

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2008 PRESIDING

April 9, 2008

A. CALL TO ORDER

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

Sheriff Bill Rasco 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
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PLANNING COMMISSION

**DeSoto County Board of Supervisors
 Planning Agenda
 April 9, 2008**

REZONINGS

Sunset Farms Lot 1 (700) – Application is to rezone 1.9 acres from Agricultural to C-4. Subject property is located north of Highway 304 and east of Tulane Road, in Section 9, Township 3, Range 8 and is zoned Agricultural. (District 5)

*****WITHDRAWN BY REQUEST OF APPLICANT*****

Sunset Farms Lot 8 (701) – Application is to rezone a portion of lot 8 from Agricultural to C-4. Subject property is located north of Highway 304 and east of Tulane Road, in Section 9, Township 3, Range 8 and is zoned Agricultural. (District 4) *WITHDRAWN BY REQUEST OF APPLICANT*****

Mr. McDougal identified the applications and said a letter request was received from the applicant to withdraw the applications for rezoning of Sunset Farms lots 1 and 8.

Supervisor Thach made a Motion to accept withdrawal of the applications. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

- FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
- SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
- THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
- FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
- FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Forest Park (696) – Application is to rezone 236 acres from Agricultural -Residential to Planned Unit Development. Subject property is located on the east side of Polk Lane and north of Goodman Road, in Section 30, Township 1, Range 5 and is zoned Agricultural -Residential. (District 1)

Mr. McDougal introduced the application to the Board, which had been carried over from the meeting of March 4, 2008. He highlighted key project elements. He noted that the Planning Commission unanimously recommended approval of the application at their meeting on February 28, 2008. He then introduced Mr. Bob Dalhoff to represent the application.

Supervisor Medlin asked if there had been any specific requirements for the proposed development recommended by the City of Olive Branch. Mr. McDougal said there were no specific requirements made and that the application was generally consistent with the development pattern the City anticipates for the area.

Supervisor Latimer asked for clarification regarding the alignment of DeSoto Road, which is not a straight alignment. Mr. Dalhoff clarified that this was the most likely alignment, but could be altered to address the Kirk property in the future, as needed.

Mr. Dalhoff presented the project and described the changes in the area that could warrant the proposed rezoning to include new distribution center projects, new schools, new roads and roadway enhancements, new residential areas, and expansion of the airport in nearby areas.

Mr. Dalhoff then presented features of the project including a greenbelt path system to access the schools from the proposed residential area, the landscaped boulevard to be the future extension of Forest Hill Irene Road, retention of existing mature landscaping to buffer between different uses in the project site, multiple proposed detention ponds to help address existing drainage problems in the area, and additional access to the industrial area from Polk Road as was previously requested by Supervisor Medlin. He said that the layout and design of the project intended to address and create transitions between the existing variety of uses in the area such as industrial, school and residential areas that currently have little or no buffer or transition between them. He said the plan is intended to address compatibility, sustainability and transition of land uses.

Supervisor Russell asked if the development would transition from residential on the east side to business and industrial areas at the west side of the property. Mr. Dalhoff confirmed this and added that more office use to the north may also be desirable in the future, north of the schools, to feel more like a neighborhood, but that area is not part of the proposed rezoning area.

Supervisor Russell asked if there is currently any access to this project site. Mr. Dalhoff responded that the area is accessible from Polk Road and will be accessible from the east side at the Center Hill Plantation subdivision, which will build roadway access as part of that project. Mr. McDougal added that construction of Forest Hill Irene Road through the project site will be paid for by the combination of light industrial, planned business and office uses proposed for the site and not funded by the County; the alignment of the road will be designated by the Board as part of this concept plan but will be built by the developer. Mr. Dalhoff said that the developer will work with the County to find a calculation to require each business to have a pro rata share in building all of the needed roads in the project.

Supervisor Russell asked for clarification of the proposed project phasing. Mr. Dalhoff responded that the development will occur from west to east and the roads will be completed by the time the residential areas of the project are constructed. Mr. Russell asked if Mr. Dalhoff's firm had evaluated the adjacent zoning and anticipated the possible uses that would be allowed in the area in the future. Mr. Dalhoff said that his client did not own or control the adjacent land but they could envision a future church use to the south of the project site or other buffer-type uses near the proposed Forest Hill Irene Road alignment and between the residential uses in the area and the office, planned business and light industrial uses proposed.

Supervisor Medlin expressed concern for having multiple owners with the adjacent uses and how this might impact future development; it is uncertain what other owners will do with their property. Mr. McDougal agreed that this was a concern and said that if the Board approved this plan, it would provide a basic guideline for anticipated future development in the area.

Supervisor Latimer noted that in the past, a group of property owners would all have to subscribe to have a road approved by the County. He asked if an extra millage tax could be placed on the lots until the road is built. Sheriff Rasco stated that that may be a tax assessment issue to be handled by the County Assessor. Mr. Andy Swims, County Engineer, pointed out that the east side of DeSoto Road near the school is built as a parkway for a short distance but there are many property owners in the area with unknown intentions for future development of their property or the neighborhood. Mr. McDougal confirmed that DeSoto Road in this area is currently two lanes of traffic, but may become a boulevard in the future that would match the character of Forest Hill Irene Road as it is proposed through the project site.

Mr. Dalhoff addressed Supervisor Medlin's concern for truck traffic through the proposed residential area saying that signs to direct truck traffic to the west and out of the residential areas would be installed. He noted again that the project would use layered, natural buffers and new landscape buffers to address the transition between different uses in the area.

Supervisor Thach asked how many homes would be constructed. Mr. Dalhoff responded that there would be approximately 126 homes with a minimum house size of 1,800 square feet and brick construction to meet the pattern book guidelines.

Supervisor Latimer confirmed with Mr. Dalhoff that the adjacent development in the Center Hill Plantation subdivision, east of the proposed residential area, was approved and is being developed as 10,000 square foot lots.

Supervisor Medlin asked how this project would relate to and impact the existing houses on DeSoto Road at Polk, such as the Kirk property. Supervisor Russell said that this is an issue and that the residents in the area may form a group to propose sale of the lots toward some future development. Mr. Dalhoff noted that he had suggested at the previous Board meeting that the area is likely to change given it will soon be incorporated as part of the City of Olive Branch and the these residents in the area could use guidance on how their property may change in the future.

Sheriff Rasco expressed concern for the lack of connection between Forest Hill Irene Road from the north to the project area and asked if there were any plans for this to be fully built-out from the state line south. He said the area is not very accessible and may be a safety concern. Supervisor Medlin agreed and said that this is a great concern to him as well.

Mr. Swims asked about the design for residential development and the pathways proposed along the creek relative to flooding issues. Mr. Dalhoff said that the paths would use sidewalks, asphalt paths and pedestrian bridges over the creek, but the design will be refined after the hydrology study is complete. He said the alignment could easily be changed to address the findings of the study and to meet any requirements of the study.

Supervisor Russell asked if Forest Hill Irene Road was paved at or near the state line. Mr. McDougal responded that it is paved as one lane currently and does not extend past the school, although plans for improvements are in place for the future. Supervisor Russell thanked Mr. Dalhoff for his presentation and asked Mr. McDougal if there was a way to assure that the future roads are improved or built. Mr. McDougal replied that expectations for future roads can be addressed in the Land Use Plan if it is desired by the Board to guide this kind of development. Mr. Garriga added that this area is within the MPO area and is addressed in overall transportation planning that can be a mechanism for this future road development. Mr. McDougal agreed that the area is not currently addressed in the Land Use Plan but is in the MPO plans.

Supervisor Lewis confirmed with Mr. McDougal that the Tennessee portion of Forest Hill Irene Road is within the MPO plan.

Supervisor Latimer asked if there was anyone present to speak for or against the application for rezoning. There were none.

Supervisor Russell asked that Mr. McDougal and Mr. Swims work with the developer to address issues of inflation and construction costs for Phase I contributions to the construction of Forest Hill Irene Road. Mr. McDougal and Mr. Swims agreed. Supervisor Medlin said that bonds could be used to address this issue also.

Supervisor Lewis confirmed with Mr. Dalhoff that DeSoto Road near Polk Road can be aligned to address the Kirk property to move the roadway further south to avoid the Kirk property if it is required in the future.

Mr. Nowak asked if there will be covenants to address the pro rata share of each business to complete construction of Forest Hill Irene Road through the project site. Mr. Dalhoff responded that, yes, the commercial development would fund this portion of the project not the residential portion. Mr. Nowak asked how these funds will be collected. Mr. Dalhoff said the development will have homeowners and business owners associations to collect the funds for road construction and completion through the site. Supervisor Lewis asked if bonds can be attached to the development or a percentage can address inflation. Mr. McDougal said this can be done.

Supervisor Medlin said that he opposed development of more warehouses along DeSoto Road adjacent to existing houses. He expressed a preference for office or other buffer type uses along Polk Road instead. He would also like to see more residential development overall in this area. He said that although this area will become part of the city of Olive Branch in the future, he would prefer that there are not additional industrial uses developed south of DeSoto Road in the future as there are other school and residential uses nearby. He also noted that there is a future need for a traffic light at Goodman Road and Polk Road to address truck traffic to and from the industrial uses in the area. He noted that it would be possible to locate more office uses along Polk Road and more residential lots as part of this project.

Supervisor Russell said he thought the proposed plan was a good way to transition between the existing uses as new residential development would not be desirable along Polk Road where there is industrial development now.

Supervisor Medlin made a Motion to deny the application based on the lack of enough residential development proposed as part of the project and the resulting traffic impacts. The Motion failed due to lack of a second.

Mr. Nowak noted that if any motion was to be made to approve the application, it could require the inclusion of staff recommendations as specific conditions subsequent of the approval for the rezoning. He said under such a motion, if any of the conditions of approval are not met, the rezoning can be subject to invalidation.

Supervisor Latimer said that he appreciated Supervisor Medlin's views and concerns for the project, but it was a good transitional plan.

Supervisor Medlin said that half of the proposed development is industrial and he expressed concern for other existing and proposed residential developments in the area.

Supervisor Thach asked Mr. McDougal how the Planning Commission voted on this application. Mr. McDougal said the Planning Commission unanimously recommended approval of the application.

Supervisor Lewis said that he could see both viewpoints expressed by his fellow Board members and recognized that the decision on this application will draw a dividing line for future development either way.

Supervisor Russell made a Motion to approve the application, there being an adequate showing of a change in the character of the surrounding neighborhood, and a demonstration of a public need, and the approval be conditioned upon the satisfying of the staff recommendations, and including the following conditions:

1. The specific conditions of the rezoning are conditions subsequent and if the conditions are not met in time, manner and scope, the zoning may be rescinded and construction will not be permitted, under order of the Board of Supervisors.
2. An additional right-of-way reserve area of thirteen (13) feet shall be provided along the Polk Lane frontage to be used for an acceleration or deceleration lane, if required at final design and at final plan approval.
3. Building within Area 5 (Light Industrial-Distribution) shall be oriented so that overhead doors face east and west.
4. The proposed alignment of DeSoto Road between Polk Road and Forest Hill Irene Road shall be constructed as an 80,000 lb. roadway to address traffic loads related to the light industrial uses proposed in this area.
5. Truck traffic will use Desoto Road.
6. The Forest Hill Irene Road alignment shall be constructed substantially as proposed.
7. #9, #10, and #11 will be struck from the permitted uses.
8. There will special attention to the alignment of Desoto Road with regards to Forest Hill Irene and subject to the Kirk property.
9. The lighting design used will cause the least amount of light pollution to the surrounding areas.
10. Revenue for Phase I will be set aside for the construction of Forest Hill Irene Road in its proposed alignment and design and all other required roadways. The roadway improvements will the funded by the office, planned business and industrial developments and monies will be collected by the business owners association. The Director of Planning and County Engineer will work with the developer to create a schedule for an appropriate pro rata share of the expense of roadway construction by the commercial uses and to address construction costs and inflation over time.
11. There will be the placement or retention of natural buffers between the industrial and the residential areas.
12. The Desoto County Design Standards Ordinance guidelines will be followed.
13. There will be flexibility in the pattern book with regards to Phase II and Phase III due to the development of the roads.

Supervisor Latimer seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN NO
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

MINOR LOTS

District 1

Tracy Harris Minor Lot (6718) – Application is for final subdivision approval of one (1) lot of 3.07 acres out of 18.3 acres. Subject property is located on the east side of Myers Road and south of French Road in Section 33, Township 3, Range 5 and is zoned Agricultural (A). (District 1)

District 4

Moss Minor Lot (6714) – Application is for final subdivision approval of one (1) lot of 2.2 acres. Subject property is located on the south side of Starlanding Road east of Highway 301 in Section 24, Township 2, Range 5 and is zoned Agricultural -Residential (A-R). (District 4)

District 5

Isom Minor Lot (6713) – Application is for final subdivision approval of a total of seven (7) lots including three (3) lots of 4 acres, two (2) lots of 6 acres, one (1) lot of 2.68 acres and one (1) lot of 1 acre out of 40 acres. Subject property is located on the north side of Byhalia Road east of Malone Road in Section 35, Township 2, Range 7 and is zoned Agricultural (A). (District 5) *MUST BE PLATTED AND RECORDED*****

Tarrance Minor Lot (6719)– Application is for final subdivision approval of one (1) lot of 1.59 acres out of 9.89 acres. Subject property is located on the east side of Highway 305 and north of Holly Springs Road in Section 23, Township 3, Range 6 and is zoned Agricultural (A). (District 5) *MUST BE PLATTED AND RECORDED*****

DJ Development (Vaiden Estates Lot 34) Minor Lot (6715) – Application is for final subdivision approval of one (1) lot of 1.5 acres out of 60.3 acres. Subject property is located on the west side of Highway 305 and north of Vaiden Lane in Section 4, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

Dan Brown Minor Lot (6716) – Application is for final subdivision approval of one (1) lot of 1.7 acres out of 15.4 acres. Subject property is located on the north side of Vaiden Lane and west of Highway 305 in Section 4, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

W.T. Parker Minor Lot (6717) – Application is for final subdivision approval of one (1) lot of 3.9 acres out of 9.3 acres. Subject property is located on the east side of McIngvale Road and south of Forrest Lake Cove in Section 32, Township 3, Range 7 and is zoned Agricultural -Residential (A-R). (District 5)

McIngvale Meadows Lots 3 & 4 (6721) – Application is for final subdivision approval of one (1) lot of 2.8 acres and one (1) lot of 3.5 acres out of 15.6 acres. Subject property is located on the west side of McIngvale Road and south of Slocum Road in Section 32, Township 3, Range 7 and is zoned Agricultural (A). (District 5)

Mr. McDougal presented the applications above and noted that some discussion of the application for the Isom Minor Lot in District 5 may be needed. The applications appear to be in compliance with the County’s zoning and subdivision regulations; however, a request has been made as part of the Isom Minor Lot subdivision application for an access easement longer than 600 feet, which is the maximum length allowed by the Ordinance.

Supervisor Russell asked if the property was all owned by members of the same family. The applicant confirmed that it is.

Supervisor Lewis confirmed with Mr. McDougal that any further subdivision of the land or other changes to the plat would require that the easement be built to County road standards. Mr. McDougal acknowledged this and said that he and Mr. Swims would meet with the applicants to address the appropriate road surface to be sure it is a safe and accessible road.

Mr. Swims said that if, in the future, when easements longer than 600 feet are reviewed, the Board may wish to discuss as a condition of approval that it be of an appropriate road surface quality as it can be difficult to ask residents to work together to bring the road surface up to a standard quality after the easement has already been approved. He added that the County would not want to incur the cost of developing the road to meet standard specifications. Mr. Garriga added that getting the right of way dedicated as a County road can be a challenge unless all property owners can reach an agreement together. He noted that the intent here is not for this to be a County road, but a private easement like a driveway for access only.

Supervisor Russell and Supervisor Thach asked if the Board has the authority to require that the road meet County specifications on an easement. Mr. McDougal confirmed that they can require this as a condition to the County accepting the road as a county road, but it is not usually required when it is a driveway across family land. Mr. McDougal again confirmed that he and Mr. Andy Swims, County Engineer, will work with the family to find the appropriate road surface quality to address safe access. Mr. Swims noted that most citizens cannot afford to incur the cost of building a road to meet the County road specifications.

Mr. Nowak clarified that if the easement is approved by the Board as proposed, the County is not required to accept it as a County road in the future. The property owners can petition for it to become a County road by application to the Board in the future and additional conditions can be addressed with review of the application at that later date. He advised that it would better to approve the road to be developed to County specification when future development arises so that specifics of the proposed development are known and appropriate conditions can be assessed at that time.

Supervisor Lewis made a Motion to approve the applications subject to staff recommendations and that the Isom lot and the Tarrance lot and the associated easements be platted and recorded. Supervisor Russell seconded the Motion.

APPROVED SUBJECT TO MEETING ALL STANDARDS OF THE FOLLOWING: DEDICATION OF PUBLIC ROAD RIGHT-OF-WAY, HEALTH DEPARTMENT APPROVAL.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Other Items:

1. Air Quality Update

In the matter of an update to discussion regarding Air Quality.

Ms. Meleiah Robbins presented information to respond to questions from the Board of Supervisors from their meeting of March 17, 2008. As requested, Ms. Robbins listed the companies within DeSoto County that produce precursor emissions that contribute to ozone production. Based upon her discussions with staff at the Mississippi Department of Environmental Quality these companies are under mandate by the federal government, specifically the Environmental Protection Agency (EPA), to take measures to meet their minimum air quality standards. These companies account for point source emission although other sources including on-road, off-road and area sources are also contributors to ozone-producing emissions.

Supervisor Russell asked if one of the companies on the list of companies with emissions, Kgen Southaven, had moved. Supervisor Lewis asked what type of business this is. Ms. Robbins responded that the company is still located in Southaven and is a power plant. She added that nitrogen oxide, or NOx, emissions are the biggest concern toward the production of harmful ozone. She went on to say that the current Leadership DeSoto group of the DeSoto County Economic Development Council is developing a website page as a special project aimed at assisting residents with information, updates and ways that individuals can address air quality concerns in the County; the website should be up and running in May 2008.

Mr. Garriga asked if MDOT has discussed with DeSoto County the possibility of lowering the speed limit along the highway. Mr. McDougal said this has not yet occurred. Mr. Nowak said there have been lawsuits filed to address emissions standards to be set by the EPA that could only be addressed by reducing speeds on interstates in the future.

Mr. McDougal said that Tennessee has reduced speed limits in some areas and that the speed has been reduced on Interstate 55 through the County due to the construction underway there, which will be a temporary benefit to air quality in the County as there has been a relationship established between vehicle speeds and emissions.

Supervisor Russell noted that ozone can be created in one place and then move to another. Ms. Robbins acknowledged this and said that the County has the benefit of having fewer interstates, industries and less traffic than in other nearby areas. She said that ozone production can be further limited by following MDEQ guidelines for prohibiting burn days on higher-risk days for ozone production when there are higher outdoor temperatures and wetter conditions and regular vehicle tune-ups by citizens to reduce emissions. Supervisor Russell asked for clarification about how burn days affect ozone. Mr. McDougal responded that no-burn days are intended to limit the creation of ozone on hot days.

Supervisor Lewis asked where other point sources in the area, such as in Crittenden, Fayette, Shelby, and Tipton Counties, that affect DeSoto County come from. Ms. Robbins said she could get this information and bring it back to the Board at a future meeting. Supervisor Lewis asked if the County could also encourage citizens to do on-site composting to reduce vehicle and equipment emissions used to chip, pick up and haul compost to recycle or waste plants in the area. Mr. Garriga suggested that County's mulcher could be sent around to sites to assist citizens with on-site mulching.

ACKNOWLEDGED THIS THE 9th DAY OF APRIL, 2008.

E. CONSENT

F. OLD BUSINESS

1. Board Attorney – Sheriff Lease of Radios

At the recommendation of the County Administrator, Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to authorize the Board Attorney to negotiate with the leasing agent on the lease agreement for the Sheriff's Office to lease radios. The motion passed by a unanimous vote.

G. NEW BUSINESS

1. Reject Bids: Bid File No. 08-156-003 and 08-156-004 - One or More Dump Trucks, One or More Tractor Trucks

At the recommendation of Road Manager Russell Dorris, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to reject the bids for one or more dump trucks and one or more tractor trucks, in connection with bid file numbers 08-156-003 and 08-156-0004 as follows:

Bid File No. 08-156-003

Bidder	Model of Truck	Bid Price Each	Buy Back Amt. 2 yr. ea.	Buy Back Amt. 3 yr. ea.	Buy Back Amt. 4 yr. ea.	Bid Amount Less Buy Back Of 2 yr. ea.
Tri State Truck Center Inc	2008 Mack GU713	\$106,568.00	\$70,000.00	\$61,000.00	\$53,200.00	\$36,568.00
Mid-America International Trucks General Truck	International 7600 6x4 with Warren Dump NO BID	\$111,988.00	No Buy Back			

Bid File No. 08-156-004

Bidder	Model	Bid Price Each	Buy Back Amount 2yr/3yr/4yr ea	After Buy Back
Mid-America International General Truck Sales	International 5600 6X4 pay Star NO BID	\$110,332.00	NONE	\$110,332.00
Tri-State Truck Center	2008 Mack CHU Tractor	\$99,461.32	\$65,500/\$59,600/\$53,700	\$32,961.32

The motion passed by a unanimous vote. **See exhibit G.1**

2. Make Wireless Communication Commission Approval Part of the Minutes

At the recommendation of the Director of Administrative Services, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve making the

Wireless Communication Approval to purchase digital radios for the Sheriff's Department in the amount of \$236,568.00 part of the minutes. The motion passed by a unanimous vote.
See Exhibit G.2

3. EMS - Cell Phone Plan Change

Director of Administrative Services Vanessa Lynchard said that D.W. Gilbert in EMS has been using his personal cell phone for EMS business. Vanessa forwarded a request from the Board of Supervisors to have the county furnish Mr. Gilbert with a cell phone for county use.

At the recommendation of Vanessa Lynchard, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve a cell phone plan for D.W. Gilbert in EMS for a pool plan of 750 minutes for \$59.99 and text messaging for \$9.99 per month and to add text messaging for Tim Curtis and Mike Hancock in Emergency Services for \$9.99 per month. The motion passed by a unanimous vote.

H. EXECUTIVE SESSION

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

I. OTHER

1. Road – Olive Branch Tax Collector Building

Board Attorney Tony Nowak said that he is working on an agreement with the City of Olive Branch to cost share on construction of the road from the Tax Collector Building to Highway 305.

Road Manager Russell Dorris said that we got an estimate from the City of Olive Branch for the road to the Tax Collector Building. Mr. Dorris said that the road is about 500 feet from Highway 305 and the estimate is \$175,000 for 500 feet of roadway. Mr. Dorris said that sounds like a huge cost unless there is utility relocation involved. Supervisor Medlin asked if that is the total cost or the county's half of the cost. Board Attorney Tony Nowak said the county's portion will be \$37,500 according to the agreement that he received. Mr. Dorris said that sounds more reasonable for the amount of work being done.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith Phillips Mitchell Scott and Nowak Law Firm to proceed with drafting an agreement with the City of Olive Branch to cost share on construction of the road to the Tax Collector's Building with the county's obligation approved up to \$37,500. The motion passed by a unanimous vote.

2. Open Container Law

Supervisor Bill Russell questioned whether open containers are legal in public places and vehicles and if there is an ordinance on the issue. He said he would like to schedule a Public Hearing. Supervisor Tommy Lewis said he would like to hear from the Sheriff. Supervisor Russell agreed.

Board Attorney Tony Nowak said, under the Local Options Statue, the county can pass ordinances restricting open containers in public places.

This item was held over until April 21, 2008.

3. Accounting - Late Bill

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve paying the bill to the Credit Card Center for the motel fees in the amount of \$661.82 for the trip to Washington, DC. The motion passed by a unanimous vote.

4. Animal Services - Pit Bull Dogs

Supervisor Allen Latimer asked if people are letting pit bulls loose because of issues associated with ownership.

Vanessa Lynchard said that Animal Control is picking up more pit bull dogs because there are more pit bulls running at large. She said, when people come home from work, they often let their animals loose to run. Their neighbors are more likely to be outside at that time. It has created problems with complaints on pit bulls. She said it is likely to increase during the warmer months than the rest of the time because people are outside more. She said they are collecting more pit bulls because there are more out there.

5. Cemetery

Board Attorney Tony Nowak said he has tried to find the guidelines for historical cemeteries.

Supervisor Allen Latimer said he would like to know the group who regulates historical cemeteries. He said there are several throughout the county. Supervisor Latimer asked the County Administrator to find out the process for putting a cemetery on the Historical Register. Supervisor Allen Latimer said he would like for the Board Attorney to look into Historical Cemeteries. He said he would like to know the criteria for it being deemed historical.

6. Welcome Center

Supervisor Allen Latimer said there is a promotion at the Welcome Center located on I-55 that will be held May 14th starting at 11:00 a.m. until 2:00 p.m.

7. Starlanding Bridge – Stormwater

Supervisor Allen Latimer asked what the procedure is if there is a construction company on the job site and there are stormwater construction issues. Supervisor Bill Russell said they should call the Stormwater Inspector Ray Laughter. County Administrator Michael Garriga said that to his knowledge, county construction projects are not exempt from stormwater ordinances.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until April 21, 2008, at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 9th day of April, 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors