

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**ALLEN LATIMER, PRESIDENT 2008 PRESIDING**

**January 9, 2008**

**A. CALL TO ORDER**

The January 9, 2008, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President.

**B. INVOCATION**

Supervisor Eugene Thach presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

Deputy Carl Hurt of the DeSoto County Sheriff’s Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Supervisor Jessie Medlin-----District 1
- Supervisor Eugene C. Thach-----District 2
- Supervisor Bill Russell-----District 3
- Supervisor Allen Latimer-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Tony Nowak -----Board Attorney
- Deputy Carl Hurt-----Sheriff’s Department

**D. OLD BUSINESS**

**1. County Engineer – Starlanding Road**

County Engineer Andy Swims reported back to the Board of Supervisors regarding the driveway on Starlanding Road as instructed by the Board of Supervisors. Mr. Swims said he verified that they got rip rap and grout to stabilize Mr. Peyton’s driveway on Starlanding Road. He said, to accomplish this work, a change order will be required in the amount \$4,640.00.

Supervisor Allen Latimer asked if the change order came out of the three hundred thousand dollar contingency fund. Mr. Swims said yes. Supervisor Latimer asked if the change order will fix the problem. Jamie Pittman said this will help the problem. He said we will probably add gravel later. He said this project to fix Mr. Peyton’s driveway should be completed quickly.

Supervisor Bill Russell asked if there will be another change order when the gravel is added later. Mr. Pittman said no. There is a “ Maintenance of Traffic” line item in the project and those type charges are billed to that line item. Supervisor Russell asked if that is a contingency line item. Mr. Pittman said no, it is part of the contract.

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to approve Change Order Number 3 in the amount \$4,640.00 for the Starlanding Road Underpass Project. **See Exhibit D**

**E. PLANNING COMMISSION**

The minutes for the portion of the meeting organized by the Planning Commission are presented and made a part of these minutes as Exhibit E.

**See Exhibit E**

**F. CONSENT**

After considering the items presented on the Consent Agenda, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda items as follows:

- 1. District 5 Planning Commissioner – Resolution of Appreciation for Paul Whitfield**
- 2. Make the DCRUA Appointment for the Town of Walls Part of the Minutes**
- 3. Approval to Bid Tractor Truck - Dept. of Road Mgmt.**
- 4. Approval to Reject Sealed Bids for Sale of Tax Assessor Vehicles**
- 5. Accounting**
  - a. Payment of Travelers Deductible Invoice - \$3,357.16**
  - b. Payment of AOC Bill – Ending January, 2008 - \$57,094.91**

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES  
 Supervisor Eugene C. Thach-----YES  
 Supervisor Bill Russell-----YES  
 Supervisor Allen Latimer-----YES  
 Supervisor Tommy Lewis-----ABSENT

**See Exhibit F**

**G. NEW BUSINESS**

**1. Grants - Animal Shelter**

Board Attorney Tony Nowak explained that some time ago the county attempted to obtain grant funding through the Humane Society for the benefit of the Desoto County Animal Shelter. Because we were unable to work out the details associated with the county receiving those grant funds directly from the Humane Society, Vanessa Lynchard explained that Monica Mock, the Assistant Director of the Animal Shelter, was able to secure the Humane Society funds grant amount of \$15,000 to be given to Mississippi Spay and Neuter. She said the funds will be used for spay and neuter services at the Animal Shelter for the benefit of the people in Desoto County.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve an agreement with the Humane Society to provide grant funding in the amount of \$15,000 to Mississippi Spay and Neuter for the benefit of Desoto County, and authorize the Board President to sign paperwork in connection with the county benefiting from those funds and as recommended by the Board Attorney. The motion passed by a unanimous vote.

**2. Adult Drug Court Space**

County Administrator Michael Garriga said it may work to move the Drug Court to the Gale Center in Hernando. Mr. Garriga said, at the direction of the Board of Supervisors in Monday’s Board Meeting, he looked into how it might work to move the Drug Court to the Gale Center. He said, during that meeting with Judge Chamberlin, an option came up that may work to the county’s benefit. Mr. Garriga explained that the Drug Court has been able to save money and this option may work for the benefit of the Youth Drug Court as well. If the Drug Court is able to save enough money they could build a Drug Court. He said there are a lot of details that would need to be worked out first and the Adult Drug Court would

have to save enough money over time for the payment on the building. He said approval would be necessary from the state for this option. He said, if the county can pick up the lease payment for the Drug Court for three to four years, the Drug Court could save enough money to build a building or pay the debt for the new building. He said the Board would issue the debt for the building with jail bonds and the debt will be retired with revenue from the Drug Court. Mr. Garriga asked if the Board of Supervisors would like to proceed with that opportunity.

- 1.) Does the Board want to pay the lease for the Drug Court to move to the Gale Center
- 2.) Does the Board want to pay a portion of the lease for the Drug Court to move to the Gale Center

Supervisor Bill Russell asked what the benefits are for the Drug Court to have their own space. Mr. Garriga said there would be no rent associated with owning the building and after the bonds are paid, the county would own that building. Supervisor Russell said it seems like this Board has to pay for services from the Federal or State Governments all the time. Supervisor Russell said he does not agree with taking tax money when other money is available.

Supervisor Jessie Medlin asked how many people work in the Drug Court. Mr. Garriga said he thinks they will have three people. He said they do not have adequate space to house all three positions at the same time in the current location in the Circuit Court room.

Supervisor Russell clarified that they have been saving their money instead of finding space on their own. Mr. Garriga said they are willing to save their money or use their money for space now. They just want direction from the Board.

Supervisor Tommy Lewis asked if the Adult Drug Court and the Youth Drug Court can operate out of the same location. Mr. Garriga said that should be okay.

Mr. Garriga said that Mr. Nowak is already drawing up a lease agreement with the City of Hernando for space at the Gale Center.

Supervisor Jessie Medlin asked if this is a grant that funds the Drug Court. Mr. Garriga said it is a reimbursement but not a grant. Supervisor Medlin asked if there is grant money to build a building for the Drug Court. Mr. Garriga said we can check into that possibility. Mr. Garriga explained that the Drug Court is in desperate need of adequate space for their operation. Supervisor Medlin said, if there is grant money available for a building, he would be more willing to help build a building for the Drug Court.

Supervisor Tommy Lewis said he does not want to disregard the needs of the Drug Court because they keep people out of jail and it reduces our overcrowding situation at the jail.

Supervisor Eugene Thach said he does not want to do anything until we see if the building that would be built with Adult Drug Court money would belong to the county or to the state.

Supervisor Allen Latimer said the Adult Drug Court and the Juvenile Drug Court are good programs and we just need to get the information for building the building.

## **H. EXECUTIVE SESSION**

The executive session portion of these minutes is recorded under the portion of the minutes called "Executive Session".

## **I. OTHER**

### **1. Veterans Officer**

Supervisor Jessie Medlin asked if the Board is open to adding another Veterans Officer now or do we need to wait.

Supervisor Allen Latimer said there is a definite interest in adding another officer. Supervisor Latimer decided to let Mr. Robertson get into the position and assess whether or not there needs to be a second officer.

Supervisor Medlin said there is someone interested from Olive Branch and he would like to consider having a Veterans Office on the west side of the county and on the east side as well.

Supervisor Allen Latimer said the Board had discussed on Monday that there could be other benefits in having two officers because the veterans would always have an option if an officer was unavailable.

## **2. Public Service Commissioner**

Supervisor Tommy Lewis clarified that Road Manager Russell Dorris should be on the committee to meet with the Public Service Commissioner about telecommunications. The Board of Supervisors agreed.

## **3. Roads – McIngvale**

Supervisor Tommy Lewis asked the status of the fence on McIngvale Road. Road Manager Russell Dorris said he is getting a copy of the exact agreement about the fence now. He said they have begun to look at that but have not yet begun the fence at this time.

## **4. Board of Adjustments – District 2**

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to appoint Billy G. Smith of 1185 Jewel Drive, Southaven, MS, phone number 662-349-3308, to the Desoto County Board of Adjustments to represent District 2. The motion passed by a unanimous vote.

## **5. Planning Commissioners**

Supervisor Tommy Lewis said District 5 has one seat open on the Planning Commission and District 2 has a seat open on the Planning Commission. He said one of the issues that the County Administrator has suggested is to cut back the number of members on the Planning Commission.

Supervisor Eugene Thach said it has been a problem in the past because some of the commissioners do not attend the meetings and that is the reason the number of commissioners was increased.

Supervisor Tommy Lewis asked if there is any interest in cutting down the number of positions on the Planning Commission.

Supervisor Bill Russell said if we do that, we need to have guidelines for attendance.

Supervisor Allen Latimer said he has been before some boards throughout the years that lacked a quorum. He said he is interested in discussing this option and looking closely at the attendance of the group. Supervisor Latimer said it is a huge problem for a business to have to wait an entire month because a committee does not have a quorum.

Supervisor Thach asked County Administrator Michael Garriga and Planning Director Jim McDougal to look at the issue and to report back to the Board. Mr. Garriga said he would be glad to do so.

## **6. Hunting in Desoto County**

Supervisor Bill Russell said he has received phone calls with concerns about hunting in Desoto County. Because the county is getting so crowded, some hunters have suggested that we look at changing the ordinance to allow hunters with rifles to hunt only from a tree stand. By doing so, their shots will be directed toward the ground. Supervisor Russell said he asked the Board Attorney to give him the guidelines are they are today. Supervisor Russell said, according to the hunters who requested this change, they have talked to the game wardens and they said they would welcome the change.

Supervisor Russell explained that now a shotgun and a bow and arrow can be used on ten acres or more but not less than one hundred fifty feet from any residence and not firing toward a property line. He said game wardens are enforcing that law. He said you can get hurt on ten acres or more with a shotgun. Supervisor Russell explained that these are state statutes. With a rifle, state law says it must be fifty acres or more. He said the Board of Supervisors cannot make restrictions more restrictive than the state has made them. Supervisor Russell said he would like to authorize the Board Attorney to write for an Attorney General's opinion on the Board's authority to further restrict these ordinances and if authority is there, he would like to get recommendations from game wardens on changes that should be made to the current ordinance.

Supervisor Latimer said, when people buy a rifle, they have to sight the rifle.

Supervisor Tommy Lewis said he would assume, if we write for an opinion, we are talking about firearms in general. Supervisor Russell said much of that is covered by what is in the statute now.

Supervisor Jessie Medlin said, no matter what new regulations, gun safety is about hunters being responsible.

Supervisor Bill Russell said he is only talking about further restrictions on property less than fifty acres. He said, after we learn what authority the Board has and then we can invite the game wardens to the Board meeting to make recommendations to the Board for restrictions.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to allow the Board Attorney to write for an Attorney General's opinion on whether the county can draw up regulations for discharging firearms in Desoto County. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	NO
Supervisor Eugene C. Thach-----	YES
Supervisor Bill Russell-----	YES
Supervisor Allen Latimer-----	YES
Supervisor Tommy Lewis-----	YES

## **7. Road Maintenance – Sight Distance**

Supervisor Tommy Lewis said he got the draft from the Road Department on the overlay program. Supervisor Lewis said he thought we were going to hold back one million dollars to cut down hills in the FY 08 budget. He said if that is the case, some of the overlay would need to be decreased.

Road Manager Russell Dorris said we are working on the overlay contract now and we will be talking to the individual Board members to get their recommendations and instructions for the new list.

Supervisor Bill Russell said with the slow down in growth, he thinks we need to look at the budget now.

Mr. Dorris said the unknown is the fuel index.

Supervisor Jessie Medlin said he would not be in favor of cutting the overlay the budget unless we were going to do the work next year.

Supervisor Bill Russell said he is glad the Road Manager talks to the Board but he has the authority to decide where this money is used.

Supervisor Jessie Medlin said he does not want to save the money and not use it to benefit the public.

Mr. Dorris said he wants to spend the money where the public is traveling.

Supervisor Medlin asked how much we will have to spend on the overlay. Mr. Dorris said \$4.5 to \$5 million.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to instruct the Road Manager to hold back \$1 million for sight distance and such improvements from the overlay contract. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Eugene C. Thach-----	NO
Supervisor Bill Russell-----	YES
Supervisor Allen Latimer-----	YES
Supervisor Tommy Lewis-----	YES

**8. Road Condition Report**

Supervisor Jessie Medlin asked when the Road Condition Report is due. Mr. Dorris said the Road Condition Report is due on or before February.1.

**9. Strategic Planning Session**

County Administrator Michael Garriga said that Demery Grubbs will be happy to come to the county to hold a strategic planning session on January 24, 2008. Mr. Garriga said he would like this outside of a regular Board Meeting for the purpose of discussing one subject only. He said it would be a public meeting. The Board of Supervisors agreed to hold the session on January 24, 2008, at 9:00 a.m.

**10. Glen McCullough – U.S. House of Representatives**

Glen McCullough, who is running for the U.S. House Of Representatives to fill the vacated seat of Congressman Roger Wicker, appeared before the Board of Supervisors. Mr. McCullough said he is running for the U.S. House of Representatives. This is the first meeting with elected officials his campaign has had. He introduced Brad Davis as his campaign manager. Mr. McCullough said that Desoto County is the fastest growing county in Mississippi, and this growth puts pressure on local governments and the Board of Supervisors as elected officials. He said Desoto County has set records economically. Desoto County is the thirty fourth fastest growing county in the U.S. Mr. McCullough said he has had the pleasure of working with Jim Flanagan and is impressed with Desoto County’s growth. Mr. McCullough said he shares the Board’s values and is a conservative. Mr. McCullough said he has had experience as mayor, and is familiar with local government issues. He said he worked with Governor Fordice and was lucky enough to serve on the Board with TVA. He said the voters will hire someone to go to work for them. Mr. McCullough said his motto is that partnership is progress. He said we have to work through issues and sometimes those issues can be difficult. Mr. McCullough said he would like to be the next U.S. Representative to serve Desoto County.

**11. Bridge Report**

County Consulting Engineer Daniel Murphy said that Stateline Road at Mineral Wells is a critical bridge in DeSoto County and he is already working on that project. He said we will share the cost of the project with the City of Olive Branch. He said the other most critical projects in Desoto County are Stateline at Horn Lake Creek, Valley Brook Drive at Cowpen

Creek and Starlanding Road at Lake Cormorant Bayou. He said he would recommend that Valley Brook Drive be programmed as a state aid project.

Supervisor Eugene Thach asked if these are the worst bridges in Desoto County. Mr. Murphy said yes, structurally, they are the worst bridges in Desoto County. He said there are others we are concerned about because of the width of the bridges but these are the worst with structural issues.

Mr. Murphy said Starlanding could wait until we get federal funds. He said he would suggest acquiring right of way and moving utilities on that project. He said Valley Brook could be programmed as an LSBP project. Mr. Murphy said that Stateline Road at Mineral Wells would not be a good LSBP project and he would recommend using county funds to fund that project. Mr. Murphy said Stateline Road at Horn Lake Creek could be replaced with up to a five lane bridge. The Board of Supervisors discussed that and future growth that is likely to come to that area as compared to the cost of the project. Mr. Murphy said that regarding Starlanding Road, it could be programmed for BR funds. He said he would talk to Brooks Miller with State Aid about Stateline Road at Horn Lake Creek. He may suggest BR Funds for that project. Mr. Murphy said that BR funds are an 80 / 20 match. No motions were made nor votes taken on this issue.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until January 22, 2008, at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 9<sup>th</sup> day of January, 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Allen Latimer, President  
DeSoto County Board of Supervisors