

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

BILL RUSSELL, PRESIDENT 2010 PRESIDING

April 19, 2010

A. CALL TO ORDER

The April 19, 2010, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Bill Russell, 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 ABSENT
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Deputy Carl Hurt presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CONSENT

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

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the Consent Agenda items as follows:

1. Safety Officers Report (2)

2. Make Part of Minutes

a. Resolution of Borrowing by the DeSoto County CVB

b. Constable Annual Report-Liz Medlin

3. Inventory Dispositions-Final

a. Dept. of Road Management

Asset #	Serial #	Description	Reason for Disposal	Location of Final
35884	0080506	EC240BLC Volvo Excavator	Trade In/Buy Back	Scott Equipment
35893	0080251	EC290BLC Volvo Excavator	Trade In/Buy Back	Scott Equipment
30748	P1063	PTO Lime Spreader	No Longer use it	govdeals.com
30955	PD1001	Bituminous Appl.	No Longer use it	govdeals.com

16077	n/a	coats 40-40S Tire Machine	Scrape	govdeals.com
912026	n/a	portable building	no longer use it	govdeals.com
30655	00206-G	Garriga-Board Concrete Bucket	no longer use it	govdeals.com

b. Planning Commission

Asset #	Serial #	Description	Reason for Disposal	Location of Final
4051	0000004051	Model2000ag Projector	old/obsolete	5R
38240	4426238232	Canon power shot dig camera	Broken	5R

4. Chancery Clerk Year End Reimbursement - \$291,061.70

5. Chancery Clerk Allowance (2) - \$2,016.66 \$1,500.00

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 D

E. PUBLIC HEARING

1. Home Grant Application

Fred Griffin of Griffin and Associates, LLC, appeared before the Board of Supervisors to discuss the 2010 Home Grant Opportunity. Mr. Griffin said a notice for a Public Hearing has been published regarding the Home Grant.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing for the 2010 Grant application. 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

Mr. Griffin said this is our mandatory Public Hearing to inform the citizens of DeSoto County of the Board’s intent to file a 2010 Home Grant application. He said that \$250,000 is the maximum grant the county can get. He said this is the same amount that was granted the county last year. Mr. Griffin said because, last year, the county awarded the money so quickly, the county was awarded three additional rounds. Last year, this grant funding allowed the county to fund \$3,700,000 for the DeSoto County economy.

Supervisor Bill Russell asked how many families were served. Mr. Griffin said 33 families were served. Mr. Griffin said we got more applications than were given money.

Mr. Griffin said the county’s record keeping was excellent on last year’s grant. He said the county complied with the audit in every way.

Supervisor Russell asked the income limit on the grant. Mr. Griffin said the income limit is 80% of the median family income. The income levels for the grant are as follows:

1 person	2 people	3 people	4 people	5 people	6 people	7 people	8 people
\$32,400	\$37,000	\$41,650	\$46,250	\$49,950	\$53,650	\$57,350	\$61,050

Supervisor Medlin asked if the 33 people that used the funding last year received follow-up to make sure they comply with the terms of the loan. Mr. said there is actually very little follow-up associated with these loans. He said if a recipient is caught acting contrary to the terms of the grant, the fine will be retroactive.

Supervisor Allen Latimer verified that a person with a green card can qualify for the loan. Mr. Griffin said that is correct. He said, if they have applied for citizenship, they can qualify. He said the Board can say, in DeSoto County, if you are not already a citizen, you could not qualify. Supervisor Russell asked if a person carrying a green card pays taxes. Mr. Griffin said yes, they do pay taxes at that time. He said there was one such applicant that filed but did not qualify because their income was in excess of the level required by the grant.

Supervisor Russell asked if there was anyone present at the meeting who would like to speak for or against the county's application for the Home Grant. No one came forward.

Supervisor Russell said he would like to see a program implemented to monitor the grant recipients for 10 years. Mr. Griffin said it is a simple matter to have someone visit the home.

Chancery Clerk Sluggo Davis suggested that a person present 2 to 3 utility bills once each year to make sure they are complying with the property terms and not renting the home. Mr. Davis said that would mirror the Homestead Exemption policy.

Mr. Griffin said it would cost the county to monitor the program.

Supervisor Thach said this is a federal government program and the county has no business monitoring the program. Mr. Davis said it is still County taxpayer taxes that are being used to help fund the grant.

Mr. Griffin said if the Board likes the program, they can become a consortium. He said the Board would get an allocation each year based on the county's population. Supervisor Thach asked why the Board should do that if the state is now handling the program. Mr. Griffin said the state can change their regulations. Supervisor Thach asked how many other counties have formed a consortium. Mr. Griffin said a few. Supervisor Russell said he is not sure whether the Board would be agreeable to take on another program.

Mr. Griffin said that those present must sign a roster to say they were at the Public Hearing and that the county asked for input. Mr. Griffin said he needed the minutes of this meeting and he requested the Board sign the grant paperwork. He said another item on the Agenda is for the Board to accept an administrator for the grant. He said there is a resolution for the Board to authorize the Board President to accept the application for the Home Grant funding at a later date.

Supervisor Russell asked when the county could make a change in the qualifying requirements. Mr. Griffin said the change will be made when you send in the policy and procedures and guidelines. Mr. Griffin said if the Board wants to implement guidelines for citizenship or anything else, then do not sign the regulations and let him know what changes need to be made.

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----- ABSENT

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to authorize signing the roster to say there was a Public Hearing and ask for citizen input, to approve the Board President to sign the resolution and to approve a resolution from the Board to authorize the Board President to sign and accept the application 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----- ABSENT

See Exhibit E.1

F. OLD BUSINESS

1. District 2 Appointment: Horn Lake Interceptor Sewer District

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve appointing Charles Davis as the District 2 appointee to the Horn Lake Creek Interceptor Sewer District Board of Commissioners with a term set to expire May 5, 2014. 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.1

G. NEW BUSINESS

1. Selection Committee for Home Grant Administrator

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to appoint Michael Garriga, Joyce Herring and Vanessa Lynchard as the Selection Committee for the Home Grant administrator. 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

2. Tax Exemptions

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

a. Excel, Inc.

Paul Nugent and Dennis Davis of Excel, Inc. appeared before the Board of Supervisors requesting a 5 year personal tax exemption. Mr. Nugent explained the business and employment the company offers to the residents of DeSoto County.

Mr. Flanagan told the Board of Supervisors that the Tax Advisory Committee recommended five years of personal property for the tax exemption to Excel.

Supervisor Bill Russell asked how many Excel employees live in DeSoto County. Mr. Nugent said about 30%.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve a five year personal property tax exemption for Excel, 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----- ABSENT

See Exhibit G.2.b

b. Ashland Inc.

Ron Wainscott and Chris McGee with Ashland, Inc. appeared before the Board of Supervisors requesting a five year personal property tax exemption. Mr. Wainscott said this is the second phase of a \$5 million expansion of their company. He said the reason the exemption covered five years was because of the economy. Mr. Wainscott said the expansion will create 38 new jobs and 15 people have already been hired and by June they expect to hire 23 more employees. He said that Ashland, Inc. has been in DeSoto County over 20 years.

Supervisor Allen Latimer said he is always concerned that the companies requesting exemptions consider hiring DeSoto County residents. Supervisor Latimer said he noticed a large number of their employees are from DeSoto County and the Board of Supervisors appreciates that.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve a five year personal property tax exemption for Ashland, 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----- ABSENT

See Exhibit G.2.b

c. Rite Hite Products Corp.

General Manager of Rite Hite, Louis Patron and Human Resources representative, Rosa McGaughy, appeared before the Board of Supervisors requesting a ten year personal property tax exemption for Rite Hite. Mr. Patron said they moved to DeSoto County two years ago. They will hire twenty additional people and have signed a thirteen year contract on the building. Mr. Patron said they are closing down another line at their Wisconsin facility and moving it to DeSoto County.

Mr. Flanagan commented that the improvements Rite Hite has done to the building look very good.

Supervisor Allen Latimer welcomed Rite Hite to the City of Horn Lake and DeSoto County. He said the taxpayers of DeSoto County provide roads and services to companies in the county. The Board would like for them to consider local applicants for employment.

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to approve a ten year personal property tax exemption for Rite Hite Products Corp. 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----- ABSENT

See Exhibit G.2.c

3. Inventory Dispositions-Preliminary: Dept. of Road Management

Inventory Clerk Amy Henley asked the Board’s consideration for approving the preliminary dispositions follows:

Asset #	Serial #	Description	Reason for Disposal	Location at Preliminary
12110	HD25808444	Homelite Chainsaw	Lost/Stolen Affidavit Attached	Unknown/Stolen

At the recommendation of the Inventory Clerk, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the preliminary inventory dispositions. 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 G.3

4. Change Order #2 for Emergency Generators Project

County Administrator Michael Garriga said this item should be removed from the Agenda.

5. Accounting

a. Budget Amendments

Comptroller Tom Arnold presented the budget amendments to the Board of Supervisors for consideration for approval as follows:

- 1.) Chancery Clerk-adjust line item to cover additional expenses for printing traffic citations.
- 2.) Juvenile court-adjust line item for higher than expected costs for youth court petitions.
- 3.) Sheriff’s Dept.-adjust line item for the purchase of a software upgrade for the forensic extraction device.
- 4.) Sheriff’s Dept.-adjust line item to purchase vehicles from Missouri Highway patrol.
- 5.) Court Reporters & Administrators-set up line item to pay unemployment claims assessed by MDES and billed to the counties by AOC.
- 6.) DCAOP Fund-adjust line item for the closeout of DCAOP Fund.
- 7.) Various Debt Service Funds-adjust funds for residual revenues and expenses for paid-off bonds.

Supervisor Jessie Medlin clarified that everything the Board has approved has been to move money within established budgets and not from the contingency fund. Mr. Arnold that is correct and he will be sure to identify that on future requests.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the budget amendments as presented by the Comptroller and as detailed in Exhibit G.5.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----- ABSENT

See Exhibit G.5.a

b. Supplemental Claims Docket

Accounting Clerk Stephanie Hanks presented the items on the claims docket in accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated.

Supervisor Jessie Medlin questioned the spending and expense on page 71 for Starlanding Road. Comptroller Tom Arnold said that expense was for the landfill on Starlanding Road.

Supervisor Allen Latimer questioned the expense on page 84 for the State Treasure DPS funds. Mr. Arnold said these are assessments that are sent to the state.

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin 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-----ABSENT

See Exhibit G.5.b

6. Authorize Private Treaty with Missouri State Highway Patrol

Vanessa Lynchard explained that the Sheriff's Department would like to purchase two used vehicles from the state of Missouri and Mississippi Code Section 31-7-13 requires a private treaty agreement between the county and state of Missouri in order to legally complete the purchase.

Sheriff Bill Rasco said Missouri has a contract with Ford Motor Company Missouri sells their vehicles when they reach 50,000 miles and we can purchase them for half price. He said this has proved to be a great program to stretch the county's budget dollars.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draw up a private treaty agreement between DeSoto County and the state of Missouri or other proper entity, to allow the DeSoto County Sheriff's Department to purchase vehicles. 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 G.6

7. Dept. of Road Management

Road Manager Russell Dorris presented an estimate for work needed on Wilson Mill Road. Mr. Dorris said he met with L & T Construction and the following ideas were discussed to protect the health, safety and welfare of the public and to protect the interest of the county on a portion of Wilson Mill Road:

- 1) The roadway is the exit route for a dirt excavation site to MS 301 highway. The route is approximately 1.3 miles in length. The roadway has been maintained for numerous years prior to this excavation without any major damage.
- 2) The current bond is set at \$75,000 and should be raised to \$100,000. L & T Construction has agreed to pay all repair costs to the damaged roadway.
- 3) Flaggers should be posted at each limited sight distance location and may take up to three or four additional flaggers. L & T Construction Co. is to bear the cost of these flaggers.

- 4) A flagger should be posted at the entrance/exit to the excavation site during all hours of operations.
- 5) Daily inspections should be made to insure all stormwater regulations are in place and functioning properly. This includes an exit pad of large limestone at excavation entrance/exit.
- 6) Inspect roadway each day at various times to insure that the dump trucks are not speeding or driving in an unsafe manner.
- 7) If any of the above listed recommendations or directives are not followed or met, the operation will be temporarily shut down until these requirements are met.

Mr. Dorris presented an estimate for the work as follows:

Repairs to Wilson Mill Road – Total (4/16/10 beginning 12:00 Noon – 4/18/10)

Equipment \$2,058.50

Materials \$ 591.20

Labor \$1,539.02

TOTAL \$4,188.72

Previous Total through 4/16/10, 12:00 NOON: \$31,518.47
+ 4,188.72

GRAND TOTAL through 4/18/10 \$35,707.19

Mr. Dorris said through the weekend the county has spent \$35,707.19. He said they have monitored the situation and discussed it with L & T over the weekend. Mr. Dorris said most of the things are being done. He said they are at 48% of their bond now. Mr. Dorris said they have asked to leave off the items requiring a \$100,000 bond from the list. Mr. Dorris said from what he sees, most of the damage at the northeast is a majority of the damage that has already been created and repaired. He said we have 52% of the bond remaining.

Supervisor Jessie Medlin asked how close they are to completing the project. Mr. Dorris estimated 60%. Supervisor Medlin asked if there will be enough to resurface the road. Mr. Dorris said no, it will be enough to patch the road.

Supervisor Bill Russell said there was deterioration on the road before they started this project.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to accept the Road Manager’s report and recommendation for Wilson Mill Road as outlined in Exhibit G.7, including the recommendation to remove the requirement for the \$100,000 bond. 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 G.7

8. National Day of Prayer

Vanessa Lynchard said May 6, 2010 is the National Day of Prayer. Lee Ashcroft called to ask the Board of Supervisors for consideration to recognize National Day of Prayer. Vanessa said that a new resident, Kathy Simmons, called and asked if the National Day of Prayer gathering would be held. Ms. Summers agreed to help with the National Day of Prayer. She said they are focusing on new churches in the county and are calling to ask them to participate.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to authorize use of the DeSoto County Courthouse property for a National Day of Prayer Service on May 6, 2010 at 7:00 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-----ABSENT

See Exhibit G.8

H. EXECUTIVE SESSION

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

I. OTHER

1. Home Grants Administrator

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work with the Grant Administrator on the 2010 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-----ABSENT

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to adjourn the meeting until May 3, 2010, 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-----ABSENT

THIS the 19TH day of April, 2010, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Bill Russell, President
DeSoto County Board of Supervisors