

**DESOTO COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING MINUTES**  
**TOMMY LEWIS, PRESIDENT 2009 PRESIDING**  
**April 20, 2009**

**A. CALL TO ORDER**

The April 20, 2009, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, 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 Allen Latimer presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT**

The Board of Supervisors considered the items presented on the Consent Agenda.

Supervisor Jessie Medlin asked the amount on the change order for the Tourism Building Grant. Grants Administrator Joyce Herring said the amount of the change order is \$11,800.

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to approve the Consent Agenda and the reports and actions set forth therein as follows:

- 1. Chancery Clerk Allowance (2) – April 2009 - \$1,500    \$1,816.66**
- 2. Grants – Tourism Building – Change Order - \$11,800**
- 3. Safety Officer's Report**

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-----YES

**See Exhibit D**

**E. PUBLIC HEARING**

**1. HOME Grant – 9:00 a.m.**

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing for the HOME Grant. 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-----YES

Fred Griffin of Housing and Finance Services LLC, said this is the first of a two part Public Hearing. The second part of the hearing will be held at 4:00 p.m. on this date. Mr. Griffin said the two Public Hearings should give citizens a chance to be at the hearing.

Mr. Griffin said they started these grant applications many years ago. He said, when the County applied for this grant, they were using the same rules and guidelines that have been used for the last sixteen years. Mr. Griffin said, they presented the program to this Board of Supervisors, and afterwards the rules changed. He said applications were sent in for 2008, but did not receive awards until 2009. He said that HUD told them some changes that needed to be made on those applications. One item that HUD challenged was there should not be an appointment of a developer. They agreed that in the past 16 years there was never a house that had structural problems under the old system. Mr. Griffin said that HUD told them that they had always used these guidelines for new construction and this was steering people away from existing homes. Mr. Griffin said HUD said existing homes should be offered in this program because there are a lot on the market. He said that is true in some places but not others. Mr. Griffin said they met with the grant representatives on Friday to discuss the grant. He said the state does not have much authority to make changes because they had to comply with the directives of HUD. Mr. Griffin said the state is going to ask HUD for a waiver on this contract when a person already owns their land. MDA will be writing a letter to the County to say this program was presented by Mr. Griffin’s office in the way it was being handled at that time when the application was placed. He said the income level requirement has gone up. Mr. Griffin said the total of the grant is \$28,750 and the recipient must qualify for the grant.

Mr. Griffin said, in order to qualify for the program, the person must be a US citizen, must be a first time home buyer, which includes someone who has not owned a home in three years, or individuals who are displaced. He explained the complete guidelines to the Board of Supervisors.

The Board and Mr. Griffin discussed the stimulus payment of \$8,000 for home buyers. Mr. Griffin said the \$8,000 could be added to the \$28,750. In addition, certain banks will give an additional \$4,000.

Supervisor Jessie Medlin said, at one time, Mr. Griffin thought there would be a high end on the house. Is that still true? Mr. Griffin said there is a high end, but it is not a hard figure. He said they must qualify through a lender.

Supervisor Bill Russell asked if a person can still get the \$8,000 on this program in addition to the \$28,750. Mr. Griffin said yes. In addition, they can get the additional \$4,000 through certain banks.

Supervisor Russell asked Mr. Griffin if remodeling falls into this program. Mr. Griffin said the remodel provision will not get the money. He said it will go toward the closing as a down payment.

Supervisor Eugene Thach asked how the loan affects the Board and who takes care of the loan process. Mr. Griffin said, when a family decides to buy a house and wants to remodel it, the buyer must be screened to qualify for the grant and send the person to a lender if they meet the requirements.

Supervisor Russell asked who would screen the applicants. Mr. Griffin said his office will screen the applicants on the County's behalf.

The Board Attorney asked who will be responsible for maintaining the records. He asked about the environmental impact studies. Mr. Griffin responded there must be a resolution from the Board of Supervisors authorizing the environmental contract. The balance has special conditions. Mr. Griffin said, in order to remove the conditions, you must send a letter asking for an environmental assessment exemption. The letter will state that you will not make any income from this program. Mr. Griffin said he will send the County a copy of the instructions that is sent to the closing attorney.

Supervisor Allen Latimer asked the conditions for the \$28,750. Mr. Griffin said the applicant should live on the property for ten years. If they do not do so, the \$28,750 would have to be repaid on a pro-rated basis.

Supervisor Latimer asked what happens if the property owner sells the property after ten years. Mr. Griffin said the owner will keep any equity built into the property including the \$28,750.

Supervisor Latimer said he is for helping people, but he feels this is a very unfair program for people who saved their money and bought their property. Now the federal government is funding this program and paying for other people's homes.

Supervisor Latimer asked where builder Charlie Sanders fits in this program. Mr. Griffin said Mr. Sanders got left out. Unless he got the work to remodel the homes, there is no place for Mr. Sanders in the new program.

Supervisor Latimer asked about the record keeping. Board Attorney Tony Nowak said the County would have to keep the records for fifteen years and prepare a marketing plan and conflicts of interest policy. Mr. Griffin said that his office will do everything except keep the bank statements. He said he will keep the other records until they are monitored and then closed out. Mr. Griffin said his office will give those records and the entire file to the County. The County is obligated to keep the file for fifteen years.

Supervisor Bill Russell asked if the applicants have to be a citizen of DeSoto County. Mr. Griffin said no, but the property they would buy must be in DeSoto County.

Supervisor Tommy Lewis said, if the house should fall into foreclosure, does the County have liability or responsibility for the \$28,750. Mr. Griffin said no. If a person lives there ten years, there is no responsibilities or obligations to the County. If the owner rents the property and move out within the ten years, they have to pay back the money on a pro-rated basis. In the case of foreclosure, Mr. Griffin said, if the bid on the house is higher than what is owed on the property that money would apply to the \$28,750. If it is less than the loan amount, the \$28,750 is forgiven. He said the state wrote a document to that effect in February, 2009.

Supervisor Lewis asked who enforces the selling of the property if the property is rented. Mr. Griffin said they have not experienced that yet.

Supervisor Latimer said this is the reason the United States is in debt. People who work hard are being asked to pay more taxes to pay for this program. Somewhere this must stop and someone has to pay for this money that is being given out.

Supervisor Lewis said he thinks the Board should hear the comments from the next Public Hearing this afternoon before the Board makes a decision.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the HOME Grant Program and to authorize the Board President to sign the documents in connection with the HOME Grant and to adopt a resolution on the program in DeSoto County and to instruct the County Administrator to monitor the status of the homes in this program.

The motion passed by a vote as follows:

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

Supervisor Lewis asked if anyone attending the Public Hearing wished to speak for or against this issue. No one in the audience came forward.

Supervisor Russell said he sees no difference in this program and in programs that feed the children. Supervisor Latimer disagreed. He said there is a lot of difference in feeding children and providing low interest rate loans. He said he knows the money will go somewhere else. At some time the local government must take a stand on what we are doing to the National Debt.

Supervisor Lewis said he is not voting against the program but he would like to wait until the next Public Hearing and get those comments first.

Supervisor Jessie Medlin asked Supervisor Lewis what he thinks will come from the next Public Hearing that will change the Board's views on the program.

Supervisor Thach said this is a federal program being offered. All the County is doing is allowing the federal government to help people. He said he does not see why the Board should not help. Supervisor Thach said he does not see what would come from the other Public Hearing.

Mr. Griffin said the Board authorizes the Board President to sign the documents, but it is not a requirement.

Supervisor Russell said the only thing that bothers him is there is no one to monitor to see if people still live in the home. Bobby Rayburn said it can be done fairly easy through the Tax Assessor's Office.

Chancery Clerk Sluggo Davis when you rent a house there is no deed exchange.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to close the Public Hearing. 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-----YES

Later in the meeting, Board Attorney Tony Nowak said there are some policies that must be in place concerning the HOME Grant.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to write any policies necessary in order to comply with the HOME Grant. The motion passed by a vote as follows:

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

**See Exhibit E.1**

## **F. OLD BUSINESS**

## **1. Debt Service Review**

Comptroller Tom Arnold said that he and the County Administrator looked at the County's current outstanding debt issues and presented a list of the issues. Mr. Arnold explained that on page 2 of this exhibit, they are proposing to pay off the 1999 refunding bonds from the general fund. They are proposing to pay the 2002 refunding bonds out of the special levy fund. Mr. Arnold said, if the County pays off both of these issues, it will free up enough debt service to issue \$12 million to \$16 million in new debt. He said some funds in the General Fund will be freed up by moving the 2007 refunding bond to a separate debt service tax levy and take the expense from the general fund. Mr. Arnold said they feel like the County can issue new debt without a tax increase. He said, when the County pays off existing debt, some interest will be saved as well.

Supervisor Bill Russell asked if it is possible to have negative growth in the County's assessed value. Mr. Arnold said that it is possible. He said, if we use funds to pay off existing debt, it will reduce our cash on hand, but it will not affect the bond rating.

County Administrator Michael Garriga said he recommends the Board pay off the issues if they are going to issue any debt. Supervisor Russell said he thinks it makes sense to pay off the debt anyway.

Supervisor Allen Latimer asked the current amount of cash on hand now. Mr. Arnold said approximately \$22 million. He said we are a little ahead of last year and the County will use that money to fund the budget for the remainder of the year.

Supervisor Jessie Medlin asked if that includes contingency. Mr. Arnold said it is part of the contingency fund. Mr. Arnold said the courthouse renovation will be paid off this year. Supervisor Tommy Lewis asked would it save any money to pay it off now. Mr. Arnold said, it would save very little and estimated about \$4,000. Supervisor Lewis said if we can save money, we should pay it now. Mr. Arnold said he will check to see if there is any penalty for early payment. Supervisor Lewis asked Mr. Arnold to check on the penalty and advise the Board.

**See Exhibit F.1**

## **2. Report on Sex Offenders Laws**

Board Attorney Tony Nowak asked if the Board had questions regarding the memo he sent outlining the County's authority to regulate sex offenders.

Supervisor Allen Latimer thanked the Board Attorney for the prompt and thorough response to the Board's request for information. He said the Attorney may need to write for an Attorney General's opinion on the Board's authority according to the memo.

Supervisor Bill Russell said it seems like the state and federal government have been very thorough in controlling sex offenders.

Supervisor Latimer said he is still interested in extending the number of feet a sex offender can be from children and said a school bus stop is a good example. He said he would like to increase it from 1,500 to 2,500 feet.

Supervisor Eugene Thach asked why the Board would want to change the current guidelines. Supervisor Latimer said it would be one more added protection for children and asked the Board to consider that.

Supervisor Russell said he would support it, but would rather get an opinion from the Attorney General.

Supervisor Thach said he would rather think about it for a while because the federal government has already done what they think is best. He said he does not have a problem getting an AG opinion on the issue.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to write for an attorney General's opinion to clarify the County's authority to extend the distance that a convicted sex offender can be from a child from 1,500 to 2,500 feet and the Board's general authority regarding sex offenders. 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-----YES

**See Exhibit F.2**

## **G. NEW BUSINESS**

### **1. Dept. of Road Management – Beaver Program Report**

Will Miller, County Beaver Control Agent and Road Manager Russell Dorris appeared before the Board of Supervisors to present the Beaver Control report. Mr. Dorris introduced Will Miller, the current Predator Control Officer.

Mr. Miller reported his activities for beaver control to the Board. Mr. Miller said he had eradicated 128 beavers throughout DeSoto County from August 2008 through August 2009. He worked 16 sites, removing 12 beaver dams by explosion, 15 beaver dams by hand removal and drained approximately 25 acres of water on County roads.

Supervisor Bill Russell asked if Mr. Miller can work for private individuals. Mr. Miller said yes. The cost is \$15 per hour plus mileage. Mr. Miller said they do some work in the cities. In Hernando Park they caught five beavers and demolished one dam. He said they drained approximately 32 acres of water throughout the County.

Supervisor Allen Latimer asked if the state uses their equipment. Mr. Miller said yes. If it is near buildings or power lines, then the Road Department will assist. Mr. Dorris said they are pleased with Mr. Miller's work.

Supervisor Latimer asked if he eradicates other animals as well. Mr. Miller said yes, but there is a separate charge for other predators.

Mr. Miller said he hopes to have his territory changed so his area will be more contiguous and he can spend more time in all of the different counties.

The Board of Supervisors thanked Mr. Miller for his work in the County and for the report.

**See Exhibit G.1**

### **2. Tax Exemptions**

Jim Flanagan, President and CEO of DeSoto County Economic Development Council, appeared before the Board of Supervisors with several companies requesting tax exemptions.

#### **a. US Express, Inc.**

Mr. Flanagan introduced Peggy Floyd, Operations Manager of US Express. Ms. Floyd said that US Express is an over the road trucking company and they serve 48 states and Canada. She said they have 484 employees and 439 are truck drivers in Olive Branch. She said they offer trucking services. Ms. Floyd said they have 75,000 drivers throughout the company. Ms. Floyd said those 75,000 drivers have access to the terminal in Olive Branch when their load requires them to travel through Olive Branch. They recently relocated their company to Olive Branch to a 40,000 square

foot facility. She said the Olive Branch site is unique to trucking because it is their regional headquarters and that is why the state determined them to be eligible for a tax exemption.

Supervisor Allen Latimer said the taxpayers of DeSoto County pay for the services the company will use. He requested that US Express give effort to hire from DeSoto County whenever possible. Ms. Floyd said she would guess that 50% of their employees in Olive Branch are from DeSoto County. She said, anytime they pick a vendor to do work at their facility, she tries to hire from DeSoto County and the Olive Branch area, if possible.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve 10 year real and property tax exemption for US Express, Inc., as fully described in Exhibit G.2.a. 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-----YES

**See Exhibit G.2.a**

**b. Trane Inc.**

Commercial Advisor Max Aldridge and Manager David Shelby of Trane Inc. appeared before the Board of Supervisors regarding a tax exemption.

Mr. Aldridge said they appeared before the Board in late 2007 for a memorandum of understanding for Trane to move to DeSoto County. He said this request represents a consolidation of two facilities. Trane has about 250 jobs and 208 are full time employees, 30 seasonal/part time employees and 18 supervisors.

David Shelby said the number of employees from DeSoto County is higher than listed on the application. He said they have job fairs in sites in Mississippi and they advertise in newspapers that are distributed throughout Mississippi.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve a 10 year personal property tax exemption for Trane, Inc. as fully described in Exhibit G.2.b. 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-----YES

**See Exhibit G.2.b**

**c. Sherwin Williams**

Darlene Reagan of Sherwin Williams appeared before the Board requesting a tax exemption. She said Sherwin Williams is not a new company. They have been in Olive Branch almost 40 years. Ms. Reagan said they have very good employee retention. She said they experience less than 2% turn over. She said they have employees who have been with the company since the doors opened. They have 175 employees of which 149 are full time employees.

Supervisor Eugene Thach asked if the pay wage listed includes fringe benefits. Ms. Reagan said no. She said two years ago, they were voted the best retirement in the country.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve a 5 year personal property tax exemption as fully described in Exhibit G.2.c. 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-----YES

**See Exhibit G.2.c**

**d. Diamond Comics Distributors Inc.**

Shawn Hamrick, Regional Manager, appeared before the Board of Supervisors requesting a tax exemption for Diamond Comics Distributors.

Mr. Flanagan said Diamond Comics leases the space and fully occupy the building. Mr. Flanagan said he thought it would be appropriate for them to represent the real property tax exemption application as well.

Mr. Hamrick said they are the largest distributor of comic books in the world. He said they moved in completely at the first of the year. They are totally functional now. The company is almost 30 years old and moved to Memphis seven years ago. He said they outgrew the space in Memphis and decided on relocating to Olive Branch. He said Diamond Comics consolidated three operations in the Olive Branch office. It is the largest distribution of comic books.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve a 10 year real and personal property tax exemption for Diamond Comics as fully described in Exhibit G.2.d. 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-----YES

**See Exhibit G.2.d**

**3. Chancery Clerk – Reimbursement to County**

Chancery Clerk Sluggo Davis presented a reimbursement to the County in the amount of \$434,565.06 for the year 2008. The Board of Supervisors thanked Mr. Davis for his efforts to operate his office as efficiently and effectively as possible.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to make the acknowledgement part of the minutes. 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-----YES

**See Exhibit G.3**

**4. Accounting – Supplemental Claims Docket**

Comptroller Tom Arnold presented a late bill to be paid to Maurice Shannon and Attorney Victor I. Fleitas for a refund from Justice Court in the amount of \$5,140.

Mr. Arnold also presented a late bill for the fence at 301 Ball Park to Jameison Manufacturing in the amount of \$426.56 for the District 3 Park Fund.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the late bill to Maurice Shannon and Attorney Victor I. Fleitas and a late bill to Jameison Manufacturing as recommended by the Comptroller Tom Arnold. 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-----YES

Comptroller Tom Arnold presented the supplemental claims docket to the Board of Supervisors.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. 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-----YES

**See Exhibit G.4**

## **5. Planning Commission**

### **a. Request for Refund – Robert Motley**

Planning Director Jim McDougal presented a request for a refund for a building permit. He said this is a unique request because the building permit actually expired in December of 2008. He said no work was done as a result of the application except for dirt work.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve a refund to Robert Motley of \$493 and issue a new building permit. 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-----YES

**See Exhibit G.5.a**

### **b. Policy Regarding Reinspection Fees**

Planning Director Jim McDougal said they have a contractor that pulls a permit and starts construction. If the contractor loses the house and another owner buys the property, they usually request a final inspection. Part of the final inspection is payment for the re-inspection fees that have occurred during the original construction. He said 60% to 70% of these fees are paid. He said sometimes the person who purchases the property says they are not responsible for the re-inspection fees. The City of Hernando said they waive re-inspection fees. The other cities do it on a case by case basis. He said, generally, the County does not collect until the final inspection unless there are so many re-inspections it accumulates a large amount.

Supervisor Bill Russell suggested collecting the money before we do the re-inspection.

Board Attorney Tony Nowak said, from a foreclosure standpoint, the purchaser steps into the shoes of the prior owner. The buyer is responsible for any lien on the property.

Supervisor Russell asked if Mr. McDougal is satisfied that his office would have to do more work to charge the re-inspection fee at the time it is rendered. Mr. McDougal said it would not be a problem. Supervisor Russell said, if there is no problem, he would rather collect the fee when the inspection is done.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to change the policy to collect the re-inspection fee prior to the re-inspection. 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

## **6. Board Attorney - Metro Narcotics – Approval of Dissolution Agreement**

Board Attorney Tony Nowak presented an agreement to divide the assets for Metro Narcotics between the City of Hernando and the County.

At the recommendation of the Board Attorney, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the dissolution agreement for Metro Narcotics and authorized the Board President to sign the agreement. 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-----YES

**See Exhibit G.6**

## **7. County Administrator**

### **a. NACo Conference – July 24 – 28, MAS Convention Conference – June, 2009**

County Administrator Michael Garriga said the NACo will be held in Nashville this year from July 24 through July 28.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve travel for anyone going to NACo including the Board of Supervisors, Road Manager, County Administrator, Board Attorney, Vanessa Lynchard and anyone traveling to Biloxi for the Mississippi Association of Supervisors meeting in June 2009 for the Board of Supervisors, Road Manager and County Administrator, and to authorize the County Administrator to approve travel as necessary for these trips. 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-----YES

### **b. First Regional Library Board – John L. Echols Resignation**

County Administrator Michael Garriga presented a resignation from John L. Echols for the First Regional Library Board.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to accept the letter of resignation of John L. Echols from the First Regional Library Board. 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-----YES

**See Exhibit G.7.b**

## **8. Mandatory Garbage Collection**

Supervisor Tommy Lewis said he would like to look at the possibility of making garbage collection mandatory and have those costs paid through millage in an effort to reduce or keep costs low for County residents. Supervisor Lewis said he would like to see if this would save money for the County.

Supervisor Jessie Medlin asked how many people are not paying for garbage service. Supervisor Lewis said he is not sure how many are not paying, but would like to look into it.

Supervisor Allen Latimer asked how it would affect rental property. Supervisor Lewis said the property owner would pay for the service and could collect reimbursement through the rental fee.

Board Attorney Tony Nowak said there is a procedure where landowners can opt out of mandatory garbage collections by following the procedure.

Supervisor Medlin asked if the Board will still have a policy that will waive the fee for people who are qualified. Supervisor Lewis said he would think so.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the Solid Waste Committee to look into mandatory garbage collection. 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-----YES

## **9. Purchasing - Bids Under Advisement**

### **a. Copiers**

Vanessa Lynchard, Purchase Clerk, explained that the contract for copy machines is due to expire on June 30. She said they advertised for bids in order to allow a transition if the copiers are to be replaced. She said that according to the vendors, some of the County copiers are too large and some have features that are never used. Vanessa said they looked at it from several aspects and looked at alternate ideas when considering the bids. She presented the bids as follows:

		Copy Plus	Mid South Digital	Nova Copy Alternate 1	Nova Copy Alternate 2	R J Young alternate 1	R J Young alternate 2	Rayco	Toshiba	
ALTERNATE										
36 Month		\$ 5,494.76	\$ 5,219.89	\$ 4,030.87	\$ 4,491.22	\$ 5,992.53	\$ 4,261.69	\$ 5,859.88	\$ 4,826.42	
48 Month		\$ 4,608.42	\$ 4,533.88	\$ 3,542.00	\$ 3,928.26	\$ 5,117.54	\$ <b>3,809.39</b>	\$ 4,993.88	\$ 4,254.74	
60 Month		\$ 4,081.74	\$ 4,002.10	\$ 3,159.95	\$ 3,487.53	\$ 4,643.07	\$ 3,545.25	\$ 4,519.90	\$ 3,770.02	
72 Month		\$ 3,734.93	\$ 3,905.86	\$ 2,088.11	\$ 2,408.62	\$ 4,435.40	\$ 3,429.53	\$ 4,255.69	No Bid	
Excess Copy	B & W	0.0099	0.0070	0.0069	0.0069	0.0065	0.0065	0.0060	0.0061	
Excess Copy	Color	0.0900	0.0600	0.0490	0.0490	0.0690	0.0690	0.0700	0.0661	
TOTAL LEASE COST										
36 Months Total		\$ 197,811.36	\$ 187,916.04	\$ 145,111.32	\$ 161,683.92	\$ 215,731.08	\$ 153,420.96	\$ 210,955.68	\$ 173,751.12	
48 Months Total		\$ 221,204.16	\$ 217,626.24	\$ 170,016.00	\$ 188,556.48	\$ 245,641.92	\$ <b>182,850.84</b>	\$ 239,706.24	\$ 204,227.52	
60 Months		\$ 244,904.40	\$ 240,126.00	\$ 189,597.00	\$ 209,251.80	\$ 278,584.20	\$ 212,715.24	\$ 271,194.00	\$ 226,201.20	
		Copiers bid do not meet our needs		Copiers bid do not meet our needs						
Yearly Cost										
36 Months Total		\$ 65,937.12	\$ 62,638.68	\$ 48,370.44	\$ 53,894.64	\$ 71,910.36	\$ 51,140.32	\$ 70,318.56	\$ 57,917.04	
48 Months Total		\$ 55,301.04	\$ 54,406.56	\$ 42,504.00	\$ 47,139.12	\$ 61,410.48	\$ <b>45,712.71</b>	\$ 59,926.56	\$ 51,056.88	
60 Months		\$ 48,980.88	\$ 48,025.20	\$ 37,919.40	\$ 41,850.36	\$ 55,716.84	\$ 42,543.05	\$ 54,238.80	\$ 45,240.24	
		Copiers bid do not meet our needs		Copiers bid do not meet our needs						
* Average of 2627.11 x 6 and 4588.61 x 30		CURRENT CONTRACT WITH OCE' IMAGISTICS					Monthly	\$ 5,065.03		
** Average of 2627.11 x 6 and 3978.29 x 42						3 Year Contract	\$ 182,341.08			
*** Average of 2627.11 x 6 and 3647.27 x 54						Yearly	\$ 60,780.36			
**** Average of 2627.11 x 6 and 3502.48 x 66						Yearly Change	-32.96%			

Vanessa recommended awarding the bid to RJ Young. She said that RJ Young is the lowest and best bid and also recommended copiers that were more suitable to each department's requirements.

Supervisor Bill Russell asked if they are rejecting the alternate bid from CopyPlus's because it was although it was a low bid, it did not meet the County's needs. Supervisor Russell asked who the County is currently using and Vanessa said Oce'. Supervisor Russell asked if every copier will be replaced. Vanessa said all copiers under the current contract will be replaced.

At the recommendation of the Purchasing Clerk, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the bid determined to be the lowest and best bid from RJ Young for copiers for the County and for the Board President to sign the contract. 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-----YES

**See Exhibit G.9.a**

**b. Fleet Servicing of Various County Vehicles**

Fleet Service Manager Amy Henley said vehicle maintenance under administrative offices, except for EMS and Fire will be managed through the Fleet Services Department in an effort to extend vehicle life as well as manage costs.

Vanessa Lynchard said that Amy had a great idea to get quotes in three areas of vehicle maintenance which includes oil changes, tires and repairs. She said that Magnolia Tire was the lowest and best bid and can complete work in a minimum amount of time. She said the Road Department was kind enough to offer to do the state inspections on the vehicles. Vanessa said they learned a lot through this process and will improve the process when it is time to bid again. She said the 2008 oil changes are estimated to be 55 changes on 48 vehicles.

Supervisor Tommy Lewis asked if the oil changes are done at 3,000 miles or 5,000 miles. Amy said oil changes are done at 5,000 miles. Supervisor Lewis asked when the air filters are changed. Amy said the filters are changed every 25,000 miles.

County Administrator Michael Garriga said this process will help with better record keeping and govern maintenance.

Amy said, during the servicing of a vehicle, if a problem is identified, they must call Amy for approval. She will be able to identify the vehicle as well as any services already performed.

Supervisor Eugene Thach said that Magnolia is high on air filters. Vanessa referred to the overall bid which indicated Magnolia Tire to be substantially lower.

At the recommendation of the Purchasing Clerk, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept the bid from Magnolia Tire as the lowest and best bid for fleet servicing in connection with various County vehicles as described as follows:

	Operation 1	Operation 2	Operation 3	Total	Labor Rate Per Hour	Service to Begin After Arrival Within
Gateway Tire and Service Center	\$ 1,335.90	\$ 13,113.07	\$ 2,943.90	\$ 17,392.87	\$ 75.00	1 - 2 Hours
Darby's Tire and Auto Service	\$ 1,510.00	\$ 13,605.00	\$ 2,824.50	\$ 17,939.50	\$ 80.00	30 Min. to 1 Hour
Magnolia Tire	\$ 1,470.00	\$ 9,230.00	\$ 2,656.00	\$ 13,356.00	\$ 75.00	2 Hours
<b>RECOMMENDATION:</b>	<b>Magnolia Tire</b>					
<b>ALTERNATE:</b>	<b>Gateway Tire and Service</b>					

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-----YES

See Exhibit G.9.b

**10. Dept. of Road Management**

**a. Request to Waive Fees**

**(1.) Hurricane Creek Sewer Interceptor Project – Stormwater & Application**

Assistant County Engineer Scott Young said he received a stormwater permit for the Hurricane Creek Sewer Interceptor Project. The applicant is the City of Southaven and the public works director Chris Hataway wrote a letter requesting that the permit fees be waived.

Supervisor Jessie Medlin said we have paid deposits on utilities in Olive Branch.

Supervisor Bill Russell asked if it is possible to do an interlocal agreement regarding charging each other. Board Attorney Tony Nowak said it would not last past any Board term. It may be difficult to include everything the Board may want to include. Supervisor Russell asked how long it would take to do an interlocal agreement. Mr. Nowak said it would not take long to draft the interlocal agreement but the approval process may take a month or longer.

Road Manager Russell Dorris said, if we do an inspection, it will cost the County money. He said we charge the City of Walls except for utility easements.

County Administrator Michael Garriga said, a few weeks ago, there was a problem with the sprinkler system at the Health Department. There was discussion between the County, the City of Hernando and the Fire Marshal. The Fire Marshal determined that the County has ultimate control of County building projects. Mr. Garriga said that only pertains to fire. He said, if that is true in the case of stormwater, we may not have an issue.

Supervisor Eugene Thach asked the County Administrator and Board Attorney to look into this issue and report back to the Board.

Mr. Young brought up the fact that approximately half of this permitted area is about to be annexed by the City of Southaven. Mr. Nowak confirmed that the courts ruled in favor of the City, therefore, the annexation would be going through any day now.

Supervisor Russell asked if they should give the County Inspectors approval to do the inspections. Discussion was made among the Board members to who would be responsible for doing inspections once the annexation was official. Mr. Young agreed that the city would be responsible for the inspections within the new annexed area but the County would still be responsible for the area that remained within the unincorporated county.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to waive the fees for the future annexation areas for the City of Southaven contingent on Southaven doing the work and inspections after the annexation is approved. 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

**See Exhibit G.10.a.(1.)**

**(2.) Lewisburg Primary School – Stormwater**

Assistant County Engineer Scott Young said the school system is asking the County to waive stormwater fees at the Lewisburg Primary School in the amount of \$1,100. Mr. Young said the school board has saved the County a significant amount of money on the stormwater budget. The school board allowed the children to take stormwater information home instead of the County having to mail it out to residents in the County as required by stormwater.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to waive the stormwater fees for the Board of Education for the Lewisburg Primary School. 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-----YES

**See Exhibit G.10.a.(2.)**

**H. EXECUTIVE SESSION**

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

**I. OTHER ISSUES**

**1. Tourism Collections**

Supervisor Allen Latimer said, last month the collections from the tourism tax were more than \$60,000 greater than this same month last year.

**2. Grants – JAG Grant**

Board Attorney Tony Nowak said the JAG grant has been approved and includes Southaven, Horn Lake and Olive Branch.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to authorize the Board President to sign the interlocal agreement between DeSoto County Mississippi, the City of Southaven, City of Olive Branch and the City of Horn Lake for the 2009 Byrne Justice Assistance Grant Program Award, and authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to handle the matter in any manner necessary to fulfill the County's obligations for this grant. 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-----YES

### 3. Legislation

#### a. Acquisition of Property

Board Attorney Tony Nowak said the real property acquisition law was amended to allow the Board to negotiate the amount of just compensation to acquire right of way if the increased cost is shown to be in the best interest of the County and is reasonable.

#### b. Purchasing Laws

Mr. Nowak notified the Board of Supervisors that the bid laws changed effective July 2009. The law allows the Purchase Clerk or Designee to accept bids between \$5,000 and \$50,000 before going to advertise for bids.

### 4. District 3 Park Fund

Supervisor Bill Russell said that OSHA requires pads to be placed on the ball park outfield fences. He presented an estimate for Robertson Donald Park in the amount of \$1,281 and recommended this work be done.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve expenditure from the District 3 Park Fund for Robertson Donald Park to add pads to the outfield fences. 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-----YES

### 5. Parks – District 3 – Lake Cormorant

Supervisor Bill Russell said he received a letter from the coaches at the Lake Cormorant Park. He said they thanked the Board of Supervisors for the help with the ball fields.

They requested the speed limit around the fields be changed from 45 miles per hour to 35 miles per hour. They also requested flashing signs that can be controlled by the coaches during games and practice. This would allow them to decrease the speed of traffic even more and help make the area safer for the children.

Supervisor Eugene Thach said the County cannot just allow people to change the signs and speed limit.

Road Manager Russell Dorris said, typically, there is an engineering study done. He said, without the study, he does not know if it is a good or bad idea.

Board Attorney Tony Nowak said, giving authority to coaches to regulate speed, is a real concern.

Mr. Dorris said the County is supposed to do an engineering study before he can make a recommendation on this issue.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to do an engineering study around the Lake Cormorant Park. 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-----YES

Board Attorney Tony Nowak read a section of the Mississippi Code which recommends a study.

**See Exhibit I.5**

**6. Building and Grounds – Justice Court Exterior**

County Administrator Michael Garriga said the owners of the shopping center where Justice Court is located do not wish to participate in upgrades to the other portion of the shopping center.

Supervisor Bill Russell said Southaven has agreed to do the landscaping and to re-stripe the parking lot. He said he wondered if the city would do the County portion of the parking lot and give the money for the other portion.

**7. Roads – Road off of Hwy 304**

Supervisor Allen Latimer said, people who live off of Hwy 304, want the County to re-pave their road. He said the families would like to see about turning the road over to the County. He said the road goes through another person’s property. Supervisor Latimer said he would like to ask for a sketch and report of the ownership of the property.

Supervisor Jessie Medlin said it may be appropriate for the landowners to give the County a petition.

Supervisor Allen Latimer said he would like to have the Road Manager report back to the Board on May 4<sup>th</sup> on this issue.

**8. Park Fund – District 5**

Supervisor Tommy Lewis said the horse arena in Hernando needs sand.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize the Road Department to haul sand to the Hernando Civic Center Horse Arena, in an amount not to exceed \$1,000 to be paid from the District 5 Park Fund. 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-----YES

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to adjourn the meeting until May 4, 2009, at 9:00 a.m. 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-----YES

THIS the 20th day of April, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Tommy Lewis, President  
DeSoto County Board of Supervisors