

**CITY OF PICAYUNE  
PLANNING COMMISSION MEETING**

**Minutes of April 12, 2022, 5:30 P.M.**

The City of Picayune Planning Commission met April 12, 2022, at 5:30 P.M. in the Intermodal and Tourist Center at 200 Hwy 11 South, Picayune, MS 39466 with the following Commissioners present: George Janet, Martha Ford, Louise Harvin, Bryan Cooper, Glen Rayburn, Luddia Williams, Tom Milar and Teresa Bennett of Planning & Zoning Department and attorney Nick Thompson.

It being determined a quorum was present, Bryan Cooper, welcomed everyone and called the meeting to order.

The following agenda items were discussed with recommendations made to the City Council on April 19, 2022, at 5:00 P.M.

**I. Approval of Minutes for meeting held March 8, 2022.**

**Motion: George Janet**

**Second: Martha Ford**

**Voting Yea: George Janet, Martha Ford, Louise Harvin, Bryan Cooper, Luddia Williams, Glen Rayburn**

**Voting Nay: None**

**Absent and not Voting: None**

**Abstaining and not Voting: None**

**New Business**

- 1. Consider request for a Preliminary Subdivision Plan Approval – Melvin Hicks and Leavern Guy, is seeking permission for a Preliminary Subdivision Plan for the Guy-Hicks Subdivision II, which includes 15 lots. PPIN No. 22893. Property located on Neal Road, which is zoned R-3 (Multi-family Residential).**

**Louise recused herself from the meeting.**

**Discussion:**

***Bryan Cooper*, can one of you guys like to tell us a little about what you have in mind?**

***Learvern Guy*, I will start and Mr. Hicks can follow. As you know the Goodyear community has not had any type of real subdivision or anything like that in quite some years. Those of you who did not sign in did not see the pictures of the houses that we plan on building. We are in compliance, we have followed all the rules of the city, we have checked in with Tom on several occasions to make sure the plat was in order. It is in a R-3 zone and R-3 does allow for multi-family. However, we are not going to do any multi-family units. These are all individual single-family residence. They will value from \$150,000 to \$185,000**

that's the cost of the houses. Now one thing we recognize and in talking with some of you, your question was why are you putting this in our community when you got these older homes there and you're not going to get you value but that's a risk that Melvin and I are willing to take by doing this investment. On that note our plan is to enhance the current houses in Goodyear we have talked about this before with some of you. We verified with our coordinators that are here tonight that they are monies available to rehab houses in the Goodyear community on the old houses that are there right now. They have a \$10,000 grant and you have a one-time \$40,000 1% loan that you can apply for. I talked with Mrs. Mcgrew and she is willing to team up with us and help the residence of the area to apply for those grants. Rene is also willing to do that. We have that available right now for the people that's in the community because if we can get your area enhanced then it creates a little more value for us with our investment. In addition to that we talked to Council member Lynn Bumpers and we were telling her about the challenges in that community with the open ditches where the existing community we are hoping that we could partner up with her in some kind of way to cover those ditches. All of this enhances what we are going to do across the street we not in your neighborhood at all. So we are just asking that if you guys have any questions that we defiantly want you to come to us with that. So, Melvin if you would he has some things to say.

*Melvin Hicks*, I'm Melvin Hicks and what Leavern and I are planning on doing is improving not taking away from that community. We have looked at the overall cost of this improvement and its going to go up to about \$3,000,000 now we would not be spending that kind of money for a failure. We do not want to undermine anything that is already there. We want to improve that. That's why we have this sizable investment we are going to make. Now these homes that we are building are for families not multi-family but for a family and they will be for sale. If they are for sale then we expect those people to be part of that community not for one day, three months or for one year, for a long period of time. We plan on having a property owners association in that little subdivision. That will help to improve or maintain a certain level of readiness or the confidentiality of that community and at the same time they will know that they are responsible for that community the ones that we sell the houses to. If we can do that, we think the city overall will be benefited by us. We have people now that are not only going to be living in that community but will be taxpayers in that community there by helping the city by the amount of money that the city collects on that property. And that is far as I want to go for right now. I want to introduce everyone here Rene Soley will be our housing coordinator to help with the people who would like to live in that community.

*Rene Soley*, good afternoon, it's a pleasure to be here my name is Rene Soley, and I am the community housing coordinator and, in that role, Leavern and I have done this before, we have put on housing workshops we have invited the community to come out we have explained to them how to get a mortgage so when Leavern told me about this project I told him yes I would be glad to help you out again. I am a mortgage councilor I work with the neighborhood assistance councilor which is one of the biggest non-profits in America the office

loans individuals for housing the process for us is to host a workshop and reached out to the USDA who wants to partner with us they have loans that are available that would be in a price range that we want it to be so we would hold a workshop here somewhere in Picayune. We may have more than one and we invite the community to come to our workshop and then we explain to you what is required for you to qualify for a loan, and these are your traditional USDA, FHA mortgage loans, loans that we will insure that people can make the payments and not be challenged every month to make payment. That's my role and then when Leavern told me about the project I ask him where it was because we will also be reaching out the community to offer the 504 home loan repair program that is a USA program and that allows owners that if your name is on the deed you can qualify and there is income guidelines for a \$40,000 loan at 1% and that would be about \$185 a month if your over 62 you would qualify for the grant the grant does not have to be repaid that's \$10,000 you could qualify for both if you have the correct income level and that would allow you to do some critical repairs on the home that you currently live in, that your name is on the deed. Succession is a big issue in our community and we folks who can assist us with resolving succession issues and I will stop there and take any questions.

*Ronald Jackson*, I am from the Goodyear community, and I live at 2316 Trotter Street. Well, I just want to say you all got up and you spoke well on all this. But we need some assurance because we are living in some bad times right now and we all know that. We don't want renters; we want exactly what you said it will be build and sale it. We don't want nothing to come back on it. Times are so bad right now; I have some neighbors that party till two or three in the morning waking me and my family up. That's dangerous, when you must go next door with them drinking and high and face them to ask them to stop. When you are renting or doing section 8 you are bringing in people from all over and the don't respect you, they don't care nothing about you if they are doing what they want to. I went to them to get results but did not get any, so I went to the police, and I called them every time that they threw a party and got threats for calling. What if these houses don't sell?

*Bryan Cooper*, can I ask you a question? Is this your only objection being that you don't want rentals that if they were individually owned that would be satisfactory?

*Tom Milar*, while you are here do you want to interduce the petition that you have?

*Ronald Jackson*, yes.

*Michael Marks*, 2113 Trotter Street, my concern is that apartments always increase the crime that's one of my main concerns. And if this thing is so great why not build it in your neighborhood.

*Abas Bolden*, 2316 Mark Street, my concern is the same thing Mike said increased crime and another thing too, why did you say that is not going to be in our neighborhood? That is in our neighborhood. We don't need that. We have people already over there with their lots too small, like me I can't afford to get a house built, I could afford to get me a mobile home but because the lots so small you can't do that. I can't build on it and now you all want approvals to come build something in our

neighborhood. You all could have come and talked to some of us and ask how we felt about you coming in and building something in the neighborhood. Come talk to us instead of coming up with a plan and take it to the city without talking to us first, so we would not be blindsided. You come up with all this money and now you want to build something in our neighborhood. It's not fair to us.

*Leavern Guy*, no I said across the street.

*Charlene Arnold*, I live on Fox Run in Hickory Ridge, but I own a lot of lots in the Goodyear community. I have concerns about the elderly people that lives over there, if a lot of houses come in over there that would be a lot of traffic and most of the people that live there are elderly and sick. They have break-ins. They should have come and talk to all of us because we are the Goodyear community born and raised.

*Luddia Williams*, I want to know what type of houses are they going to build?

*Leavern Guy* hands the commissioners the three types of houses to be built in the subdivision.

*George Janet*, I don't have any questions for a particular person. Let me go ahead with my conclusion and I have gone over this with my colleagues. Mr. guy your plans are not in accordance with the City of Picayune codes for the following reasons. You concealed a copy of your warranty deed prior to this meeting 1. Article 4 Section 400, procedures for approval of the development plat. Appendix B Land Subdivision Ordinance 2. Your plat contains more acreage than allowed. Article 1 Section 1071 plat requires Appendix B Land Subdivision Ordinance 3. Your existing unit located in the Goodyear community conflicts with Article 1 Section 100.1 and Article 8 Section 8151 "A" 4. Your plans would extend from a non-conforming Article 4 Section 403.6 existing uses 5. Because of environmental concerns for public and OS1 open space zoning is required after immediate appeal of R-3 zoning Article 6 Section 606 performance standards and Article 13 legal provisions Section 1305 repeal of conflicting ordinances. I am going to let you know a little bit about number 5 when we find zoning that conflicts with our current ordinances the city council and this planning commissions immediately required to correct that with a repeal. We have an environmental issue out there that a potential brownfield and continuous properties adjoining that potential brownfield and contaminated properties.

*Leavern Guy*, so the article regarding the zoning you are incorrect. The zoning is R-3, and we are not asking for a zone change. R-3 allows multi-family and single-family houses, so I don't see where this is coming from.

*George Janet*, what you don't understand because of a public health and safety concern it's public knowledge here the McGruder property is a contaminated source of and underground storage tank that is a brownfield and a potential brownfield your property and Mr. Spiers as well your property is adjoining to those properties and is a releasing source of petroleum contamination. So that's why we are required by ordinance to zone it R-3 for public safety. Now you can become liable if you own a brownfield because the tank fees have not been paid there for over 50 years. The existing owner does not want to pay the tank fees the

existence of it has been I don't know nothing and I don't want to do nothing so you can become liable for cleaning up your properties and a phase 1 cleanup can be ten thousand dollars, a phase 2 cleanup can be up to 1.5 million dollars and so we recommend that within a five hundred feet radius of that contaminated soil and it is releasing right now. OS1 open space a public health safety concern.

*Bryan Cooper*, who is we? You are not speaking on behalf of the city?

*George Janet*, I am not speaking on behalf of the city but if the city allows him an approval, then the city becomes liable for the cleanup or any public health issue that's involved.

*Melvin Hicks*, MEDQ five or six years ago came down and cleaned up.

*George Janet*, I am aware of the cleanup sir I had MDEQ come down and clean up a waste tire deal there however with the waste tire deal when you in town a buy brand new tires you pay a waste tire fee so there was a fund for that but this one the fees on the tank have not been paid in over fifty years Mr. Roy Neal used to own that store.

*Bryan Cooper*, Mr. Guy, sitting here listening to everybody else talk in this meeting you get the consensus that I don't know how you guys went about this but if you took the time to meet with some of these folks you might could put some of their worries to rest

*Leavern Guy*, absolutely sir, I think we made that option available, and we were told this a man's word don't count and was told that several times and if that be the case what's the use of trying to convince somebody when your attitude is already that your word doesn't matter.

*Bryan Cooper*, I understand that and that makes it difficult. Let me point out one thing here and I'm kind of going off script a little bit I feel like you could put to bed some of the concerns they have by just spending a little bit of time talking with them. The reason I bring this up is I assume you know if we vote on this here and it doesn't pass and the council votes the same you cannot come back with the request for one year so I guess what I'm doing is going off script here it might just be in your best interest to pull this thing back off the table for now and have some meetings with them and another thing is try and take a look at these thing that have been brought up and see what it is about.

*Alberta Parker*, 2016 Cousin Street I am 79 years old I've been in Goodyear ever since I was five. The first thing is I found is miscommunication. You all should have come to us first instead of this right now. What I really want to know is are the houses going to be affordable to the young people because we have so many young people out there renting apartments and giving their money away. If you are going to helping are the homes going to be easy for them to get one because young people have no credit and are just starting out.

*George Janet*, this is from the United States Protective Services if someone buys a property with a petroleum contamination, they are responsible for the cleanup. I spoke with the MDEQ and he and I agreed that if it is releasing and it is releasing because it's a fifty year old tank in 1970 Mr. Roy Neal closed the store and at that time we don't know if Mr. Neal Pumped that tank out or just left it. Mr. Spiers it could affect his property if MDEQ goes out there and discover the source. This is serious.

*Leavern Guy*, I would like to see all your notes. I would like to see the notes and ordinances you are referencing to.

*George Janet*, these are my personal notes. You can call the Mississippi Department of Environmental Quality.

*Leavern Guy*, he had also mentioned several ordinances earlier and I would like to have those numbers.

*Bryan Cooper*, they have been recorded in the minutes

*George Janet*, I would suggest that you call the Environmental Protection Services and they will hand you over to the department of MDEQ.

*Leaverne Guy*, but I do not own that property.

*George Janet*, The McGruder property is a source that is contaminated and releasing to the adjoining properties. There are no funds for a superfund cleanup so it will have to be personal monies to fund it.

*Mary Bolden*, I have property at 2212 Trotter Street so with all this talk about contamination are the residents in any kind of danger.

*George Janet*, it depends you would have to call the MDEQ out there to check like they did on Rosa Street for the superfund site, and I don't know if they cleaned the other properties are just the site.

*Bryan Cooper*, this is just George 's opinion we don't know if there is anything out there or not.

*George Janet*, what are your plans for the existing house located on the property?

*Tom Milar*, they can contact DEQ. If DEQ has that site listed they can tell you if that tank is sealed or not or if it has been properly taken care of. Now with they do not leave open tanks also the fire department would be involved with that because they must know where all the old tanks are. We run across that in town constantly. It is something that you can contact DEQ to find out about.

*George Janet*, I already called, and it is not listed. I've just been watching it for years. It's McGruder's responsibility to state, local and federal regulations.

*Tom Milar*, if it is not listed then it is irrelevant

*Melvin Hicks*, since you are bringing this to our attention now, what happened in the months before now when you have said nothing about it? Why watch it and know about it and not tell them about it.

*Leavern Guy*, we have had conversations before this meeting.

*George Janet*, not about brownfield

*Leaverne Guy*, maybe four or five weeks ago. Why didn't you say anything about this then? Why didn't you let the community know that they live in a high-risk area a brownfield I don't get that?

*George Janet*, I'm a commissioner I don't discuss that

*Glen Rayburn*, I think you all should take the time to discuss it with the community before we go further maybe table it.

*Tom Milar*, we can ask the attorney can we table it?

*Nick Thompson Attorney*, you can table it, if there is a majority vote to table it till the next meeting.

*Bryan Cooper*, if this does not pass tonight and the city council votes it down you will not be able to come back for a year, so we need to figure this out before we make a motion. So, are we ready to make a motion?

After discussion, with opposition, the Planning Commission made the decision to table this request for a Subdivision & Variance until the next meeting. The following vote was taken:

**Motion:** Glen Rayburn

**Second:** Luddia Williams

**Voting Yea:** Glen Rayburn, Martha Ford, Bryan Cooper, Luddia Williams

**Voting Nay:** George Janet

**Absent and not Voting:** None

**Abstaining and not Voting:** Louise Harvin

1. Consider request for a Preliminary Subdivision Plan Approval – Dennis Collier, is seeking permission for a Preliminary Subdivision Plan for the Cottage at the Nest Subdivision, which includes 30 lots. PPIN No. 25727. Property located on Solange Drive, which is zoned PUD-r (Planned Unit District – Residential).

**Discussion:**

*Bryan Cooper*, Mr. Collier let us know what you have in mind

*Dennis Collier*, I have a parcel of land that I would like to develop for a retirement community for people that are fifty-five and older. We are requesting 30 lots which meets the density for the land we own. That's where we are right now.

*Bonnie Frierson*, I'm at 43 Ridge Crest Drive, my question is? What are we getting done? I think we are doing the same thing all over again with a different person. Our questions are the same as before. What are you going to do with the traffic? What are they going to do with the drainage? Our subdivision is already drowning in water, and we don't have sewage back there they are going to have sewage why don't we have sewage? I know they keep working on the water, but they keep saying no to the sewage. The way the land is back there the field drains don't work properly. So, you get sewage backed up into your house. It's terrible and then thirty more houses it's the same thing with a different person. And none of the other issues have been fixed. With thirty more houses that means two cars per house that means 60 more cars coming in and out. Where is the fixable issues before we go adding more problems?

**Dennis Collier**, as far as the drainage we have a detention pond to retain the water from my property and as far as the sewer we have a lift station on the property we don't have septic tanks there is a way to get sewer there to your subdivision from mine. That is something the city would have to do.

**Bonnie Frierson**, the city told us we had to call the Pearl River Utility Authority that they don't have anything to do with the sewer. The utility authority said they were not going to put sewer there.

**George Janet**, so what did the utility authority say?

**Bonnie Frierson**, they said that is not in the works. They do not have any plans to move forward and do not have the funding.

**Bryan Cooper**, is it possible that it can be done through your development?

**Dennis Collier**, yes, it is possible I would defiantly extend the olive branch out to them for water and for sewer

**Martha Ford**, what size would the houses be

**Dennis Collier**, 1400 to 1700 sq feet

**Martha Ford**, the lots are 40 ft wide so is it a o lot line?

**Dennis Collier**, yes 3000 sq ft using half of its density. This would be similar housing to the Garden District. It would be houses like that. Thirty one-story single-family homes.

**Bonnie Frierson**, they won't have any yard.

**Dennis Collier**, well I find it in the retirement communities they don't want to spend a lot of time cutting grass.

**Bryan Cooper**, so Dennis, I know you were on the planning commission, and this has been brought up one time before. Tell us what is different about what you are trying to do that is different from the past?

**Dennis Collier**, for one I have my own right away into the subdivision. The Coty of Picayune has only one retirement community one certifiable retirement subdivision there is a need for more.

**Bryan Cooper**, I'll say this I totally agree with you. I'm just surprised that this is back again. But again, anything you can share with us as to how your proposal is different from the proposal that was rejected last time or listen to those questions and get some answers for them.

**Dennis Collier**, yes, I have a lift station and we have water there I believe that lift station would be more than capable of taken care of that subdivision too.

**John Wynecott**, 48 Ridge Crest drive, I have some questions I would like to ask. When our subdivision was built by Pearson there was not a detention pond made and then we were annexed by the city we have never been approved. My question to him is have you talked to Eric Morris because he said there was no way it could have been done that way. So, we are going to end up with the same problem.

Where is the retention pond? Has anybody checked to see if it was going to be able to handle that?

*Dennis Collier*, it's not going to affect your drainage.

*Chris Smith*, I am the engineer

*John Wynecott*, can you put that in writing.

*Chris Smith*, yes that is what that stamp means

*John Wynecott*, you said 55 and older how long is that going to last 10 years

*Dennis Collier*, forever

*John Wynecott*, how many people can live in each house?

*Dennis Collier*, 2, after 60% of the homes are sold they will establish a HOA

*Dean Bobinger*, 58 Ridge Crest Drive, yea that was what everyone's concerns were about the HOA how long will it last?

*Dennis Collier*, a lifetime.

*Dean Bobinger*, that great. I have no problem with the retirement community I'm getting old.

*Tom Milar*, in reference to this planned unit development he is planning on doing this is the first of three public meetings we will have the first one is just a preliminary plan that shows just the outline of what he wishes to do any changes that have to be made can be made by the planning commission or whatever and then it goes to the engineer and he makes the adjustment and those plans will be brought back before a public hearing again so you can either make a decision on what you would like or what the planning commission would like. The final plat comes back for a public hearing and that is everything and cannot be changed at this point. There are a total of three public hearings for a PUD.

*Nick Thompson Attorney*, on the covenants issue, the planned unit development is somewhat different than a regular district. The normal residential development the covenants are a matter of contract between the developers and the homeowners, and they agree by the contract that they will abide by the covenants they are sort of self-governed, so you have a homeowners association that imposes the covenants and enforces the covenants so that if anyone violates the covenants like builds something too close to the fence that is enforced by the homeowners association. The planned unit development has the same thing except in the city ordinances they require these covenants so the homeowners can enforce the covenants and then for some reason expire for some reason or run out and someone violates the ordinances that can be enforced by the city as well. So, there are two levels of enforcement of covenants on the planned unit development. It's a little bit different than a normal residential development.

*Glen Rayburn*, did you create an egress that tied into their subdivision on that side? You said you were open to helping. That would create a future path for the city to tie in.

*Dean Bobinger*, are you going to put up a fence and what type of fence and how high?

**Dennis Collier**, we will have three columns and in-between the columns they will be bricks with peek a boo holes in it nice fence and a nice subdivision. Fence will be 6ft high.

**Ed Bertucci**, 53 Ridge Crest Drive, I am still against this because I feel thirty units is way too many units I don't trust that people are not going to allowed to live there down the road. I feel people break rules and is going to turn into something they don't want. By having extra cars in that subdivision and I think it is a fire hazard if a fire breaks out or a hurricane or tornadoes cheap housing. I think it's going to be bad I think the sewer and water is going to be bad coming from there thirty units' what's that going to do to our sewer and water pressure?

**Chris Smith**, all that is designed to minimum flooding it must be met and it will be able to handle 2 subdivisions.

**Tom Milar**, the State of Mississippi DEQ requires that at least that XYZ amount of pressure is per unit if it falls to a certain percentage of PSI that's when you fall under your boil water notice. It won't happen. There are rules and regulations in the State of Mississippi that require certain aspects of water quality at each resident.

**Bryan Cooper**, if I am understanding this correctly Mr. Smith, this development you have right here will be serviced by your lift station

**Chris Smith**, correct. Which will go to the utility authority sewer

**Bryan Cooper**, so these folks are on field drains right now and not on a sewer system. So if the ability to extend that utility authority sewer connection you would think that would improve their sewer problem

**Chris Smith**, we will give them an easement right through the lot line and were good to go for sewer and water. We are willing to give the city and the utility authority easements.

**Mike Fitzwilliam**, we want to know where that water will be going because we have a walking track and it's lower than that road right now, so I just needed confirmation from the engineer what's going to stop that water from accessing our walking track.

**Chris Smith**, we are going to grade that site down toward the pond

**Andrea Scurria**, what about the traffic leading down the service road? It's already a mess. Do they have a solution?

**Tom Milar**, the city has applied for grants for doing a turnabout at the Walmart entrance at Ridge Road and Frontage Road and at this time when that gets approved it will relieve some of that traffic but must be approved first.

After discussion, with opposition, the Planning Commission made the decision to approve this request for a Subdivision with the stipulation for a 15 ft easement. The following vote was taken:

**Motion:** Glen Rayburn

**Second:** Martha Ford

**Voting Yea: George Janet, Martha Ford, Louise Harvin, Bryan Cooper, Glen Rayburn**

**Voting Nay: Luddia Williams**

**Absent and not Voting: None**

**Abstaining and not Voting: None**

**Motion to Recess to Tuesday, May 10, 2022**

**Motion: Louise Harvin**

**Second: George Janet**

**Voting Yea: George Janet, Martha Ford, Louise Harvin, Bryan Cooper, Luddia Williams, Glen Rayburn**

**Voting Nay: None**

**Absent and not Voting: None**

**Abstaining and not Voting: None**