

Agenda for the Meeting

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Previous Meeting Minutes**
 - a) **1-27-2025**
4. **Old Business - None**
5. **New Business**
 - a) Case Number 2025-010: a site plan review for the installation of an electric vehicle charging facility at 7255 Interstate Blvd, on land consisting of 10.3 acres, under C-4 zoning, by Dewberry Engineers Inc.
 - b) Case Number 2025-017: a request by the City of Horn Lake to amend the Code of Ordinances, Chapter 8 (Buildings and Building Regulations), Article III (Technical Codes), Section 8-52 (Adoption of Codes) and Section 8-53 (Additions, Insertions, Deletions, and Changes), by replacing these two sections with an updated set of Codes.
 - c) Case Number 2025-018: a request by the City of Horn Lake to amend the Code of Ordinances, Appendix A (Zoning), Article VI. (Sign Regulations), specifically to repeal L. (Political Signs).
6. **Other Business – None**
7. **Adjournment.**

Start of the Items/Cases Portion of the Minutes –

Planning Commissioners present – Chad Engelke (Chair), Kirby Carter, Calvin Freeman, Clara Kirkley, Jimmy Stokes, and Janice Vidal. **Absent** – Jessie Ware and Chigger White.

City Staff – Andrew Hockensmith, Planning Director; Billy Simco, Assistant Planning Director; Jonathan Ryan, IT Systems Engineer II

Attendees – Jim Leverette, Tesla Project Manager.

Items 1 and 2. The Chair called the meeting to order at 6:00 p.m. The Secretary called roll with all planning commissioners present with Commissioner Vidal present through Microsoft Teams. The Pledge of Allegiance was led by the Chair and recited by those in attendance.

Item 3. Approval of the minutes of the 1-27-25 Planning Commission meeting.

Motion to approve minutes – **Carter. 2nd – Kirkley. Vote:** Motion passed, **5-0**

4. Old Business – None

5. New Business.

- a) Case Number 2025-010: A site plan review for the installation of an electric vehicle charging facility at 7255 Interstate Blvd, on land consisting of 10.3 acres, under C-4 zoning, by Dewberry Engineers Inc.

The Chairman announced Case Number 2025-010 to be heard and called upon the Planning staff to begin the presentation for the case. Director Hockensmith presented the details of the case, beginning with an aerial view of the property and the proposed location of the charging station on the site. The property has commercial zoning, C-4, as well as all the surrounding properties. The proposed charging station would be in the southeastern part of the parking lot, opposite the Target building and near the entrance of the parking lot. Sixteen charging stations would take the place of existing parking spaces without a reduction to the overall number of spaces available for customers. The added electric charging station will not increase traffic hazards within the area. The site plan provides adequate stormwater drainage for the parking area and does not increase the impervious surface area of the site. Director Hockensmith concluded the staff presentation.

The Upon completion of the staff presentation, the Chairman asked if any of the Planning Commissioners had any questions for the Director. Jim Leverette, project manager for Tesla, came to the podium. Commissioner Carter: Will lighting be ok in the area where the chargers are going? Mr. Leverette: Yes, but we are adding two additional light poles in addition to those already in the parking lot. Carter: Will there be additional signage for the chargers, considering their proximity to I-55? Leverette: No, most of our charging stations do not have advertisements for them other than what is loaded into the Tesla navigation system. Director Hockensmith: Could you explain how the different types and brands of electric vehicle chargers work for different brands of cars? Leverette explained that older electric vehicle charging stations came with their own types of chargers, but all new electric charging stations meet a national standard with a universal charger for all types of vehicles. The chargers being installed for this project are DC Superchargers, which are the fast ones.

Motion – Stokes: After review of Case Number 2025-010, the Planning Commission APPROVES the request for the installation of an electric vehicle charging facility at 7255

Interstate Blvd, on land consisting of 10.3 acres, under C-4 zoning, by Dewberry Engineers Inc.

2nd - Carter.

Vote Passed, 5-0

- b)** Case Number 2025-017: a request by the City of Horn Lake to amend the Code of Ordinances, Chapter 8 (Buildings and Building Regulations), Article III (Technical Codes), Section 8-52 (Adoption of Codes) and Section 8-53 (Additions, Insertions, Deletions, and Changes), by replacing these two sections with an updated set of Codes.

The Chairman announced Case Number 2025-017 to be heard and called for the planning staff presentation to begin. Director Hockensmith began with an introduction about the need for the City of Horn Lake to adopt codes periodically to stay up to date with statewide and national standards. The current codes that the city has adopted are the 2018 versions of the International Building Code, International Fire Code, International Residential Code, International Existing Building Code, International Property Maintenance Code, International Energy Conservation Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, and the 2017 version of the National Electrical Code NFPA 70. Director Hockensmith added that the most urgent set of codes needing replacement is the 2018 International Fire Code, which we are requesting to be replaced with the 2024 International Fire Code, which is a request from the Horn Lake Fire Department Fire Chief and Fire Inspector. Additionally, the City of Horn Lake Building Inspector is requesting the city to replace the 2018 International Building Code with the 2024 International Building Code. Upon discussion with various personnel, the consensus is that the city needs to move to the 2024 version of every code that we are currently operating under. Planning staff agree that it is a good idea to replace our current technical codes with newer versions. Our only concern is that we currently have amendments to each of those codes that are currently adopted. With such short notice on our directive to present this, we did not have enough time to receive and review the 2024 books to see what amendments need to be made. Without the 2024 books on hand and without ample time, we cannot see what changes are made in the text to make it different. Therefore, we recommend simply repealing the contents of Section 8-52 and Section 8-53, leaving Section 8-53 reserved for future infill, and then adding into Section 8-52 the following text:

- (a) Adoption of 2024 edition of the International Building Code.
- (b) Adoption of 2024 edition of the International Fire Code.
- (c) Adoption of 2024 edition of the International Residential Code.
- (d) Adoption of 2024 edition of the International Existing Building Code.

- (e) Adoption of 2024 edition of the International Property Maintenance Code.
- (f) Adoption of 2024 edition of the National Electrical Code NFPA 70.
- (g) Adoption of 2024 edition of the International Energy Conservation Code.
- (h) Adoption of 2024 edition of the International Fuel Gas Code.
- (i) Adoption of 2024 edition of the International Mechanical Code.
- (j) Adoption of 2024 edition of the International Plumbing Code.

With that recommendation, Director Hockensmith concluded the staff presentation and Chairman Engelke opened the floor for questions from the Planning Commissioners. Chairman Engelke confirmed with the Director that any amendments to these codes would have to come before the Planning Commission. Commissioner Kirkley: Where can we see the 2024 codes? I don't want to vote on something I haven't reviewed. Director Hockensmith: They are available online and we are ordering physical copies of them soon. Commissioner Vidal: As long as it comes before us before amendments are made to it, I am ok with it. Commissioner Freeman: How long will it take to get the books? Director Hockensmith: I am not sure, but there is no reason to think it will take too long. We are required to keep a physical copy here at City Hall. Chairman Engelke opened the floor for public comments. Seeing that no member of the public wished to speak about the case, the public hearing was closed. Commissioner Carter: Is this something that we can table until we get a chance to review the 2024 codes? Director Hockensmith: You can table all of them, but the Horn Lake Fire Department has asked that the 2024 International Fire Code be adopted now, so that it will be on our books in time for an upcoming audit. Discussion ensued about the need for review of the 2024 codes before approving them as well as the fact that any amendments to the newly adopted codes would have to come before the Planning Commission to be adopted.

Motion – Freeman: After review of Case Number 2025-017, the Planning Commission recommends approval of the request by the City of Horn Lake to amend the Code of Ordinances, Chapter 8 (Buildings and Building Regulations), Article III (Technical Codes), Section 8-52 (Adoption of Codes), to replace the all codes listed in (a) through (j) with the 2024 version of each respective code, and also to repeal the contents in Section 8-53 (Additions, Insertions, Deletions, and Changes), but to leave this section reserved for anticipated amendments to the 2024 adopted codes.

2nd – Kirkley

Vote Passed, 5-0

- c) Case Number 2025-018: a request by the City of Horn Lake to amend the Code of Ordinances, Appendix A (Zoning), Article VI. (Sign Regulations), specifically to repeal L. (Political Signs).

The Chairman announced Case Number 2025-018 to be heard and called for the planning staff presentation to begin. Director Hockensmith began with the current text of the political sign ordinance as it appears in Municode, the online resource for city ordinances. He then gave an introduction about the need for the City of Horn Lake to revise the current political sign ordinance text. The provisions of this section of the ordinance present constitutional issues with the First Amendment of the Constitution. Many other cities in the United States have faced lawsuits over very similar sign regulations relating to number, placement, and duration. Southaven, MS got rid of its political sign regulations after being sued in 2017 for similar ordinances, one of which being a 45-day time restriction for political signs. Horn Lake has been fortunate not to be challenged on the same regulations, but it may very likely happen if the city is not careful. With the upcoming election for city positions approaching, many on the city staff find it prudent to remove the political sign restrictions to prevent any opportunity for legal troubles, though at the obvious risk of potential sign clutter. After the decision of the US Supreme Court in *Reed v. Town of Gilbert* in 2015, it was determined that municipal sign ordinances must be content-neutral to comply with the free speech clause of the First Amendment of the Constitution. Cities must not create different regulations for signs based on what type of signs they are. In other words, a city official cannot look at the content of the sign to determine which sign regulation to apply. No message should be treated differently than any other message, and any regulations applied to the physical display of those messages should be applied exactly the same. With section “L. Political Signs” being a section made exclusively for signage containing political advertising, which content could only be determined by reading the message of each sign, and whereas political signs adhere to their own regulations, it would then appear that this section of regulations is unconstitutional based on the *Reed v. Town of Gilbert* decision. Even prior to this 2015 US Supreme Court ruling, there were various state-level court cases in which cities were getting sued over their sign ordinances. To keep this presentation short, these court cases are not explained here, but there are numerous cases that can be found by quick searches online. Additionally, after this ruling at the national level, various additional cities across the country have been sued for their sign ordinances. While these current regulations in (L.) on political signs may have kept the city clean from excessive and unsightly signage during elections seasons, and even afterward throughout the year, the regulations as currently written should be removed to protect the city from the bigger threat of possible legal challenges that may arise. In the meantime, after passing this text amendment, the city can still try to craft and pass legislation to carefully address the anticipated sign clutter that may result from this void of regulations. City staff accept that we will have to observe what

physical effects this loss of sign regulation will have around the city and then determine how to react afterward if any clear negative effects are experienced.

Director Hockensmith concluded the staff presentation and Chairman Engelke opened the floor for questions about the presentation. Commissioner Vidal: Are different sizes (of signs) allowed in different zoning districts? Hockensmith: Yes, Commercial signs are allowed to be a maximum size of 40 square feet. Commissioner Freeman: So, we are trying to get rid of this section? Hockensmith: Yes, many cities are changing from “Political Sign” ordinances to “Event Sign” designations because it is content neutral. Having a political sign section of the ordinance violates the First Amendment. It’s ok to have sign regulations, but the ordinance cannot discriminate based on the content of the sign. Chairman Engelke: The problem is that the section directly regulates Political Signs. The Chair opens the floor for public comment. Seeing there is none, the public meeting is closed. Commissioner Freeman: We just need to discuss picking up the signs after the elections. Chairman Engelke: Picking up the signs is a problem for the candidates whether they win or lose. Hockensmith: The ordinance already classifies bandit signs as garbage, allowing the public works department to pick them up if the candidates do not. Commissioner Carter: During the presentation, you mentioned potentially having to deal with clutter because of removing this section. What do you mean by clutter? Hockensmith: The current Political Sign section of the ordinance is designed to prevent too many signs appearing together which would become a public safety hazard to motorists. Discussion ensues regarding the specifics of the current Political Sign section of the ordinance, focusing on cleanup of the signs after an election.

Motion – Stokes: After review of Case Number 2025-018, the Planning Commission recommends the repeal of “L. (Political Signs)” in Appendix A (Zoning), Article VI. (Sign Regulations).

2nd – Carter

Vote Passed, 3-2

6. Other Business – None

7. Adjournment.

Chair – Called for a motion to adjourn.

Motion – Vidal: Adjourn the meeting at 6:57 p.m. **2nd – Stokes.** Vote: Motion passed, 5-0