



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
DECEMBER 2, 2004**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – October 29, 2004
5. Announcements: Distribution of 2030 Comprehensive Plan

**CONSENT AGENDA**

**MINOR LOT SUBDIVISIONS**

6. **Tommy Stacks Minor Lot Subdivision (6322)** – Application is for three lots of 2.0 acres each. Subject property is located on the north side of Dean Road and west of Gill Road, zoned Agricultural-Residential.  
Section 26, Township 2, Range 8
7. **Pate Minor Lot Subdivision** – Application is for one lot of 2.4 acres. Subject property is located on the south side of Highway 304 and east of Horn Lake Road, zoned Agricultural.  
Section 16, Township 3, Range 8

**FINAL SUBDIVISION PLATS (5)**

8. **Belmor Lakes Section D (6128)** – Application is for final subdivision plat approval for 52 lots on 42 acres. Subject property is located on the north side of Dunn Lane and west of Highway 305, zoned R-40 Overlay.  
Section 16, Township 2, Range 6
9. **Braybourne Section H (6299)** – Application is for final subdivision plat approval for 30 lots on 10.82 acres. Subject property is located on the south side of Highway 302 and west of Center Hill Road, zoned R-15 Overlay.  
Section 32, Township 2, Range 5
10. **Allen Farms Section B (6231)** – Application is for final subdivision plat approval for 10 lots on 37.68 acres. Subject property is located on the south side of Coryelle Road and west of Highway 305, zoned Agricultural.  
Section 22, Township 3, Range 6
11. **Magnolia Gardens (6310)** – Application is for final subdivision plat approval for 65 lots on 18.3 acres. Subject property is located on the east side of Magnolia Road and south of Oak Grove Road, zoned R-8 Overlay.  
Section 19, Township 3, Range 7

(OVER)

12. **Lakes of Delta Bluffs Phase IX (6320)** – Application is for final subdivision plat approval for 29 lots on 7.92 acres. Subject property is located on the north side of Goodman Road and east of Highway 61, zoned Planned Unit Development. Section 27, Township 1, Range 9
13. **Center Hill Crossing formerly Von Estates (6321)** – Application is for final subdivision plat approval for 23 lots on 40.7 acres. Subject property is located on the east side of Center Hill Road and south of the Tennessee State line, zoned Agricultural-Residential. Section 16, Township 1, Range 5

## **OLD BUSINESS**

14. **Jefferson Planned Unit Development (613)** – Application is to rezone 96.7 acres to Planned Unit Development. Subject property is located on the southeast corner of Jaybird and Holly Springs Roads, currently zoned Agricultural. Section 21, Township 3, Range 7

## **NEW BUSINESS**

### **REZONINGS (6)**

15. **Kyle's Creek East (642)** – Application is to rezone 68.60 acres from Agricultural-Residential to R-20 Single Family Residential (Low Density). Subject property is located on the east side of Payne Lane and south of Highway 302. Section 33, Township 1, Range 5
16. **Newberry (643)** – Application is to rezone 23.25 acres from Agricultural-Residential to R-20 Single Family Residential (Low Density). Subject property is located on the south side of Star Landing Road and east of Baptist Road. Section 20, Township 2, Range 7
17. **Earl Warren Rezoning (644)** – Application is to rezone 13.20 acres from Agricultural-Residential to R-30 Single Family Residential (Low Density). Subject property is located on the south side of Woolsey Road and west of Evening Shade Drive. Section 23, Township 2, Range 6
18. **Magnolia Landing (645)** – Application is to rezone 86.5 acres from Agricultural-Residential to R-30 Single Family Residential (Low Density). Subject property is located on the east side of Payne Lane and north of Highway 302, Section 28, Township 1, Range 5
19. **Magnolia Commons (646)** – Application is to rezone 7.04 acres from Agricultural-Residential to Planned Commercial (C-4). Subject property is located on the north side of Highway 302 and east of Payne Lane. Section 28, Township 1, Range 5
20. **Acree Development (647)** – Application is to rezone 190 acres from Agricultural-Residential to R-30 Single Family Residential (Low Density). Subject property is located on the south side of Byhalia Road and west of Ross Road. Section 5, Township 3, Range 6

## **OTHER ITEMS**

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, December 2, 2004, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Leigh Graves, Dennis Clemmer, Leonard Lindsey, Wade Carter, Frank Calvi, Robin James, Jimmy Maxwell, Charles McNemar, James Mayfield, Len Lawhon, Joe Forsythe, Paul Whitfield and Mike Robison. Planning Commission Staff present included Merritt Powell, Michael Garriga, Jim McDougal, Andy Swims, County Engineer, and Tony Nowak, Commission Attorney. Chairman Robison called the meeting to order at 7:00 p.m.

After the invocation, Chairman Robison asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on October 28, 2004. Mr. Lindsey noted a change that needed to be made to the October 28, 2004, and those minutes were corrected. Mr. Carter made a Motion to Approve the Minutes and the Motion was seconded by Mr. Maxwell. The Motion passed by a unanimous vote.

Mr. Garriga passed out the final copy of the Comprehensive Plan to each board member. Mr. Robison asked when the updates on the ordinances, zoning and subdivision regulations would be completed. Mr. Powell answered saying the consultants are working on them now.

Mr. Powell then made an announcement that Mr. Michael Garriga is now the new county administrator.

Mr. Garriga requested that Belmor Lakes be removed off the consent agenda and move it under old business for discussion. Mr. Maxwell made a Motion to move the Belmor Lakes application from the consent agenda and move it to old business. Mr. Lindsey seconded the Motion. The Motion was approved with a unanimous vote.

## **CONSENT AGENDA**

### **MINOR LOT SUBDIVISIONS**

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Section 26, Township 2, Range 8

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### **FINAL SUBDIVISION PLATS (6)**

**Belmor Lakes Section D (6128)** – Application is for final subdivision plat approval for 52 lots on 42 acres. Subject property is located on the north side of Dunn Lane and west of Highway 305, zoned R-40 Overlay.

Section 16, Township 2, Range 6

**Braybourne Section H (6299)** – Application is for final subdivision plat approval for 30 lots on 10.82 acres. Subject property is located on the south side of Highway 302 and west of Center Hill Road, zoned R-15 Overlay.

Section 32, Township 2, Range 5

**Allen Farms Section B (6231)** – Application is for final subdivision plat approval for 10 lots on 37.68 acres. Subject property is located on the south side of Coryelle Road and west of Highway 305, zoned Agricultural.

Section 22, Township 3, Range 6

**Magnolia Gardens (6310)** – Application is for final subdivision plat approval for 65 lots on 18.3 acres. Subject property is located on the east side of Magnolia Road and south of Oak Grove Road, zoned R-8 Overlay.

Section 19, Township 3, Range 7

**Lakes of Delta Bluffs Phase IX (6320)** – Application is for final subdivision plat approval for 29 lots on 7.92 acres. Subject property is located on the north side of Goodman Road and east of Highway 61, zoned Planned Unit Development.

Section 27, Township 1, Range 9

**Center Hill Crossing formerly Von Estates (6321)** – Application is for final subdivision plat approval for 23 lots on 40.7 acres. Subject property is located on the east side of Center Hill Road and south of the Tennessee State line, zoned Agricultural-Residential.

Section 16, Township 1, Range 5

Mr. Garriga then announced the Consent Agenda. Mr. Garriga announced the above items and stated that all the minor lots conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way, and health department approval. He added stating that Magnolia Gardens has an issue with DeSoto County Regional Utility Authority the applicants are aware of it but he wants to be sure the Planning Commission office gets the necessary documentation before the plat is recorded. Mr. Carter made a Motion to approve the consent agenda with staff recommendations. Mr. James seconded the Motion. The Motion was approved by a unanimous vote.

## **OLD BUSINESS**

**Belmor Lakes Section D (6128)** – Application is for final subdivision plat approval for 52 lots on 42 acres. Subject property is located on the north side of Dunn Lane and west of Highway 305, zoned R-40 Overlay. Section 16, Township 2, Range 6

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Ben Smith, from Smith Engineering as being present to represent the application.

Mr. Garriga said one big issue is the amenities, they are not up to par, and there is a major pond or lake on the southwest side of this development that has been used as a catch basin for silt. Erosion control is also a big issue. There have been a lot of questions about the responsibility of the developer. This is the last phase of this subdivision, and we need to be sure everything is in order before this plat is recorded. Mr. Powell added, saying there are also too many home lots in this subdivision.

Mr. Lawhon reviewed the final subdivision regulations and that the final application must conform to the preliminary subdivision approval. This board normally does not hear from anyone in the audience for final subdivision approval, but this is a special case.

Mr. Smith began by saying he does not have any problems with the staff comments, but he would like a list of all the issues.

Mr. Robison asked if there was anyone here for or against this application.

1. Gary Kieffner – 8354 Belmor Lake Drive, President of the Belmor Lakes Homeowners Association. He first began by complimenting Mr. Powell for being so easy to work with. There are several issues he is concerned with. One issue is the retention pond. There are several ditches that flow into the pond, so it receives a lot of water and there is no erosion control. The pond is filled with silt and trash. There has also been a time when the bottom section of the subdivision flooded and pointed to that location. The other issue is that there should be one house per lot, the current plan is showing 196 lots, which is too many. Mr. Kieffner added saying, there is no erosion control measures in place for the section that is to be approved tonight. He continued saying there are problems with the amenities the walking trails, bridges, and common areas. Mr. Kieffner concluded saying, there is a document that creates the homeowners association which is very weak, and they are spending a lot of time with attorneys trying to get this corrected and to be sure it can be enforced.

Mr. Smith responded saying, the lake has been performing as designed. It starts out as a silt detention basin and will later be converted to detention. Mr. White does not have any problem making the approval contingent upon bonding any and all improvements that need to be done that is dealing with construction (not the homeowners association document), road, detention, drainage, etc.

Mr. Robison asked about the walking trails and if there is going to be a bridge. He also is concerned about the number of lots, and the culverts being cleaned out. Mr. Smith answered saying this is the first time he has heard that there are too many lots. Mr. Powell said the subdivision has four home lots to many. Mr. Smith said that was unintentional.

Mr. Carter asked if DEQ has been involved. Mr. Powell said “yes”. Mr. Carter further stated that it is the developer’s responsibility to be sure the erosion control is in place and we should not set a precedence to approve an application until everything is in place and to be sure bonds are in place.

Mr. Powell said we should talk about the bonds and we need to have them in place as soon as possible. There has also been discussion about switching out some of the amenities.

At this point, there was further discussion regarding the number of lots.

Mr. Smith responded to Mr. Carter’s concern about bonding. He stated it is not unusual for a bond to be posted for items other than roads.

Mr. James said apparently these issues have been going on for some time, and wanted to know why they have not been solved already. Mr. Powell said that all subdivisions have problems, this one does have erosion control and drainage problems. He concluded saying, we have to work with every developer in the county.

Mr. Whitfield said he would be comfortable if he knew all of the areas that needed work and to be sure everything has a bond to be sure these issues get resolved.

Mr. Robison said the bigger issue is the acreage, since there is already a board order stating one lot per acre. Mr. Lawhon agreed, and said this application should be heard at a later date to allow time to be sure all of these issues are in place. This final application is not ready to be heard, there are too many issues, but the number of lots matching the Board Order is the most important issue.

Mr. Carter said it is the developer's responsibility to be sure all issues are carried out and if they are not we should not approve final applications. Mr. Forsythe agreed.

Mr. Robison entertained a Motion.

Mr. Lawhon made a Motion to carry this application over until the next scheduled planning commission meeting (December 30, 2004). Mr. Lindsey seconded the Motion. Mr. Carter added, saying with that Motion he would like to see the county, homeowners association and the developer come to an agreement regarding the bond issues. Mr. Lawhon agreed to make that part of his Motion. The Motion was passed by a unanimous vote.

## **OLD BUSINESS**

**Jefferson Planned Unit Development (613) – Application is to rezone 96.7 acres to Planned Unit Development. Subject property is located on the southeast corner of Jaybird and Holly Springs Roads, currently zoned Agricultural. Section 21, Township 3, Range 7**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Robbie Jones, from Jones-Davis Engineering as being present to represent the application. Mr. Garriga added, he wants to be sure the City of Hernando has or will receive an updated copy of what the developer is proposing tonight.

Mr. Robison asked if the 2 tracts to the north east are retained by the property owner. Mr. Garriga answered saying "yes".

Mr. Jones began by stating they are requesting to rezone 97 acres from Agricultural to Planned Unit Development, he then proceeded with a power point presentation.

Issues covered:

1. Site Distance
2. Surrounding Subdivisions and their zoning designation
3. Pedestrian Plan/Sidewalks

4. Layout of Subdivision
5. Landscaping
6. Topography
7. Detention
8. Open Spaces
9. Phasing Plan
10. House Sizes
11. Streetscape
12. Covenants/Architectural-Design Guidelines
13. Subdivision Signs
14. Infrastructure
15. Population increase
16. Changes in the area – New subdivisions, school, Wal-Mart, new commercial business in the area, county & city sewer system, etc.

Mr. Robison asked about the minimum lot sizes. Mr. Jones gave the page number where that information is located. Mr. Robison then asked about the pedestrian plan. Mr. Jones answered saying there will be sidewalks with some walking trails. There was then a brief discussion about the sidewalks and trails. Mr. Jones added saying all the common open space will be maintained by the Homeowners Association. He continued saying, a club house, swimming pool and a gazebo will be included as part of the amenities (this is not listed in the book). Mr. Robison asked if that could be part of the record. Mr. Jones said “yes”.

Mr. Carter asked if the in the trees in the green-colored area will be saved. Mr. Jones answered saying, we will save as many trees as possible.

Mr. Clemmer asked the location of the Hernando City Limits. Mr. Jones said they adjoin part of the property.

Mr. Robison asked if there are any problems with the landscaping improvements being located in the right of way (ROW). Mr. Powell said they really will not be located in the ROW.

Mr. Robison asked if the gazebo will be part of phase one. Mr. Jones answered saying there has been discussion about going ahead and doing that.

Mr. Robison then asked if we could get a pattern book. Mr. Jones said “yes”, the City of Hernando also requested a pattern book.

Mr. Robison then asked about footprints of the lots. The applicant may also want to consider side load or staggered garages so at least the face of the garage is the mid point of the house. Mr. Robison continued saying he is also concerned about the side yard setbacks, he would like to see a larger distance.

Mr. Powell then mentioned the 42” fence, the ordinance states fences cannot be any higher than 36”, unless this board approves the 42” height.

Mr. Robison asked if there was anyone here for or against this application.

1. Dan Lehman – He lives on Lambert Cove which is west of this property. He believes this development is too dense and he also does not believe Wal-Mart and a better road is enough of a change in the area to merit the rezoning. He was also concerned about the traffic study and if people along Holly Springs would have to give up their land for a wider road to be constructed. Mr. Lehman is also concerned about how some of the homes in the subdivision are laid out. He would like to see a lot of the trees remain along the roads. He concluded by talking about the access to Jaybird Road and the increased traffic.

Since there was no one else wishing to speak, Mr. Robison closed the floor.

Mr. Jones said no one will need to give up ROW along Holly Springs Road for the widening of the road. Mr. Jones added, they are giving additional ROW.

Mr. Robison asked about the extension of Jaybird and the extension to the south. Mr. Jones said it is common practice to stub out roads, we are meeting the county's regulations.

Mr. Lindsey then asked questions about Mr. Lehman's concern regarding the layout of the houses. Mr. Garriga explained the layout, some houses will be facing Holly Springs Road, which makes the subdivision more attractive.

Mr. Lindsey then questioned the property to the south and who owns it. Mr. Garriga replied saying, they are not the same owners and we may need a stub out road to that property or the larger parcel next to it. Mr. Lindsey would like to be sure that when the preliminary plan comes in this stub road is addressed.

Mr. Lawhon spoke stating this is a great plan, well thought out, density comes to a small town of Hernando. He thinks the density is appropriate for the City of Hernando. Mr. Lawhon continued saying he likes the landscaping which will be very expensive for the developer. He would like to see more developments like this.

Mr. Robison entertained a Motion. Mr. Lawhon made a Motion to approve the application based on the change in the neighborhood proven by the applicant, this plan is in compliance with the comprehensive plan, and that the location of this property is in line with the surrounding areas which are located in the county and the City of Hernando. Mr. Lindsey seconded the Motion. There was a roll call vote of 13-0 to approve this application. (Board of Supervisors 1-5-2005)

At this point there was a ten minute break. The board also discussed a cut off time of 10:30.

**NEW BUSINESS**  
**REZONINGS (6)**

**Kyle's Creek East (642) – Application is to rezone 68.60 acres from Agricultural-Residential to R-20 Single Family Residential (Low Density). Subject property is located on the east side of Payne Lane and south of Highway 302. Section 33, Township 1, Range 5 (District 1)**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Ben Smith from Smith Engineering as being present to represent the application.

Mr. Robison asked if the R-20 has been approved by the Board of Supervisors. Mr. Garriga said “yes”.

Mr. Powell added saying this is not a zoning issue but wants the board and applicant to be aware that Payne Lane is a collector road and we are going to need 80' ROW.

Mr. Smith began by talking about the change in the area. The comprehensive plan shows this as a transnational area with the density of 2 per acre. In addition, sewer is now available at Miller Station and he will provide letters from them and the City of Olive Branch. Water is also available through the City of Olive Branch. He also talked about all the rezonings that have occurred in this area, this is a continuation of the R-20's in the area. There is also a new school, fire station and the widening of Highway 302. There are several subdivisions in the area that are built out, Forest Hill, Center Hill Estates, Fox Creek, Braybourne is in its last section, which proves there is a need for lots in this area.

Mr. Robison asked if there was anyone here for or against this application, there was none.

Mr. Len Lawhon believes an R-20 is appropriate for this area. He then made a Motion to approve this application based on the changes and need proven by the applicant, and it meets the general trend taking place in this area, and that utilities will be provided. Mr. Maxwell seconded the Motion. The Motion was passed by a roll call vote of 13-0.

**Newberry (643) – Application is to rezone 23.25 acres from Agricultural-Residential to R-20 Single Family Residential (Low Density). Subject property is located on the south side of Star Landing Road and east of Baptist Road. Section 20, Township 2, Range 7 (District 5)**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Ben Smith from Smith Engineering as being present to represent the application.

Mr. Smith began his presentation by saying there has been a change in the area. There is a 680 acre tract to the north which called Cherry Tree and it is a PUD, the city limits of Southaven is close to this property, and in the spring of 2005 this will be annexed by them. Southaven will be providing water and sewer. The City of Southaven also considers Star Landing a special corridor, they understand the importance of the road. Nicholas Lake and Chateau Point are built out which shows there is a need for additional lots.

Mr. Lindsey said this is a lot like the previous application, there is a need for the R-20's.

Mr. Robison entertained a Motion. Mr. Lindsey made a Motion to approve this application based on the change and need proven by the applicant. Mr. Clemmer seconded the Motion. The Motion was passed by a roll call vote of 13-0.

**Earl Warren Rezoning (644) – Application is to rezone 13.20 acres from Agricultural-Residential to R-30 Single Family Residential (Low Density). Subject property is located on the south side of Woolsey Road and west of Evening Shade Drive. Section 23, Township 2, Range 6 (District 1)**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Donny Oxner as being present to represent the application.

Mr. Oxner began by saying there has been a change in the neighborhood. There are new schools. The county's land use maps supports R-20's but after talking with people in the area, they liked the R-30's better, so we changed to the R-30's. FedEx is also building their new facility on Highway 305 and new Highway 78, which will provide additional jobs for the area, which in turn will create an additional need for new homes.

There was a brief discussion regarding the location of the new schools.

Mr. Robison asked if there was anyone here for or against this application, there was none.

Mr. Robison then entertained a Motion. Mr. Maxwell made a Motion to approve this application based on the changes proven by the applicant. Ms. Graves seconded the Motion. There was passed by a roll call vote of 13-0.

**Magnolia Landing (645) – Application is to rezone 86.5 acres from Agricultural-Residential to R-30 Single Family Residential (Low Density). Subject property is located on the east side of Payne Lane and north of Highway 302, Section 28, Township 1, Range 5 (District 1)**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Greg Russell as being present to represent the application.

Mr. Russell began by saying there has been a change in the neighborhood. There is the new county wide sewer system (DCRUA). The water will be serviced by the City of Olive Branch. There is also a new school on Center Hill, new fire station and the widening of Highway 302.

This plan also follows the comprehensive plan. In conclusion Mr. Smith has already mentioned all of the subdivisions that are built out in the area.

Mr. Robison asked where the access is to this property. Mr. Garriga pointed to the location. Mr. Russell added saying, it will be a boulevard entrance through the commercial area.

Mr. Powell asked about the crossovers. Mr. Russell answered saying it will line up with the entrance.

Mr. Lawhon said he does not like the entrance off of Goodman Road through the planned commercial areas. This needs to have a better design. Payne Lane is going to be the north/south route, something needs to be done there along with the other surrounding roads and entrances. He would like the developer to consider making changes. He concluded saying he is not opposed to the R-20, just the entrances/access.

Mr. Robison added, saying he has a problem with the application, basically what we are looking at is land locked property.

There was further discussion between the Commission members, staff and the applicant about access and ROW.

Mr. Lawhon made a Motion to carry over this application and Magnolia Commons Subdivision until both applications are ready for review. Mr. Lindsey seconded the Motion. The Motion was passed by a unanimous vote.

**Acree Development (647) – Application is to rezone 190 acres from Agricultural-Residential to R-30 Single Family Residential (Low Density). Subject property is located on the south side of Byhalia Road and west of Ross Road. Section 5, Township 3, Range 6 (District 5)**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Greg Russell as being present to represent the application.

Mr. Russell began his presentation by saying there is a new proposed water line along Byhalia Road, the new school at Craft Road, new subdivisions in the area and the new I-69 Interstate. There is a need for single family homes in this area.

There was a brief discussion regarding Byhalia and Ross Roads.

Mr. Robison asked if there was anyone here for or against this application.

1. Leonard Bratwright – He owns the land off of Craft Road and the out parcel of land is a cemetery. He also wants to know what size lots and home sizes will be and if ROW will need to be given.
2. Jack Richards – His concern is flooding, it already floods to the east from the creek. He is also concerned about Byhalia Road and Ross Road and the additional traffic this

subdivision will cause. He is also concerned about the Byhalia Road access to this subdivision being located beside the cemetery.

3. Carl Happenstall – He pointed to the location of his property in relation to this development. He is also concerned about the access being located by the cemetery. There are also unmarked graves located outside the cemetery in which he is also concerned. Traffic, utilities and flooding were other concerns of his.
4. Stacy Brigands – He wants to know what improvements will be done to Byhalia Road, there are a lot of blind spots out there, and with additional subdivision lots traffic will be an issue.

Mr. Greg Russell said he would work with people in the area regarding the recorded and unrecorded graves.

Mr. Carter said he would like to see an entrance off of Craft Road. These entrances are a concern.

Mr. Robison entertained a Motion. Ms. Graves made a Motion to approve this rezoning application based on the changes in the neighborhood and the need which has been proven by the applicant. Mr. Lawhon seconded the Motion. The Motion was passed by a roll call vote of 12-1.

At this point, Mr. Garriga gave a thank you speech to the board members.

There being no further business in front of the Planning Commission, this meeting adjourned at 10:10 p.m. These minutes were recorded by Jim McDougal and transcribed by Denise Dingman.

