

## Public Hearing

June 23, 2023

5:00 PM

Mayor Copey Grantham opened with the Pledge of Allegiance to the flag of the United States of America and Alderman Craig Sanders led with a prayer.

A duly noticed Public Hearing was convened in the board room at Saltillo City Hall on Friday, June 23, 2023 at 5:00 PM concerning a request to re-zone approximately 0.73 acre, Parcel Number 054P-19-012-01, PPIN 002802, located at or near 891 Old Highway 45, Saltillo, MS 38866 from R-3 Medium Residential District to C-2 Commercial Corridor District. Although the zoning map indicates that the subject parcel is zoned as R-3, a portion of the said tract, due to previously being contained in a larger tract, is currently zoned C-2. Thus, part of the tract is zoned as R-3 and part as C-2. The owner of the subject property is Manny Geno - Geno Properties of Booneville, and the proposed developers of the property as a potential commercial gym/fitness center are David and Melanie Riley.

Present for the hearing were Mayor Copey Grantham, Terry Glidewell, Craig Sanders, Brian Morgan, Sonya Witcher, City Clerk Mary Parker, City Attorney Chris Evans, Chief Rusty Haynes, Dustin Hathcock, William Moore, Brian Grissom, Chief Mark Nowell, Manny Geno (3200 W. Chambers, Booneville, MS), Reginald Powell (189 Westwood Circle), James and Laura Booth (118 Scenic Cove), Beth Walker (115 Scenic Cove), Jacque Witcher (1442 Birmingham Ridge Road), Ed Priest (198 Old Payne Place), David & Melanie Riley (1208 Zentwood Road, Tupelo), Melinda Clark (107 Foxfield), Patty Sanders (179 Kellum), Gerald Powell (149 Westwood Circle), Preston Knight and Michell Knight (193 Westwood), Marscia Mahoney (177 Westwood Circle), Anna and Austin Bond (262 Mobile St.), Lisa Gann (102 Stage Dr.), James and Beverly Feathers (104 Westwood Drive), William Moore (Daily Journal), Michael McNeece (110 Scenic Circle), Brett Pearce and Kristi Pearce (109 Scenic Cove).

These Minutes are not verbatim as to all information presented at the public hearing, but are intended to provide an overview as to what took place and as to the primary information used and considered as the basis of the decision made by the board of aldermen. An exact recording of the proceeding was captured via Facebook Live.

City Manager Brian Grissom was sworn in and presented a general overview of the re-zoning request. As stated above, the zoning map indicates that the subject property is currently zoned as R-3. However, due to the parcel originally being part of a larger tract of land, a portion of the parcel is also currently zoned as

C-2. Thus, part of the tract is zoned as R-3 and part as C-2. If the property is re-zoned as C-2, then a gym/fitness center would be an allowable use under the current zoning ordinance. If this occurs, then the city, pursuant to the said zoning ordinance, would have full site plan control over the development, including, but not limited to, factors such as general design and placement of the building and parking lot and driveways; landscaping; fencing (if any); lighting; drainage; elevation; utility placement, etc. Ed Priest, attorney for objectors James and Beverly Feathers, was allowed to question or cross-examine this witness. David Riley and his wife currently operate a gym/fitness center in a strip mall-styled building, the rear of which, along with its rear service drive, is located immediately adjacent to the subject parcel. The Rileys desire to move from the strip mall, due to an expiring lease, and to develop a new stand-alone building on the subject property. This strip mall, which is in a commercial zone, is immediately due East of the subject parcel.

Manny Geno, 3200 W. Chambers, Booneville, MS, in behalf of Geno Properties of Booneville, owner of the subject property, was sworn in and gave an overview of his re-zone request. He indicated that he had owned the property for over ten (10) years and that he had not been able to sell or develop the property as of yet under the current zoning. He further indicated that he had a contract to sell the subject property to David and Melanie Riley to be developed as a gym/fitness center if the property is re-zoned to C-2, which he requested that the board consider. Ed Priest, attorney for objectors James and Beverly Feathers, was allowed to question or cross-examine this witness.

David Riley, 1208 Zentwood Road, Tupelo, potential developer of the subject property, was sworn in and presented his proposal for he and his wife, Melanie Riley, to develop a gym/fitness center on the proposed property if the parcel is re-zoned to C-2. Mr. Riley submitted a set of proposed plans/documents from Mastercraft Builders related to the proposed building which was received by the board as Exhibit "1" to the public hearing. Ed Priest, attorney for objectors James and Beverly Feathers, was allowed to question or cross-examine this witness.

At this time, the Mayor opened the floor for any other interested persons to speak on the proposed re-zoning issue.

Reginald Powell, 189 Westwood Circle, was sworn in and he asked the board to deny the re-zone request. He stated that he has a very stressful job and sleeps during the day and he is concerned that the construction process will interfere with his sleeping pattern.

James Feathers, 104 Westwood Drive, was sworn in and he asked the board to deny the re-zone request. He has lived in the neighborhood for 31 years. He believes that the business would cause a safety hazard due

to heavy traffic during peak times of the day. He also believes that location of the proposed business in the area would decrease the value of the surrounding homes. He believes that this decision could also cause re-zoning uncertainty in the future. He stated that he was worried about more intrusive lighting, noise and slamming of car doors in the area and that this development would invade his privacy. (It is noted that Mr. Feathers resides at 104 Westwood Drive, as stated above, and that the subject parcel before the board for re-zoning is located at or near 891 Old Highway 45. If traveling on Old Highway 45 away from Highway 145 intersection, then the subject property is located on the left side of the roadway, immediately past the Center City strip mall development where the current gym/fitness center is located. Continuing down the roadway, the next parcel of land consists of a lot and an older residence. If you proceed further down the roadway, then next parcel contains the lot and residence of Mr. Feathers, which is located on the corner of Old Highway 45 and Westwood Drive. You would then turn left onto Westwood Drive to access the home and driveway of the Feathers property.)

Brett Pearce, 109 Scenic Cove, was sworn in and he asked the board to deny the re-zone request. He stated that he was concerned about a potential loss of property values in the area and traffic safety concerns if the proposed development is allowed. He stated that there are 7 entrances to businesses and subdivisions on Old Highway 45 from the stop light located at Highway 145.

Beverly Feathers, 104 Westwood Drive, was sworn in and expressed her concerns for additional traffic in the area and for the safety of children in the area, especially those getting on and off the school buses, if the proposed development is allowed.

Brian Grissom, city manager, presented a letter from ESI, the city engineers, dated June 6, 2023, in relation to a traffic study which was conducted in order to determine if the proposed development would have an adverse effect on traffic in the area. The said letter indicates that the current vehicle loading from the existing gym/fitness center location in the strip mall would not have a significant adverse effect on local traffic on Old Highway 45 if the new development is allowed. Further, the letter indicates that moving the location to the proposed parcel from where it is currently could actually be beneficial to traffic proceeding both East and West on Old Highway 45 by moving the traffic stream in and out of the business further from the intersection of Highway 145. This letter was received by the board as Exhibit "2" to the public hearing. Attorney Ed Priest presented the board with a signed petition, with what he indicated were approximately 42 signatures, which was received as Exhibit "3" to the public hearing. The purpose of the petition read: "We, the undersigned property owners of Westwood Circle, Scenic Cove, and Saddle Creek, all being in close proximity to the properties addressed as Parcel #054S-19-012-01 or (ADA Parcel#054P-19-012\*01) located on Old Highway 45, Saltillo, MS owned by Geno Enterprises of Booneville being considered by the City of



Saltillo for rezoning from R-3 to C-2 be denied and we protest this request based upon Chapter 7 of the TEXT AMENDMENTS AND REZONING Section 7.1.7.” (It is noted that, pursuant to the current city zoning ordinance and Mississippi Code Annotated 17-1-17 (1972, as amended), in the event that twenty (20) percent or more of the owners in the area of the lots immediately adjacent to or within 160 feet of the subject parcel object to the proposed zoning change, then such change shall not become effective except by the favorable vote of at least three-fifths (3/5) of the members of the board of aldermen.)

At the request of Attorney Ed Priest, the board then received the following additional exhibits to the public hearing: legal notice for the public hearing received as Exhibit “4;” the development (comprehensive) plan of the city received as Exhibit “5;” the current City of Saltillo Zoning Map received as Exhibit “6;” the permitted use table from the city zoning ordinance received as Exhibit “7;” photograph of the subject property used at the hearing received as Exhibit “8;” and a title abstract of the subject property received as Exhibit “9.”

Mr. Priest then asked to question City Manager Brian Grissom. He inquired as to whether or not there were errors in the current mapping and argued that there was no character change to the surrounding area. Mr. Priest described that he believed the re-zoning request to be “spot zoning.” He inquired as to whether or not the city development (comprehensive) plan had been reviewed yearly or not. Mr. Priest also inquired as to whether the small area of the property currently zoned as C-2 justified it being totally changed to C-2. (It is noted that the current city zoning ordinance defines “spot zoning” on Page 99 as “...a deviation from the comprehensive plan. Spot zoning arbitrarily and unreasonably benefits a single parcel of land, often at the expense of those parcels of land around it, by capriciously creating a zone for that specific parcel and different from the surrounding properties in the area.”

Mr. Priest then questioned the property owner Manny Geno as to his owing back taxes on the property and as to whether the sale of the property was contingent upon the decision to grant the request. In questioning from Mr. Priest, Mr. Geno indicated that he had not been able to sell the property previously since his ownership began, and he also admitted that the property, in being vacant and in him living out of town, had not been properly mowed and maintained during his ownership.

Mr. Riley, the proposed developer, was questioned by Mr. Priest concerning the memberships of the Mayor and board at the existing Snap Fitness location. The Mayor and Aldermen Scottie Clark indicated that they are present members of the facility and Aldermen Brian Morgan and Sonya Witcher indicated that they were past members.

Mr. Jak Smith, attorney for the owner, argued that the subject property was originally intended to be

commercial and that it was zoned partially as R-3 by mistake. Mr. Smith then called Dustin Hathcock, city public works director, who was sworn in, and testified that existing city utilities, including water and sewer, would support the proposed development if the property is re-zoned.

Hearing no objections, the Mayor then adjourned the public hearing in order to move into the Special Meeting of the Board of Aldermen scheduled for 6:30 PM. The Mayor indicated that anyone else who wished to speak on the issue would be allowed to do so in the Special Meeting.

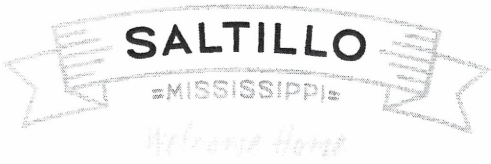
The Public Hearing was therefore adjourned at approximately 6:30 PM.

  
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Mayor Copey Grantham

  
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ATTEST: City Clerk



# City of Saltillo

395 Mobile Street • P.O. Box 1426 • Saltillo, MS 38866 • 662.869.5431

In God We Trust

**Mayor**  
Copey Grantham

**Board of Aldermen**

Scottie Clark

Terry Glidewell

Brian Morgan

Craig Sanders

Sonya Hill Witcher

A meeting has been called by  
Mayor Copey Grantham for Friday,  
June 23, 2023 at 6:30 p.m.

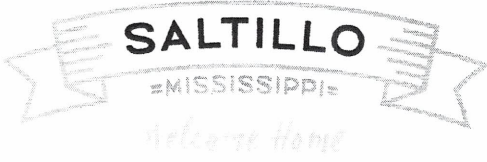
1. **Call to order**
2. **Rezone request for at or near 891 Old Hwy 45**
3. **Personnel – fire department**
4. **Adjourn**

June 22, 2023  
Date

4:00 p.m.  
Time

*May Fair*  
\_\_\_\_\_  
City Clerk

/s/ Mayor Copey Grantham



# City of Saltillo

395 Mobile Street • P.O. Box 1426 • Saltillo, MS 38866 • 662.869.5431

In God We Trust

June 23, 2023

**CALL FOR SPECIAL MEETING OF THE MAYOR  
AND BOARD OF ALDERMEN**

**Mayor**  
Copey Grantham

**Board of Aldermen**

- Scottie Clark
- Terry Glidewell
- Brian Morgan
- Craig Sanders
- Sonya Hill Witcher

**To: SCOTIE CLARK, TERRY GLIDEWELL, BRIAN MORGAN, SONYA WITCHER, AND CRAIG SANDERS**

You are hereby notified that a special meeting of the Mayor and Board of Aldermen of the City of Saltillo, Mississippi is called to meet at City Hall in said City of Saltillo, Mississippi at 6:30 pm on Friday, June 23, 2023 The subject of said meeting is as follows:

1. **Call to order**
2. **Rezone request for at or near 891 Old Hwy 45**
3. **Personnel – fire department**
4. **Adjourn**



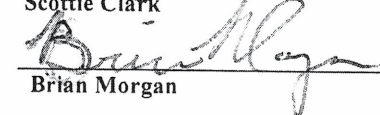

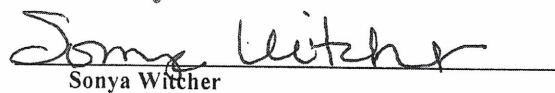
**A POLICEMAN OF THE CITY OF SALTILLO, MS WILL EXECUTE AND RETURN THE ABOVE NOTICE INSTANTER,**

\_\_\_\_\_  
Copey Grantham, Mayor


ATTEST:

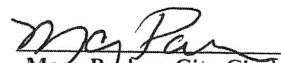
  
\_\_\_\_\_  
Mary Parker, City Clerk

We, the undersigned Aldermen of the City of Saltillo, MS hereby acknowledge service of the above call upon us personally at least three hours before the time of the meeting aforesaid and waive copy of the call.

 _____ Scottie Clark	 _____ Terry Glidewell
 _____ Brian Morgan	 _____ Craig Sanders
 _____ Sonya Witcher	

I have served notice on the above Alderman at least three hours before time of meeting.

  
\_\_\_\_\_  
Copey Grantham, Mayor

  
\_\_\_\_\_  
Mary Parker, City Clerk

***MINUTES OF THE PROCEEDING OF THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF SALTILLO, MISSISSIPPI WHO MET IN A SPECIAL CALLED BOARD MEETING HELD ON FRIDAY, JUNE 23, 2023 AT THE CITY HALL BOARD ROOM AT 6:30:00 P.M.***

Be it remembered that the Mayor and Board of Aldermen of the City of Saltillo, Mississippi met in a duly noticed special called board meeting held on Friday, June 23, 2023 at the City Hall Board Room at 6:30 P.M. and the following officials were present to wit:

Mayor	Copey Grantham
Aldermen	Scottie Clark
	Terry Glidewell
	Brian Morgan
	Craig Sanders
	Sonya Hill Witcher
City Clerk	Mary Parker
City Attorney	Chris Evans

Thereupon the Mayor declared a legal quorum and the meeting open for business.

**RE: APPROVE AGENDA**

On the motion of Brian Morgan, seconded by Craig Sanders, and by an affirmative vote of all present to approve the agenda for the special called meeting.

Ordered this the 23<sup>rd</sup> day of June, 2023.

**RE: RE-ZONE REQUEST FOR 891 OLD HIGHWAY 45**

Pursuant to the agenda, the Mayor then called the potential re-zoning of 891 Old Highway 45 back up for discussion. As was announced at the conclusion of the Public Hearing which began at 5:00 PM and ended at approximately 6:30 PM, anyone who desired to speak during the public hearing, but did not get an opportunity to do so, would be allowed to speak at this time.

Attorney Ed Priest asked that Exhibits 1-9 received during the public hearing held at 5:00 PM be incorporated into the minutes of the Mayor and Aldermen special called meeting, which is so ordered. It was agreed that any public comments or additional exhibits received during the special called meeting would be merged into the public hearing.

Melanie Riley, 1208 Zentwood Road, Tupelo, potential developer of the property along with her husband, David Riley, spoke to the board concerning her ideas about the project. She stated that they were hopeful to enhance the lives of the citizens of Saltillo and surrounding area by being able to offer services in their new location that they cannot offer at their existing location. She mentioned that they would like to include a yoga studio into their new development and that yoga was not otherwise available anywhere else in the city. She said that they would also like to offer pre-surgery and post-surgery rehabilitation. She also stated that she would work with her contractors in having the construction project flow smoothly and on schedule so as to hopefully be as short as possible in order to minimize any inconvenience for residents in the area.

Reginald Powell, 189 Westwood Circle, spoke again and echoed his concerns from the public hearing of extra noise in the area during the construction phase of the proposed new gym/fitness center. (The board, while sympathizing with the concerns of Mr. Powell, notes that there would likely be extra construction noise in the area for a temporary period of time regardless of whether the new development was a gym/fitness center in commercial district or a



home in residential district.)

On the motion of Scottie Clark, seconded by Brian Morgan and by an affirmative vote of Aldermen Morgan, Witcher and Clark, with Aldermen Sanders and Glidewell voting nay, to approve the request to re-zone Parcel Number 054P-19-012-01, PPIN 002802, located at or near 891 Old Highway 45, Saltillo, MS 38866, owned by Manny Geno - Geno Properties of Booneville, from R-3 Medium Residential District to C-2 Commercial Corridor District. The ordinance re-zoning this property will be published and posted in accordance with the current city zoning ordinance and state law.

During discussion, Alderman Witcher stated that she believed that the re-zoning and proposed new development and services to be offered would be a benefit to the city and surrounding area. Alderman Clark, in making his motion, referenced a recent survey study conducted by the Saltillo Main Street Association which indicated that the average age of city residents in Saltillo is decreasing to a younger age, rather than increasing over time. He stated that younger residents would likely find a new full-service gym/fitness center as an enrichment to their quality of life.

With this vote, the following findings of fact were adopted by the board: The board finds that the provisions of Section 4.1.5 of the 2016 city zoning ordinance have been met in this matter by the applicant, by clear and convincing evidence, as follows: (1) the proposed re-zoning is in conformance with the comprehensive plan (development plan), which favors new business that would enhance and enrich the lives of its citizens; (2) city utilities and sewer can accommodate the proposed re-zoning (according to city public works director, Dustin Hathcock); (3) the allowable uses in the requested re-zone will not adversely affect the character of the area and will not result in a decrease of property values (the area is already bordered by commercial entirely to the East, which will not change, and the subject property is already partially zoned C-2); and (4) that the requested re-zone does not involve "spot zoning" (the board finds that this re-zone does not constitute "spot zoning," as a portion of the subject property is already zoned C-2 and all of the properties immediately to the East of the subject property are zoned commercial as well.) The board further finds, by clear and convincing evidence, that the subject property was zoned as both C-2 and R-3 by mistake, which should be corrected, and that there has been a change in the character of the surrounding neighborhood since the original zoning of the property and that re-zoning of the property to C-2 would be warranted in order to serve a public need for the proposed services to be provided at the location.

It is noted that, pursuant to the current city zoning ordinance and Mississippi Code Annotated 17-1-17 (1972, as amended), in the event that twenty (20) percent or more of the owners in the area of the lots immediately adjacent to or within 160 feet of the subject parcel object to the proposed zoning change, then such change shall not become effective except by the favorable vote of at least three-fifths (3/5) of the members of the board of aldermen. While the petitioners did not specify whether they fall within this geographical category or not, the board operates under the assumption that they do, but the measure does pass by the necessary three-fifths (3/5) vote as required by the zoning ordinance and state law.

Ordered this the 23<sup>rd</sup> day of June, 2023.

**RE: PERSONNEL – FIRE DEPARTMENT**

Fire Chief Mark Nowell submitted his resignation to take a position at Tupelo Fire Department, with an effective last day of June 30, 2023.

On the motion of Craig Sanders, and by an affirmative vote of all present to discuss whether a personnel discussion meets the qualifications to enter into executive session.

On the motion of Brian Morgan, seconded by Craig Sanders, and by an affirmative vote of all present to enter into

executive session in order to discuss fire department personnel issues.

Present in executive session were Mayor Copey Grantham, Aldermen Clark, Glidewell, Morgan, Sanders, and Withcer, City Attorney Chris Evans, and City Clerk Mary Parker. City fire department personnel issues were discussed in executive session. No action taken.

On the motion of Craig Sanders, seconded by Sonya Witcher, and by an affirmative vote of all present to go out of executive session and return to regular session.

On the motion of Terry Glidewell, seconded by Scottie Clark, and by an affirmative vote of all present to accept the resignation of Mark Nowell, effective June 30, 2023.

On the motion of Brian Morgan, seconded by Craig Sanders, and by an affirmative vote of all present to appoint Chris Jenkins as the interim fire chief, effective July 1, 2023, at his current salary and benefits.

On the motion of Brian Morgan, seconded Craig Sanders, and by an affirmative vote of all present to adopt a new policy for the fire chief to work a regular fore department shift going forward.

Ordered this the 23<sup>rd</sup> day of June, 2023.

**RE: ADJOURN**

On the motion of Terry Glidewell, seconded by Brian Morgan, and by an affirmative vote of all present to adjourn the special called meeting of June 23, 2023 at 7:31 PM.

Ordered this the 23<sup>rd</sup> day of June, 2023.

  
\_\_\_\_\_  
Mayor Copey Grantham

  
\_\_\_\_\_  
Clerk Mary Parker