MISSISSIPPI UTILITY COMPANY. WATER SERVICE IS NOT AVAILABLE BY THE CITY OF HERNANDO.
 4. THIS PROPERTY DOES NOT FALL WITHIN ANY IDENTIFIED HAZARDOUS AREA ACCORDING TO FIRM NO. 200300004H, EFFECTIVE MAY 5, 2014.
 5. ALL LOT OWNERS SHALL AUTOMATICALLY BE MEMBERS OF THE HOA. THE HOA SHALL BE FORMED AND THE HOA DOCUMENTS, RESTRICTIONS AND EASEMENTS AS SET FORTH IN DOCUMENTS FILED WITH THE CITY OF HERNANDO IN THE OFFICE OF THE CLERK OF BENTON COUNTY, MISSISSIPPI, IN BOOK 2903 ON PAGE 417.
 6. REFERENCED FROM ST. IVES NEIGHBORHOOD PLAN, AS SAME IS CONTAINED IN THE OFFICE OF THE CLERK OF BENTON COUNTY, MISSISSIPPI, IN PLAT BOOK 103 ON PAGE 4.



SECTION B
ST. IVES SUBDIVISION
 CITY OF HERNANDO, MISSISSIPPI
 SCALE: 1"=100'
 DATE: 02/06/18
 PROJECT NO.: 18-001
 DRAWN BY: J. W. BROWN
 CHECKED BY: J. W. BROWN
 APPROVED BY: J. W. BROWN
 HERNANDO, MISSISSIPPI 39057

Corner	Length	Bearing	Course	Area	Counterclockwise
C	242.00	S 89° 52' 00" W	1	10,111.17	28.84
D	201.00	S 89° 52' 00" W	2	10,111.17	28.84
E	201.00	S 89° 52' 00" W	3	10,111.17	28.84
F	201.00	S 89° 52' 00" W	4	10,111.17	28.84
G	201.00	S 89° 52' 00" W	5	10,111.17	28.84
H	201.00	S 89° 52' 00" W	6	10,111.17	28.84
I	201.00	S 89° 52' 00" W	7	10,111.17	28.84
J	201.00	S 89° 52' 00" W	8	10,111.17	28.84
K	201.00	S 89° 52' 00" W	9	10,111.17	28.84
L	201.00	S 89° 52' 00" W	10	10,111.17	28.84
M	201.00	S 89° 52' 00" W	11	10,111.17	28.84
N	201.00	S 89° 52' 00" W	12	10,111.17	28.84
O	201.00	S 89° 52' 00" W	13	10,111.17	28.84
P	201.00	S 89° 52' 00" W	14	10,111.17	28.84
Q	201.00	S 89° 52' 00" W	15	10,111.17	28.84
R	201.00	S 89° 52' 00" W	16	10,111.17	28.84
S	201.00	S 89° 52' 00" W	17	10,111.17	28.84
T	201.00	S 89° 52' 00" W	18	10,111.17	28.84
U	201.00	S 89° 52' 00" W	19	10,111.17	28.84
V	201.00	S 89° 52' 00" W	20	10,111.17	28.84
W	201.00	S 89° 52' 00" W	21	10,111.17	28.84
X	201.00	S 89° 52' 00" W	22	10,111.17	28.84
Y	201.00	S 89° 52' 00" W	23	10,111.17	28.84
Z	201.00	S 89° 52' 00" W	24	10,111.17	28.84
AA	201.00	S 89° 52' 00" W	25	10,111.17	28.84
AB	201.00	S 89° 52' 00" W	26	10,111.17	28.84
AC	201.00	S 89° 52' 00" W	27	10,111.17	28.84
AD	201.00	S 89° 52' 00" W	28	10,111.17	28.84
AE	201.00	S 89° 52' 00" W	29	10,111.17	28.84
AF	201.00	S 89° 52' 00" W	30	10,111.17	28.84
AG	201.00	S 89° 52' 00" W	31	10,111.17	28.84
AH	201.00	S 89° 52' 00" W	32	10,111.17	28.84
AI	201.00	S 89° 52' 00" W	33	10,111.17	28.84
AJ	201.00	S 89° 52' 00" W	34	10,111.17	28.84
AK	201.00	S 89° 52' 00" W	35	10,111.17	28.84
AL	201.00	S 89° 52' 00" W	36	10,111.17	28.84
AM	201.00	S 89° 52' 00" W	37	10,111.17	28.84
AN	201.00	S 89° 52' 00" W	38	10,111.17	28.84
AO	201.00	S 89° 52' 00" W	39	10,111.17	28.84
AP	201.00	S 89° 52' 00" W	40	10,111.17	28.84
AQ	201.00	S 89° 52' 00" W	41	10,111.17	28.84
AR	201.00	S 89° 52' 00" W	42	10,111.17	28.84
AS	201.00	S 89° 52' 00" W	43	10,111.17	28.84
AT	201.00	S 89° 52' 00" W	44	10,111.17	28.84
AU	201.00	S 89° 52' 00" W	45	10,111.17	28.84
AV	201.00	S 89° 52' 00" W	46	10,111.17	28.84
AW	201.00	S 89° 52' 00" W	47	10,111.17	28.84
AX	201.00	S 89° 52' 00" W	48	10,111.17	28.84
AY	201.00	S 89° 52' 00" W	49	10,111.17	28.84
AZ	201.00	S 89° 52' 00" W	50	10,111.17	28.84
BA	201.00	S 89° 52' 00" W	51	10,111.17	28.84
BB	201.00	S 89° 52' 00" W	52	10,111.17	28.84
BC	201.00	S 89° 52' 00" W	53	10,111.17	28.84
BD	201.00	S 89° 52' 00" W	54	10,111.17	28.84
BE	201.00	S 89° 52' 00" W	55	10,111.17	28.84
BF	201.00	S 89° 52' 00" W	56	10,111.17	28.84
BG	201.00	S 89° 52' 00" W	57	10,111.17	28.84
BH	201.00	S 89° 52' 00" W	58	10,111.17	28.84
BI	201.00	S 89° 52' 00" W	59	10,111.17	28.84
BJ	201.00	S 89° 52' 00" W	60	10,111.17	28.84
BK	201.00	S 89° 52' 00" W	61	10,111.17	28.84
BL	201.00	S 89° 52' 00" W	62	10,111.17	28.84
BM	201.00	S 89° 52' 00" W	63	10,111.17	28.84
BN	201.00	S 89° 52' 00" W	64	10,111.17	28.84
BO	201.00	S 89° 52' 00" W	65	10,111.17	28.84
BP	201.00	S 89° 52' 00" W	66	10,111.17	28.84
BQ	201.00	S 89° 52' 00" W	67	10,111.17	28.84
BR	201.00	S 89° 52' 00" W	68	10,111.17	28.84
BS	201.00	S 89° 52' 00" W	69	10,111.17	28.84
BT	201.00	S 89° 52' 00" W	70	10,111.17	28.84
BU	201.00	S 89° 52' 00" W	71	10,111.17	28.84
BV	201.00	S 89° 52' 00" W	72	10,111.17	28.84
BW	201.00	S 89° 52' 00" W	73	10,111.17	28.84
BX	201.00	S 89° 52' 00" W	74	10,111.17	28.84
BY	201.00	S 89° 52' 00" W	75	10,111.17	28.84
BZ	201.00	S 89° 52' 00" W	76	10,111.17	28.84
CA	201.00	S 89° 52' 00" W	77	10,111.17	28.84
CB	201.00	S 89° 52' 00" W	78	10,111.17	28.84
CC	201.00	S 89° 52' 00" W	79	10,111.17	28.84
CD	201.00	S 89° 52' 00" W	80	10,111.17	28.84
CE	201.00	S 89° 52' 00" W	81	10,111.17	28.84
CF	201.00	S 89° 52' 00" W	82	10,111.17	28.84
CG	201.00	S 89° 52' 00" W	83	10,111.17	28.84
CH	201.00	S 89° 52' 00" W	84	10,111.17	28.84
CI	201.00	S 89° 52' 00" W	85	10,111.17	28.84
CJ	201.00	S 89° 52' 00" W	86	10,111.17	28.84
CK	201.00	S 89° 52' 00" W	87	10,111.17	28.84
CL	201.00	S 89° 52' 00" W	88	10,111.17	28.84
CM	201.00	S 89° 52' 00" W	89	10,111.17	28.84
CN	201.00	S 89° 52' 00" W	90	10,111.17	28.84
CO	201.00	S 89° 52' 00" W	91	10,111.17	28.84
CP	201.00	S 89° 52' 00" W	92	10,111.17	28.84
CQ	201.00	S 89° 52' 00" W	93	10,111.17	28.84
CR	201.00	S 89° 52' 00" W	94	10,111.17	28.84
CS	201.00	S 89° 52' 00" W	95	10,111.17	28.84
CT	201.00	S 89° 52' 00" W	96	10,111.17	28.84
CU	201.00	S 89° 52' 00" W	97	10,111.17	28.84
CV	201.00	S 89° 52' 00" W	98	10,111.17	28.84
CW	201.00	S 89° 52' 00" W	99	10,111.17	28.84
CV	201.00	S 89° 52' 00" W	100	10,111.17	28.84



1/03/12 2:34:02
DK W BK 672 PG 415
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

(Space Above This Line For Recording Data) _____
File No: 2011122585
Prepared By & Return To:
Bridgforth & Buntin, PLLC
P. O. Box 241
Southaven, MS 38671
(662) 393-4450

INDEXING INSTRUCTIONS: Part of the Northeast Quarter and Northwest quarter of Section 21, Township 3 South, Range 7 West, DeSoto County, Mississippi

WARRANTY DEED

ST. IVES GROUP, LLC,
a Mississippi limited liability company
1074 Thousand Oaks Drive
Hernando, Mississippi 38632
Business: 662-429-2332

GRANTOR

TO

LIFESTYLE COMMUNITIES, LLC,
a Mississippi limited liability company
1074 Thousand Oaks Drive
Hernando, Mississippi 38632
Business: 662-429-2332

GRANTEE

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) cash in hand paid and other good and valuable considerations, the receipt of all of which is hereby acknowledged, ST. IVES GROUP, LLC, a Mississippi limited liability company, does hereby sell, convey and warrant unto LIFESTYLE COMMUNITIES, LLC, a Mississippi limited liability company, the land lying and being situated in DeSoto County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT "A"

DK W BK 672 PG 416

The warranty in this deed is subject to rights of way and easements for public roads and public utilities, and zoning regulations in effect in the City of Hernando, DeSoto County, Mississippi and further subject to Right of Way to Mississippi Power & Light Company of record in Book 180, Page 424, in said Clerk's office; and further subject to prior reservation or conveyance of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on and under the subject property.

Taxes for the current year to be pro-rated.

Possession is to be given with delivery of Deed.

WITNESS the signature of the duly authorized member of said St. Ives Group, LLC this 29th day of December, 2011.

ST. IVES GROUP, LLC

By [Signature]
Brian D. Hill - Member

STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this the 29th day of December, 2011, within my jurisdiction, the within named Brian D. Hill, who acknowledged that he is a Member of St. Ives Group, LLC and that for and on behalf of the said St. Ives Group, LLC, and as its act and deed he executed the above and foregoing Warranty Deed, after first having been duly authorized so to do.



[Signature]
Notary Public

T:\LUAN\7\WD ST. IVES GROUP, LLC TO LIFESTYLE COMMUNITIES, LLC

EXHIBIT "A"

Dec 1 2011 12:59pm P042/044

TRACT 1

A 43.56, more or less, acre tract of land being located in the northeast quarter and northwest quarter of section 21, township 3 south, range 7 west of the Chickasaw Meridian, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at a well found at the southwest corner of the northwest quarter of section 21, township 3 south, range 7 west of the Chickasaw Meridian; thence north 89 degrees, 38' 43" east, a distance of 2314.98' to a 1/2" metal pipe set, said metal pipe being the true point of beginning of the herein described tract of the herein described tract; thence north 00 degrees 59' 56" west, a distance of 657.96' to a 1/2" metal pipe set; thence north 89 degrees 25' 34" east, a distance of 336.72' to a 1/2" metal pipe set; thence north 00 degrees 18' 08" west, a distance of 698.34' to a 1/2" metal pipe set; thence north 89 degrees 28' 19" east, a distance of 336.60' to a 1/2" metal pipe set; thence south 82 degrees 13' 12" east, a distance of 23.67' to a 1/2" metal pipe set; thence south 72 degrees 39' 10" east, a distance of 135.07' to a 1/2" metal pipe set; thence south 00 degrees 51' 46" west, a distance of 85.17' to a 1/2" metal pipe set; thence south 51 degrees 24' 54" east, a distance of 96.06' to a 1/2" metal pipe set; thence north 75 degrees 27' 51" east, a distance of 29.12' to a 1/2" metal pipe set; thence south 78 degrees 01' 45" east, a distance of 44.12' to a 1/2" metal pipe set; thence south 57 degrees 43' 44" east, a distance of 204.49' to a 1/2" metal pipe set; thence south 78 degrees 15' 47" east, a distance of 168.08' to a 1/2" metal pipe set; thence south 66 degrees 47' 20" east, a distance of 177.64' to a 1/2" metal pipe set; thence south 48 degrees 49' 17" east, a distance of 105.82' to a 1/2" metal pipe set; thence south 38 degrees 49' 19" east, a distance of 74.82' to a 1/2" metal pipe set; thence north 18 degrees 07' 37" east, a distance of 36.66' to a 1/2" metal pipe set; thence south 07 degrees 43' 25" west, a distance of 77.57' to a 1/2" metal pipe set; thence south 64 degrees 11' 35" east, a distance of 119.16' to a 1/2" metal pipe set; thence south 62 degrees 41' 24" east, a distance of 83.66' to a 1/2" metal pipe set; thence south 11 degrees 17' 56" east, a distance of 38.81' to a 1/2" metal pipe set; thence south 75 degrees 07' 18" east, a distance of 85.64' to a 1/2" metal pipe set; thence south 39 degrees 20' 44" east, a distance of 35.47' to a 1/2" metal pipe set; thence south 96 degrees 57' 54" east, a distance of 95.36' to a 1/2" metal pipe set; thence south 84 degrees 55' 24" east, a distance of 90.78' to a 1/2" metal pipe set; thence south 09 degrees 43' 10" east, a distance of 146.48' to a 1/2" metal pipe set; thence south 70 degrees 43' 19" east, a distance of 24.93' to a 1/2" metal pipe set; thence south 50 degrees 43' 58" east, a distance of 82.36' to a 1/2" metal pipe set; thence south 26 degrees 03' 55" east, a distance of 57.44' to a 1/2" metal pipe set in a barbed wire fence; thence, along said fence the following calls, north 88 degrees 51' 27" west, a distance of 91.63' to a 1/2" metal pipe set; thence south 89 degrees 57' 57" west, a distance of 128.11' to a 1/2" metal pipe set; thence north 89 degrees 40' 33" west, a distance of 171.82' to a 1/2" metal pipe set; thence north 46 degrees 27' 15" west, a distance of 254.43' to a 1/2" metal pipe set; thence south 87 degrees 11' 35" west, a distance of 169.67' to a 1/2" metal pipe set; thence south 88 degrees 43' 38" west, a distance of 187.55' to a 1/2" metal pipe set; thence south 89 degrees 42' 21" west, a distance of 494.42' to a 1/2" metal pipe set; thence south 81 degrees 57' 00" west, a distance of 114.26' to a 1/2" metal pipe set; thence 89 degrees 18' 47" west, a distance of 163.39' to a 1/2" metal pipe set; thence south 86 degrees 15' 32" west, a distance of 156.15' to a 1/2" metal pipe set; thence south 88 degrees 51' 47" west, a distance of 307.80' to the point of beginning. Containing 43.56 acres, more or less and being subject to all codes, covenants, easements, revisions, restrictions, regulations, and rights of way of record.

TRACT 2

A 0.21, more or less, acre tract of land being located in the northeast quarter of section 21, township 3 south, range 7 west of the Chickasaw Meridian, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the southwest corner of the northwest quarter of section 21, township 3 south, range 7 west of the Chickasaw Meridian; thence north 62 degrees 38' 41" east, a distance of 2958.49' to a 1/2" metal pipe set, said metal pipe being the true point of beginning of the herein described tract; thence north 00 degrees 18' 01" west, a distance of 27.92' to a 1/2" metal pipe set; thence north 85 degrees 14' 43" east, a distance of 214.48' to a 1/2" metal pipe set; thence south 42 degrees 45' 50" east, a distance of 40.26' to a 1/2" metal pipe set; thence south 82 degrees 13' 12" east, a distance of 96.33' to a 1/2" metal pipe set; thence south 89 degrees 28' 39" west, a distance of 336.60' to the point of beginning. Containing 0.21 acres, more or less and being subject to all codes, covenants, easements, revisions, restrictions, regulations, and rights of way of record.

27265-D

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to approve the application for Final Plat Approval for St. Ives Section D, the eastern end of St. Ives Drive by Brian Hill with Lifestyle Homes, LLC, with the recommendations from the Planning Commission, with hiring a temporary engineer to work with the City Planner to come up with the appropriate maintenance bond amount and to check the minutes for the information about the fence on the southern side. A vote was taken with the following results:

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

Those voting "Nay": Alderwoman Brooks.

ORDERED AND DONE this the 6th day of February, 2018

AUTHORIZE TO AMEND THE NO SMOKING ORDINANCE

Kenny Stockton stated that if you wanted to adopt this draft, it wouldn't be affective until 30 days.

Chris Lee, owner of Midsouth Vapors, I have the VaporSmart on McIngvale Rd, asked why are you adding e cigs. There is not evidence that shows it is harmful to others, like second hand smoke. My mother and mother in law both died from cancer. This is why I started this business. The California State and Health department did a study, with extreme conditions, there was nothing in the air that was harmful to anyone. People try to categorize us as the same as tobacco, if anything we are anti-tobacco.

Mayor Ferguson stated that we are not banning them in the City, just indoors.

Chris Lee stated that he would like to ask you to leave it up to the businesses, or at least make up a provision. I have 430 flavors in my shop. People want to try them to figure out what will help them get off of cigarettes.

Alderwoman Brooks asked doesn't it contain nicotine.

Chris Lee answered yes, but nicotine isn't the harmful substance.

Alderwoman Brooks asked so how is it helping people quit smoking.

Chris Lee answered first you get off all of the carcinogens, then you start lowering your nicotine intake.

Alderwoman Brooks stated kind of like people who smoke a pack a day, they wean themselves off to one cigarette a day.

Chris Lee answered kind of. A lot of the problem ith getting off is the habit.

Alderwoman Brooks stated but that doesn't go away with the vap.

Chis Lee stated exactly.

Alderman Higdon asked why does he have all of the flavors.

Chris Lee answered variety.

Alderman Higdon stated those kids like it right.

Chris Lee stated that no we don't have any kids. He is ethical. Kids are going to get it if they want it. We card like anyone else would.

Alderman Harris asked if Mr. Lee can tell him of any restaurants or retail store that allow you to smoke inside.

Chris Lee answered no, I can't.

Alderman Harris stated that we aren't here to harm your business. All we are trying to do is tell people if you want to smoke, you can go outside.

Chris Lee stated that it is not proven harmful with second hand vapor. Mr. Lee asked how long did the Board study vaping.

Alderman Harris answered that we spent 45 minutes at the last meeting discussing this.

Alderman Hobbs asked who goes in your store.

Chris Lee asked Mr. Hobbs what he meant.

Alderman Hobbs stated non-smoking people don't go in there.

Chris Lee stated no.

Alderman Hobbs stated not minors.

Chris Lee stated no. Mr. Lee said can you at least make an exception.

Alderman Hobbs stated that I think you should be able to test in their store, but since it is already in the ordinance we can't smoke, I can see why to add it. Mr. Lee you say that vaping is safe, but that gentleman over there is going to say that it is.

Marcus Ross stated that Mr. Lee spoke about the California regulations, the same state also said that 10 chemicals are identify in the electronic cigar devices are on the California proposition 65 list carcinogens and toxins also known as safe drinking water and toxic enforcement act of 1986 found compounds in the vapor. It is actually wrongfully being called vapor, vapor was created by tobacco companies as a marketing tool. It is more like an aerosol. Some chemicals in them are formaldehyde, battery acid, embalming fluid, benzene. It is not vapor, it is aerosol. It is not harmless. It is a public health issue. They can trigger heart attached, aspirate asthma in elderly and young children. The Surgeon General's Office said it needs to include e cigarettes in the ordinance.

Alderman Hobbs stated if you don't go in there, it won't hurt you. Government should not dictate what business should do and not do.

Marcus Ross stated you can't go into a wine & spirits store and try every flavor of wine or vodka in the store. If you make exceptions for vap shops, where does it stop.

Alderman Miller stated that you made a statement that tobacco companies are spend billions to make sure to get the kids, we aren't saying that this is getting the kids. Everybody subsidizes somebody. The business is just asking to be able to do what is legal in their business.

Marcus Ross stated the if exceptions are made, it undercuts the progress of the City. I don't think them not smoking inside will hurt their businesses.

Alderman Higdon asked why can't the people go in and get what they want in your shop.

Alderwoman Brooks asked why do they have to taste it.

Alderman Hobbs stated that is their prerogative, if they want to try it then they should be able to.

Kenny Stockton stated that if you want to create an exception, it will be very narrow, very unique, about what they sell and do. We will have to define what that business can sell. It would have to be strictly enforced, so they can't get around the ordinance.

Alderman Miller stated that he thinks we shouldn't regulate businesses.

Alderman Higdon stated that we wouldn't be stopping them from selling.

Alderman Miller stated that they wouldn't be allowed to test inside.

Kenny Stockton stated either you do it or not.

Mayor Ferguson stated that we can look around at different ordinances.

Chris Lee stated that the testers don't have nicotine in them.

Alderman Higdon asked what about carcinogens.

Chris Lee answered there is 95% less than cigarettes.

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to table this item until the next Board Meeting, for the attorney to look into the exceptions for vapor shops. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

DISCUSSION OF THE PARADES, RACES AND EVENTS IN THE CITY

Alderman Harris spoke about information on the parades, races and events that the committee has meet on. Mr. Harris handed out a spreadsheet with information on it about the cost to the Board. Mr. Harris stated that the committee recommends the Long View route. There is better control on the cost with that one. Mr. Harris also went over the application process.

Alderman Miller stated that the Long View route takes them away from businesses.

Wade Stark stated that they need to consider another route from Commerce, Mt Pleasant, and Parkway. One subdivision over there only has one way in and one way out. They need to find something else.

Alderman Harris stated that we are trying to fix that issue, they will have to notify citizens when they have a race.

AUTHORIZE THE FIRE DEPARTMENT TO APPLY FOR THE AFG GRANT

Fire Chief Hubert Jones gave the Board information about the grant. It will be go toward a truck and one for hydraulic tools and air packs.

Motion was duly made by Alderman Harris and seconded by Alderman Miller to authorize the Fire Department to apply for the AFG grant. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

AUTHORIZE THE MAYOR TO SIGN THE CONTINUING DISCLOSURE ENGAGEMENT LETTER WITH BUTLER SNOW

Motion was duly made by Alderman Miller and seconded by Alderman Bryant to authorize the Mayor to sign the Continuing Disclosure Engagement Letter with Butler Snow. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

DISCUSSION OF FIREWORKS FOR 4TH OF JULY

Mayor Ferguson stated that he wants to get donations to help with the firework show.

Alderman Hobbs asked if we know when we want to do it.

Mayor Ferguson stated that July 4th is on a Wednesday.

Alderman Higdon stated we usually have it on the weekend before. Mr. Higdon stated that we need to decide quickly so they can get the supplies needed.

Mayor Ferguson stated that we need to discuss it with George Reedy, to decide on a date.

Alderman Hobbs asked if there is anyway that we could have it at the Renasant Park.

Mayor answered parking will be an issue.

Alderman Higdon asked if we are putting out a bid request, with the correct size shells. We need to start early.

Mayor Ferguson stated we don't have to get quotes right Kenny.

Kenny Stockton answered not if it isn't paid for with city money.

Alderman Hobbs stated that we will have to bid it out if we don't have the money secure.

Alderman Higdon stated that we don't have an issue with bidding it out.

Alderwoman Brooks asked who was going to be responsible overseeing this, getting the donations.

Mayor Ferguson stated Gia could help, maybe the chamber.

Alderman Higdon stated that your assistant, Jessica could help.

Mayor Ferguson answered yes, she could.

Gia Matheny stated that it is difficult to get sponsors for something that large. I am also trying to get sponsors for the Water Tower 10k race right now. We need to have something to offer them, some benefit.

Alderman Higdon asked if we are going to use the same committee as last year.

Alderman Miller stated that it was McLendon and myself.

**AUTHORIZE THE CITY TO HOST THE 2019 MSA (MS SOCCER ASSOCIATION)
DISTRICT TOURNAMENT**

Mayor Ferguson stated that this is to apply for it. If they get it, there will be cost associated with it.

Alderman Hobbs asked if we know the cost.

Mayor Ferguson answered not at this time.

Alderman Hobbs stated that with something like that the revenue will offset the cost.

Motion was duly made by Alderwoman Brooks and seconded by Alderman Miller to authorize the City to host the 2019 MSA District Tournament. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

DISCUSSION OF PUBLIC WORKS DEPARTMENT POLICY AND PROCEDURES FOR ADJUSTMENTS TO WATER AND SEWER BILLS

Mayor Ferguson stated that there will be no adjustments for swimming pools, we will take that statement out. Mayor also stated that the policy will become active the date the Board approves.

Alderman Miller stated that a customer had a large bill because of a leak, he was away from home when it happened. Mr. Miller asked the Public Works Director about why we don't leave a note when we read the meter and it looks like high usage.

Public Works Director Gary McElhannon answered that we could do that if needed.

Kenny Stockton stated that he would caution against a policy. What if we miss someone. I can see problems coming from that.

Public Works Director Gary McElhannon stated most of the time if it looks high, we re-read it.

Kenny Stockton stated that he wouldn't do a policy.

Holly McDonald stated that it would be so nice if the City would do that.

Alderman Miller thanked the attorney for getting the AG Opinion on that.

Motion was duly made by Alderman Miller and seconded by Alderman Higdon to approve the Public Works Department Policy and Procedures for adjustments to water and sewer bills, with necessary changes. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

DISCUSSION OF CIVIL LINK ROAD IMPROVEMENT PROGRAM

Mayor Ferguson spoke about the Civil Link road improvement program. It would be a plan to get started for road maintenance.

Bree Nolan, Civil Link, stated that this is a road maintenance program. We ride the roads and we have something that acts as a trained eye, videotaping as it goes down the road. It works with the GIS system analyzing and rating the street conditions. We have done this service for Southaven and we are hoping to start with Biloxi. The purpose is to do a maintenance program. If you are spending all of your money on the worst roads, you will always be spending all of the money on the worst roads. You won't be able to catch up and maintain.

Mayor Ferguson stated that he would love for us to get a maintenance plan.

Alderman Miller stated that we see the initial cost, what about 1 year from now.

Dan, Civil Link, stated that they recommend doing the program every 3 years.

Alderman Miller asked if the cost is the initial. You recommended every 3 years. It is an on going problem. A year and half later you do the same thing again

Dan stated we will work based off of the initial evaluation improvements, we will get input from you on who you want to spend this years money.

Alderman Miller what is the cost to host it, update it.

Dan answered they typical cost is about \$2,000 a year, the typical web hosting is an hourly cost.

Bree Nolan stated that it is on an hourly basis.

Mayor Ferguson stated that we could update it too.

Dan stated that it is your data after we do this.

Mayor Ferguson stated that his thought is we do this and we add data, then eventually we sill need another evaluation, maybe every 5 to 10 years.

Bree Nolan stated that we would be happy to come back and do a work session with you, we could also do a work session on drainage information.

Alderman Hobbs asked if they will do another class at MML.

Bree Nolan answered that they might be able to, not sure yet.

Mayor Ferguson stated that we need to keep up with the complaints also, we can do that with this. I'd like to have this.

Alderman Hobbs stated that we need to look at putting this in the next budget.

Alderman Miller stated we aren't putting this in this budget.

Mayor Ferguson stated that he wanted to take this money from the overlay budget.

Alderman Miller stated that we should prioritize the roads now.

Mayor Ferguson stated that the only way we prioritize is just by looking and arguing about it. Mayor asked Dan how quick can this be done.

Dan answered about 2 months.

Alderman Miller stated that we can do this and parallel what we have been doing.

Motion was duly made by Alderman Miller and seconded by Alderman Hobbs to provide the City Engineer a list of streets that we need to work on, and bring those back to the next meeting. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

DISCUSSION OF MUNICIPAL DEPOSITORY BID

Alderman Higdon asked if Renasant was the best bid.

City Clerk Katie Harbin answered if you are only considering the interest rate they will pay, then yes.

Motion was duly made by Alderman Higdon and seconded by Alderman Bryant to authorize to accept the quote from Renasant Bank for Municipal Depository Services. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

**AUTHORIZE MAYOR TO SIGN AN AGREEMENT FOR THE PURCHASE OF
EQUIPMENT WITH DESOTO COUNTY**

Police Chief Scott Worsham stated that this is to purchase a bus for prisoner transport.

Motion was duly made by Alderman Higdon and seconded by Alderman Miller to authorize the Mayor to sign an agreement for the purchase of equipment with Desoto County. A vote was taken with the following results:

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

Those voting "Nay": None.

ORDERED AND DONE this the 6th day of February, 2018

ADJOURN

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

Motion passed with a unanimous vote of "Aye".

MAYOR TOM FERGUSON

ATTEST:

KATIE HARBIN, CITY CLERK