

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

DISTRICT ONE JESSIE MEDLIN, PRESIDING

August 6, 2012

A. CALL TO ORDER

The August 6, 2012 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff's Department was present and opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Harvey Lee	District 5
Sheriff Bill Rasco	Sheriff
W. E. Sluggo Davis	Chancery Clerk
Michael Garriga	County Administrator
Jody Neyman	Board Attorney

B. INVOCATION

Supervisor Lee Caldwell presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. 9:00 a.m. PUBLIC HEARING for TAX PROTESTS

In accordance with Mississippi State Law, Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to open the Public Hearing for real and personal property assessments rolls to allow the public to address the Board of Supervisors on any issue relating to valuation for the 2012 tax roll as previously presented by the DeSoto County Tax Assessor on the 1st Monday of July 2012.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

1. NPK Southaven LLC

Pieter Zee of the Tax Assessor's Office reported that NPK Southaven LLC filed a protest but the Assessor's Office did not receive the required income information on this appeal.

No representative of NPK Southaven LLC was present and the Board agreed to table the protest and wait to see if anyone would appear on NPK's behalf.

2. Chickasaw Heights (23 lots)

Director of Administrative Services, Vanessa Lynchard reported that Chickasaw Heights withdrew its appeal.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve removing Chickasaw Heights from the Tax Appeals list. The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit D.2

3. Additions to Tax Protests

a. Evans and Petree

Andrea McKinnon of Evans and Petree appeared before the Board of Supervisors representing several appeals as fully described in Exhibit D.3.a. Ms. McKinnon said she spoke to Mr. Bill Bryant of the DeSoto County Tax Assessor’s Office before the Board meeting started and he said we could probably work some of the appeals out.

Board Attorney Jody Neyman said that the Board has until the end of the month to address tax appeals so a continuance would not be a problem.

Mr. Bryant said we are very sensitive to the market conditions in DeSoto County, which that are not what they were a few years ago. Mr. Bryant said Evans and Petree pulled their information from the internet and the internet does not reflect the new tax roll which reflects different values on at least some of the parcels under protests. He said while speaking with Ms. McKinnon before the meeting, they discovered that the law firm used the internet values. Mr. Bryant pointed out one particular parcel that was valued at \$40,000 last year and the new roll reflects a \$20,000 value. He said they can go back and review the list with Evans and Petree and come back before the Board at the next meeting.

Based on the recommendation of the Tax Assessor’s Office and at the request of Evans and Petree, Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to hold the item over for Evans and Petree until the August 20th meeting.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to carry over the Public Hearing on Tax Appeals until August 20, 2012 at 9:00 a.m.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit D.3.a

b. EADS, LLC

W.E. Sluggo Davis and Alvin Gilles appeared before the Board of Supervisors on a tax protest for their LLC, EADS, LLC. Mr. Davis said he is not here to object to the assessment, but they are here to object to the equalization of the tax rolls. He said this property has been on the roll since January, 2006, and they have been paying \$6,700 plus for a 10 acre tract of land. The first two years were less than the last four years. Mr. Davis presented a handout to the Board. He stated that on page two of his handout the top represents the assessment of EADS, LLC. Mr. Davis said their assessment went up from \$47,295 to \$206,017 per acre, and if no millage increases taxes, their increase in taxes would be from \$6,736 to \$29,342. He said there is land that adjoins this property that is taxed an extremely lower amount, and land use plays a good part in taxation. He said this adjoining property is 10.5 acres and his parcel is less than 10 acres. Mr. Davis said he was told you have to sign an affidavit for land use. He said he is not for increasing anyone else's taxes, but he is for lower his own and equal means the same value or the same weight, and other parcel has been taxed the same as theirs. He said he is asking the Board to equalize the rolls. He said that Mr. Gilles and him went into the Tax Assessor's Office and were told the news media caused the increase. Mr. Davis said on January 1st when it went on the tax roll, there was no difference in the property now than it was in January, and they asked why a neighboring property got land use and they did not. Mr. Davis said there are seven 1 acre to 1.67 acre parcels south of the property. He said the per acre price varies from 1.67 to 1. He said the Board knows that a small tract will bring more than a 10 acre tract. He said he thinks he has enough information to prove his point, and if he does not, let him know.

Supervisor Mark Gardner asked if Mr. Davis has a comparison on the other acreage. Supervisor Gardner verified that Mr. Davis is not objecting to the value. In response, Mr. Davis said he is objecting to the equalization of the roll. Mr. Davis then presented sales in Hernando and on Malone Road that were not changed after they sold.

Supervisor Bill Russell asked if the Assessor knew about the sale prices. Mr. Davis said he runs the Chancery Clerk's office and he does not know. He said the same property that was on the roll last year, they did not change but it did change this year. He said EADS has a property at Starlanding and Getwell Roads totaling 4 acres and they paid \$1,067 last year and that is what they will pay this year.

Supervisor Mark Gardner stated to the Board that the real estate company he works for appraised the property in issue. He stated that he has not viewed the appraisal, and has no information pertaining to the property's value, but he thought he would advise EADS, the Board and the public of this issue. He then asked Board attorney Jody Neyman if there would be a conflict that would require him to recuse himself. In response, Mr. Neyman stated that after his brief review of various ethics opinions, if Mr. Gardner was not the realtor who brokered the sale or the appraiser who conducted the appraisal, he did not believe he would have a conflict requiring him to recuse himself, but if Mr. Gardner felt that there was a conflict, he could.

Supervisor Bill Russell asked if Mr. Davis saw the appraisal. Mr. Davis said no. Supervisor Russell asked if he knew what the appraisal said EADS' property was worth and Mr. Davis said yes.

Mr. Alvin Gilles said the only reason they were increased in value was because they said the newspaper was coming to their office, and he was not aware the newspaper set the rates. Mr. Gilles said there was no other reason for the increase in value and their property was the only one that jumped in value.

Supervisor Russell asked if anyone else sold their property that Mr. Davis and Mr. Gilles mentioned. Mr. Davis said no. Mr. Gilles said theirs had sold by the time Mr. Pickle raised the taxes.

DeSoto County Appraiser Mr. Bryant and Deputy Assessor Pieter Zee represented the Tax Assessor's Office. Mr. Bryant asked the Board of Supervisors what the property sold for, and what did Mr. Davis pay at his purchase of the property? Mr. Davis declined to answer. Mr. Bryant said the Board is entitled to know the answer to that question once Mr. Davis filed his appeal.

In response Board Attorney Jody Neyman said under Mississippi Code section § 27-35-97 if a landowner files a tax protest, the Board can require the protesting landowner to produce all information regarding the value, including appraisals and sales information, and if the landowner refuses, the Board must deny the protest.

Mr. Neyman said Mississippi code section 27-35-50 requires the Tax Assessor to determine the value of property and once he becomes aware that the property's fair market value may be greater than its current appraised value. If the Assessor becomes aware the property sold for a particular value, he can consider that in the assessment.

Mr. Neyman was then questioned by Supervisor Lee Caldwell regarding Mississippi being a non-disclosure state. In response, Mr. Neyman stated that in a non-disclosure state the sale price of a parcel is not required to be placed on the face of the Deed. However, under the law an Assessor's Office has a duty to determine the fair market value of all parcels of real property and if it becomes aware that a property has been sold, the Assessor has a legal duty to consider reassessing the property. Mr. Neyman added that although Mississippi is a non-disclosure state, in this instance, the sale price became public because the property was purchased by the City of Southaven so the sale price is public record. Mr. Neyman under Mississippi code section 27-35-3 liability for property taxes attaches on January 1st. Under Mississippi code section 27-35-7 the Tax Assessor has an obligation to determine the value and assess the property during the calendar year, and equalization means the Assessor is obligated to determine the value of all properties on the roll. Mr. Neyman said there may be different assessments on different properties because each property is different.

Supervisor Gardner said the property closed on June 1st, and asked if the taxes were pro-rated at closing. Mr. Davis said that is correct.

Supervisor Jessie Medlin asked if Mr. Davis wanted to answer the questions about value. Mr. Davis said no, he did not, and he does not think that is relevant since he is not appealing the appraised value of the property.

Mr. Bryant said he thinks the Board understands that it was not just because of the newspaper. He said if you single a piece of property out for what it was compared to it will not be legal, but if you look at the new purchase price and determine the value, it is appropriate.

Supervisor Russell asked what else they looked at to value the property.

Mr. Bryant said many of the adjacent lots were compared at \$5.00 or more. Mr. Davis' property is compared at \$3.00.

Supervisor Gardner said there are 10 acres for sale north of Goodman Road near Broadway Baptist Church, and asked if the sale price of those properties matter since they have not sold.

Mr. Bryant said they are not contesting the values but the equalization of the tax roll.

Supervisor Russell said, if they are not protesting the assessment amount, and the law requires that the values be accurate, what the Board's responsibility is.

Mr. Bryant said the real property is in question. He asked if we are aware of the values of other properties. The answer is no, because Mississippi is a non-disclosure state and we do not have access to that information.

Supervisor Russell asked if anyone is obligated to disclose the value. Mr. Bryant said we cannot demand that a person disclose their values, but they can volunteer the information.

Supervisor Medlin asked if the Tax Assessor's normally reassesses a piece of property after the sale is final. Mr. Bryant said if they know the value they do.

Supervisor Caldwell asked if the Assessor's office has assessed in this manner before. Mr. Bryant said we do it all the time. Supervisor Caldwell said her understanding is all three approaches are used in valuing property but you cannot know about the sales price unless it is brought to your attention. Mr. Bryant said that is correct. They are required to value at true market value but they

have no way to know what the purchase price is on commercial property. He said on residential property people bring in their closing statement when they sign up for homestead. He said other than that, they can be made aware by word of mouth, by the buyer or the seller.

Supervisor Gardner asked if they had a copy of the appraisal. Mr. Bryant said no, we could have, but they did not. He said Mr. Davis is required to discuss the price at the appeal.

Mr. Neyman said once the protest filed, the Board has the authority to ask that information from the protesting landowner. He said the filing of a protest opens the door for the Board to ask for that information.

Supervisor Gardner said the sale price of this property became public because the City of Southaven purchased it. He said he understood that Southaven will use it for a Senior Citizens building.

Mr. Zee said CVS Pharmacy went to \$12 per square foot because of their sale. He said south of the property there is an orthodontic property that changed because of their sale.

Supervisor Medlin asked if land use was considered. Mr. Bryant said they have other property where land use is considered. Supervisor Medlin said it appears these values have not been changed in years. Mr. Bryant said that is because they were not aware of the values. The Tax Assessor does not know the value of the property.

Supervisor Medlin said if you have a two lane road and it goes to five lanes, do you reassess the property. Mr. Bryant said they have to assess all parcels according to value. He said they cannot stress how valuable disclosure would be for the Tax Assessor's Office. They are required to assess on true market value but until they have something to compare, they cannot do that.

Supervisor Russell asked if they have to verify values that they are told. Mr. Bryant said even with disclosure they do not have enough information to get every value correct especially during a bad economy.

Supervisor Caldwell asked the process for reassessment. Mr. Bryant they have a way to value property on residential because people sign up for homestead and show their closing statements. He said they cannot do that on commercial property.

Mr. Zee said a lot of appeals on the other lists were residential. He said some are where the developer has not sold a lot in two years, and others have sales. Mr. Zee said sales activity has made it very difficult the past two years. It is a big job to get all of the appeals worked out. Mr. Zee said the Saxby/Dixie Chicken property was valued at \$5.00 per square foot. This property was valued at \$1.00 per square foot but they just raised the other property when they got a verified sale.

Mr. Davis said he would like a refund of over taxes paid based on land use.

Stephen Gullett of the Tax Assessor's Office said Mississippi code section 27-35-89 said the landowners must object to the assessment. He said Mr. Davis cannot ask for a refund. Mr. Gullett said as the taxing authority you can go back and ask for additional taxes on under-assessed property for up to 7 years.

Mr. Davis said code section 27-35-153 or 155 sites otherwise but he withdraws the request to have a refund if the Board cannot go back.

Supervisor Gardner said Mr. Davis is not questioning that the property is not properly assessed. It is the equalization of the tax roll, and Mr. Davis feels like he has been singled out. The Tax Assessor says Mr. Davis has not been singled out. He said he needs to have information that the values are correct on the tax roll. Mr. Bryant said Supervisor Gardner's statements were true. He said the Tax Assessor's Office feels like they have good values according to Mississippi code section 27-35-49 and 27-35-50.

Mr. Gilliss said the Board is talking about disclosure. He said there was no sale when the reappraisal was done. The sale was done the first of June.

Supervisor Russell asked when it was reassessed it. Mr. Bryant said it was probably May when it was reassessed.

Supervisor Russell asked how that affects going back to January 1st. Mr. Bryant said they can change values up to August 1st.

Supervisor Gardner verified that this was done prior to closing. Mr. Bryant said yes.

Supervisor Caldwell said it was changed based on the phone call by the media. Mr. Bryant said it was based on several things and it was basically because Mr. Davis personally gave the purchase information to the Tax Assessor Parker Pickle.

Supervisor Medlin asked if there is any need to try and work this out. Mr. Zee said they assessed fair market value.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell to uphold the Tax Assessor's Assessment for property owned by EADS LLC.

Supervisor Caldwell said in reading the law the Board Attorney sent, it says that if the Tax Assessor becomes aware of a value, he must make sure the property is properly assessed at its market value, but she wants to make sure everyone is being treated fairly.

Mr. Bryant said he promises the Assessor's office has no agenda, but they have a job to do and they are doing their job to the best of their ability.

Supervisor Gardner said the only reason he did not second the motion was because he would like to study the other properties further. He said they say they have done similar on other properties and he would like more information to review that and to look at the properties to prove that fact.

Supervisor Russell said he is not opposed to holding the item over.

After discussing the issue further, Supervisor Bill Russell withdrew the motion and Supervisor Lee Caldwell withdrew the second to the motion.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to hold over the Public Hearing on Tax Appeals until August 20, 2012 at 9:00 a.m.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit D.3.b

E. CITIZEN REMARKS

Supervisor Jessie Medlin asked if anyone was present who wished to address the Board of Supervisors regarding an item not listed on the Agenda.

No one came forward.

F. APPROVAL OF JULY MINUTES

The Board of Supervisors considered the minutes for July as presented.

The official minutes of the Board of Supervisors were read for the month of July 2012.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to

accept the minutes of the Board of Supervisors for July, 2012, as presented this date with changes previously submitted pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>ABSENT</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

G. APPROVAL OF AGENDA AND DELETIONS

Supervisor Jessie Medlin asked if there was anyone who wished to add or delete items to the Agenda.

- 1. The County Administrator requested adding the Burn Ban to the Agenda.**
- 2. Supervisor Mark Gardner said he would like to recognize County Administrator for his service to DeSoto County.**
- 3. Supervisor Bill Russell requested adding District 3 Parks to the Agenda.**
- 4. Director of Administrative Services Vanessa Lynchard added Medicare Claims to the Agenda.**
- 5. The Director of Administrative Services requested adding a contract with Auto Chlor for the Sheriff's Department**
- 6. Procurement Director Vanessa Lynchard requested adding bid specifications and to approve seeking bids for Janitorial Services for Facilities Management.**
- 7. Road Manager Andy Swims asked to add rebids for trucks**
- 8. Procurement Director Vanessa Lynchard requested adding Bids under Advisement for one or more mini excavators 11,000 – 12,000**

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the additions to the Agenda as listed.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

- 1. The County Administrator requested adding the Burn Ban to the Agenda.**

County Administrator Michael Garriga said the Mississippi Forestry has set the Burn Ban to expire Thursday, August 9th and asked if the Board of Supervisors was interested in renewing it. Mr. Garriga said.

Supervisor Jessie Medlin said he did not agree with letting the Burn Ban expire on Thursday.

Supervisor Bill Russell asked Chief Bobby Storey if he agreed with the Forestry Service. Chief Storey said if they do let it expire, they would continue to monitor the situation.

Supervisor Lee Caldwell said she met with Lake O' the Hills Subdivision and they were wanting to burn limbs and debris that were blown down when the winds came through a few days ago.

Supervisor Medlin said it is like a lot of things. Some people will be responsible but some will not.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to approve letting the Burn Ban expire August 9th.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

2. Supervisor Mark Gardner said he would like to recognize County Administrator for his service to DeSoto County.

Supervisor Mark Gardner commended Michael Garriga for his service to the citizens of DeSoto County, this Board and previous Boards as well. Supervisor Gardner thanked Mr. Garriga and commended him for a job extremely well done.

Supervisor Jessie Medlin thanked Mr. Garriga and said he came to the Board as a young man. Mr. Garriga made tough decisions and did a very good job.

Vanessa Lynchard said there would be a Reception for Mr. Garriga in the Board Room on August 16th from 3:30 p.m. until 5:00 p.m.

Mr. Garriga said it had been a great 12 years and he appreciated the support from the Department Heads and the Board of Supervisors and all of the employees. He said DeSoto County is a wonderful county and place to work.

Mr. Garriga said the job of County Administrator is a difficult job and the experiences have prepared him for his next career move. He said he has grown and matured and is thankful to the Board to serve as County Administrator as well as the Deputy Director of the Planning Department.

Mr. Garriga said he would do anything to help County if needed.

3. Supervisor Bill Russell requested adding District 3 Parks to the Agenda.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve moving \$12,000 from the District 3 Park Fund to purchase two 25 foot bleachers, one for each park used by the Lady Shockers.

Supervisor Russell said a piece on the fence is missing and the cost estimate is \$150.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve \$150 from the District 3 Park Fund to repair the fence.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

4. Director of Administrative Services Vanessa Lynchard requested to add Cahaba Provider Enrollment Interview for Mississippi Part B Enrollment for Medicare Claims.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to

approve the Cahaba GBA Mississippi Part B Provider Enrollment for Medicare billing for the Emergency Services Department for people on Medicare who require an ambulance.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit G.4

5. The Director of Administrative Services requested adding a contract with Auto Chlor for the Sheriff's Department

Vanessa Lynchard said the Sheriff's Department uses Auto Chlor for kitchen and laundry use for a system dispenser and product for washing dishes, laundry etc. It is on state contract and is for a term of one year with the option to add three additional years.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve an agreement with Auto Chlor System as described in Exhibit G.5 for kitchen and laundry dispenser system and product.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit G.5

6. Procurement Director Vanessa Lynchard requested adding bid specifications and to approve seeking bids for Janitorial Services for Facilities Management.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the bid specifications and to seek bids for Janitorial Services for the Facilities Management Department and to add a request to hire DeSoto County employees if possible.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit G.6

7. Road Manager Andy Swims asked to add Re-bids for Trucks

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to approve re-bidding 10 trucks for the Road Department.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>

Supervisor Lee Caldwell, Fourth District
Supervisor Harvey Lee, Fifth District

YES

YES

8. Procurement Director Vanessa Lynchard requested adding Bids under Advisement for one or more mini excavators 11,000 – 12,000

Vanessa presented the bid tabulation for one or more mini excavators as follows:

	Name of Bidder	Make/Model of Unit	Delivery Date	Bid Price	Guaranteed Bonded Buy Back		Price After Buy Back
1	Mid-South AG Equipment, Inc. 3044 Hwy 302 Byhalia, MS 38611	New Holland E55 Bx	45 Days	\$60,414.00 Bond \$4,081.00 \$64,495.00	36 mo. \$39,000.00 48 mo. \$33,150.00 60 mo. \$28,177.00	\$25,495.00 \$31,345.00 \$36,318.00	
2	Power Equipment Company 3050 Ferrell Park Cove Memphis, TN 38116	No Bid		No Bid			
3	Scott Equipment Company 4515 Pidgeon Roost Road Memphis, TN 38118	Volvo ECR 58	90 Days	\$65,760.00	36 mo. \$33,500.00 48 mo. \$28,500.00 60 mo. \$23,000.00	\$32,260.00 \$37,260.00 \$42,760.00	
4	Stribling Equipment Company 1505 Corporate Memphis, TN 38132	Hitachi ZX50U-3	60-90 Days	\$68,530.00	36 mo. \$42,500.00 48 mo. \$37,000.00 60 mo. \$30,500.00	\$26,030.00 \$31,530.00 \$38,030.00	
5	Thompson Machinery 1291 Corporate Avenue Memphis, TN 38132	Caterpillar 305.5ECR	60 Days	\$71,847.91	36 mo. \$46,000.00 48 mo. \$38,000.00 60 mo. \$29,000.00	\$25,847.91 \$18,250.00 \$27,250.00	
6	Williams Equipment Company 3655 American Way Memphis, TN 38118	Bobcat E50 LA	Upon receipt of order	\$56,250.00	36 mo. \$29,500.00 48 mo. \$26,400.00 60 mo. \$23,000.00	\$26,750.00 \$29,850.00 \$33,250.00	

RECOMMENDATION: **Scott Equipment Co. based on purchase price** We are not likely to have enough hours to sell back after three or four years. We won't have to buy a ditching bucket because we can use the one we already have with this machine. Consequently, extra savings

EXCEPTIONS:	Specifications	Mid-South Ag Equipment	Power Equipment	Scott Equipment Company	Stribling Equipment
1	Net horsepower at 2400 rpm shall be at least 42 hp	39 hp			No
2	Lift capacity without bucket fitted, blade down, long stick and extra counterweight => 3400 lb at 13' over front and => 1650 lb @ 13' over side				No
5	Maximum load over height w/ standard stick => 149"				No
10	Engine displacement => 148 c.i.	133.5 c.i.			No
13	Machine shall have a 52 amp maintenance free battery	12 v. 38 ah battery			
14	Alternator => 50 amp	40 amp			
19	Travel speed shall be => 1.6 mph in low and 2.8 mph in high				No
20	Travel force => 10,183 lb in low and 6092 lb. in high				No
22	Machine shall have one variable displacement piston pump w/ output => 35 gal/min	andem variable @ 15 gpm each			No
23	Equipment operating pressure shall be => 3553 psi	3336 psi			No
31	Rubber track length shall be 101"	97"		98.4"	No
32	Overall track width shall be 77.9"	77"			
38	The throttle shall be easily adjustable by means of a dial	Lever control			
40	The machine shall not be able to start when any of the controls are "live".				
44	The cab door shall slide to maintain the compact radius concept upon opening	Swing style door			No
53	Digging force w/ standard stick => 6000 lb.	No			No
55	Bucket digging force => 11442 lb	11240 lb			No

Specifications	Mid-South Ag Equipment	Power Equipment	Scott Equipment Company	Stribling Equipment
57	Blade height shall be => 15"	14"	14.6"	
58	Blade dig depth => 21"	17.7"		No
61	Machine shall have a removable swing stop			No
62	Factory mounted hydraulic thumb	After-market installed by Mid South AG		
63	Must have a quick coupler system (Hydraulic)			No
66	Boom and dozer cylinder rods shall be guarded against damage			No
68	Machine shall have side by side radiator and oil cooler for easier cleaning	Stacked		
71	Fuel tank capacity => 19 gal.		18.9"	No
72	Cooling system shall not hold less than 2.9 gal.	1.6 gal.		No
74	Hydraulic tank shall not hold less than 12.6 gal.	9.0 gal		
75	Hydraulic system shall not hold less than 20.6 gal.	16.1 gal.		
80	Warranty - 3 year unlimited hours full machine	No		

Specification	Thompson Machinery	Williams Equipment
2 See 2 above	1890 lb over front and 1010 lb. over side	
10 See 10 above	146 c.i.	
20 See 20 above	10745 lb in low and 6025 lb in high	
22 See 22 above	34.2 gal/min	
31 See 31 above	103.2"	No
32 See 32 above	79.2"	
40 See 40 above		No
53 See 53 above		My dig force is within 132 lbs of spec 2000 lb (can be calculated different ways)
55 See 55 above		
57 See 57 above	14"8"	
58 See 58 above		within inches
59 See 59 above		within inches
71 See 71 above	16.6 gal.	
72 See 72 above	2.8 gal.	machine requires less coolant and hydraulic
74 See 74 above		machine requires less coolant and hydraulic
75 See 75 above		machine requires less coolant and hydraulic
80 See 80 above	Not available. Travel time and mileage covered for first 90 days or 250 hours whichever is first	

Mid South Ag - The Road Department can live individually with all of the exceptions coded in black. However, together they represent a concern that the equipment bid is less than the model specified. More importantly, the county's specification for one variable displacement piston pump was not met. The fact that two are on the machine, does not represent a benefit, since you can't use the machine if one is out of order.

Williams Equipment - # 40 is a safety requirement. The machine starting when controls are live is a safety issue. Because so many other vendors can meet this specification, the technology is obviously available enough that the county can consider this aspect of safety without sacrificing the competitive nature of the bid. #55 is an exception that cannot be forgiven. A job this week proved difficult with the digging force we have specified. Going from 11K+ to 2000 would not be in the best interest of the county's needs.

Stribling Equipment - The horse power deficiency along with the combination of other exceptions show this machine is not what the county expected to buy on this bid. The vendor felt this machine was more competitive than their next machine that would more closely fit the county's needs. We do not have an explanation of the different exceptions, but they vendor acknowledged that they bid this machine because it would be more cost competitive. The lack of HP and specification 61, 62, and 63 make this bid not recommended for award. We told this and the other vendors with such concerns that they can submit more than one bid if they choose to bid multiple pieces of equipment.

08/06/2012

Vanessa said that Mid-South Ag had several exceptions which rose concern that the equipment bid is less than the bid spec and one important bid spec was not met in the machine that was bid having two variable drop placement piston pumps when one was specified.. She said there were exceptions with Williams Equipment and Stribling as well deviated from the competitive nature of the bid. These are shown on the tabulation documents. She said they are recommending Scott Equipment Company as the lowest and best bid.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the lowest and best bid with Scott Equipment Company, bid number 12-156-024 for one or more mini excavators 11,000 – 12,000 based on the purchase price, since it is unlikely we will exercise the buy back on the equipment.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit G.8

H. CONSENT AGENDA

The Board of Supervisors considered the following items on the meeting’s Consent Agenda.

Supervisor Mark Gardner asked about item 6.a regarding \$525,000 between two entities for public infrastructure. County Administrator Michael Garriga explained that the \$525,000 is a fee in lieu of tax. Supervisor Gardner clarified that the Board Attorney has looked at the agreement and is satisfied. Mr. Neyman stated that he had reviewed the agreement and everything is in order.

Supervisor Lee Caldwell said, in reference to businesses that come to DeSoto County, there is an MOU that states they will hire a certain number of employees and other requirements. She asked if there is any follow-up to see if these businesses meet these requirements. Vanessa Lynchard said currently there is no procedure in place to monitor it but the Economic Development Council checks from time to time and EDA monitors the companies on their projects.

Supervisor Gardner said it seems the state would monitor the businesses since they have a lot vested in them. He said he thought Jim Flanagan told him that MDA monitored them.

Supervisor Medlin said we do not have a procedure in place to monitor them and we should.

Vanessa said we can start a process from point of the MOU to the point of the actual exemption.

Supervisor Gardner suggested using our contracts program that is in place to red flag the businesses.

Supervisor Medlin said it should be an ongoing process.

Supervisor Lee Caldwell said she appreciated the road report. She said it helped her to see what is going on the County. Road Manager Andy Swims said they are still changing and adding processes to improve the department.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve the Consent Agenda as follows:

1. Dept. of Human Resources: Monthly Health Claims

The following is a recap of all insurance claims funded for the month of July and paid to Humana:

Funding Request	Date Paid	Amount	Claim Type
-----------------	-----------	--------	------------

Date			
7/1/12	7/2/12	\$83,032.87	Administration Fees
7/2/12	7/5/12	\$67,663.22	Medical
7/2/12	7/5/12	\$7,301.15	Dental
7/2/12	7/5/12	\$14,774.76	Pharmacy
7/9/12	7/10/12	\$33,967.25	Medical
7/9/12	7/10/12	\$4,749.77	Dental
7/9/12	7/10/12	\$13,834.89	Pharmacy
7/16/12	7/17/12	\$52,530.76	Medical
7/16/12	7/17/12	\$5,315.70	Dental
7/16/12	7/17/12	\$16,075.36	Pharmacy
7/23/12	7/24/12	\$19,401.71	Medical
7/23/12	7/24/12	\$6,699.22	Dental
7/23/12	7/24/12	\$12,175.75	Pharmacy
7/30/12	7/31/12	\$51,212.06	Medical
7/30/12	7/31/12	\$4,491.00	Dental
7/30/12	7/31/12	\$15,833.69	Pharmacy
	TOTAL	\$409,059.16	

2. Justice Court Report

Criminal Cases Filed	162
Civil Cases Filed	605
Traffic Tickets Filed	1,149
Total Cases Filed	1,916

State Assessments	\$69,653.75
County General Fund	\$122,701.24
Total Collections	\$192,354.99

3. Bailiff Pay

Liz Medlin	\$285.00
Bobby Holloway	\$490.00
Curtis Plumlee	\$325.00

4. Publication of Board Proceedings

5. Office of Finance & Accounting

a. Budget Amendments: Detailed in Exhibit H.5.a

b. Request for Transfer of Sheriff Seized Funds

Case #	Defendant	Date Seized	Receipt #	Amount	Date of Forfeiture
2012-27455	William Robinson	6/15/12	26471	\$132.00	7/18/12

Transfer from Sheriff-Seized Fund	(123-000-139)	\$132.00
Transfer to Sheriff-Forfeiture Fund	(120-000-238)	\$132.00

c. Request to Repay Interfund Loan – EMA Grants Fund

From: EMA Grants Fund	\$236,873.59	044-000-149
To: General County Fund	\$236,873.59	001-000-054

d. Inventory Dispositions: Final

(1.) EMA/EMS/Fire

ASSET #	DESCRIPTION	SERIAL #	REASON FOR DISPOSAL	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE	DISPOSED OF BY	LOCATION OF FINAL DISPOSAL
14062	TAYLOR MADE AMBULANCE	1HTSLAAM1TH215077	SURPLUS	CITY OF OLIVE BRANCH	06/04/12	TIM CURTIS	CITY OF OB

(2.) Sheriff's Department (2)

ASSET #	DESCRIPTION	SERIAL #	REASON FOR DISPOSAL	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE	DISPOSED OF BY	LOCATION OF FINAL DISPOSAL	DATE OF FINAL APPROVAL
38590	HP SCANJET SCANNER	CN65ZA10GK	BROKEN	SHERIFF DEPT	07/06/12	SCOTT	E-WASTE	08/06/12
31156	GATEWAY PC	26196964	BROKEN	SHERIFF DEPT	"	"	"	"
38439	HP OFFICEJET PRINTER	CN7ACF6133	BROKEN	SHERIFF DEPT	"	"	"	"
34068	HP INKJET PRINTER	CN498B806T	BROKEN	SHERIFF DEPT	"	"	"	"
ASSET #	DESCRIPTION	SERIAL #	REASON FOR DISPOSAL	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE	DISPOSED OF BY	LOCATION OF FINAL DISPOSAL	DATE OF FINAL APPROVAL
36817	TASER X-26	X00-525023	BROKEN	SHERIFF DEPT	07/16/12	SCOTT MCCOOL	DUMPSTER	08/06/12
33159	TASER M-26	P8-018559	BROKEN	SHERIFF DEPT	"	"	"	"
36272	TASER M-26	P8-022715	BROKEN	SHERIFF DEPT	"	"	"	"
36818	TASER M-26	P8-018546	BROKEN	SHERIFF DEPT	"	"	"	"

6. Establish as Part of the Formal Record and Enter into the Minutes

- a. Memorandum of Understanding: Milwaukee Electric Tool Corporation
- b. Interlocal Agreement with the City of Hernando, the City of Horn Lake, the City of Olive Branch and the City of Southaven for Reciprocal Use of Animal Shelters
- c. City of Hernando: Resolution to Adopt the DeSoto County Hazard Mitigation Plan
- d. Department of Road Management: Changes to Official DeSoto County Road Map and Register that were approved July 16, 201
- e. Accept & Execute McKesson Corporation Certification for Fee-In-Lieu Agreement & enter into the Board's minutes

7. Consideration and Approval of DeSoto County Jail Commissary Agreement with Premier Supply, Inc.

8. Sheriff's Department: Request to pay MDOC for Inmate Housing for June and July and Authorize Board President to Sign Documents

9. Department of Road Management

- a. Road Report
- b. Work Schedule
- c. Road Bond Report

10. Office of Procurement

a. Accept and Approve Official Proposal Form and Bid Specifications

- (1.) Traffic Striping
- (2.) Mosquito Control Chemicals
- (3.) Crushed Limestone

b. Procurement Card Log for June, 2012

Time Out	Time In	Vendor	Department	Employee	Description of Purchase	TOTAL RECEIPT	Issues, if any
n/a	n/a	Godaddy	152	John Mitchell	Renew 2 domains	\$ 18.34	none

11. State Aid Engineer: FY 2013 State Aid Bridge Inspection Program and Board Order

12. Chancery Clerk Allowance (2) \$1,350.00 \$1,700.00

13. Authorize Debbie Dunaway to Sign Purchase Requisitions for E-911

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Russell said his dissenting voting is because of the budget amendments.

See Exhibit H

I. PLANNING COMMISSION AGENDA

1. Public Hearing 10:30 a.m. – Environmental Services – Code Enforcement

Supervisor Mark Gardner asked about the property in Rolling Hills. Planning Director Ted Garrod said the Code Enforcement Officer spoke to them this morning.

Environmental Services Manager Ray Laughter said he called and left a message and has not heard back from the property owner yet. Mr. Laughter said it is likely that property will be on the next Agenda.

Supervisor Jessie Medlin made the motion to open the Public Hearing regarding Environmental Services-Code Enforcement. The motion was seconded by Supervisor Lee Caldwell.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Jessie Medlin asked if some of these properties have cleaned. Mr. Garrod said items b, c and e have been cleaned and are now in compliance of the County Ordinance.

a. 4616 Holly Springs Road, Hernando, MS 38632

Mr. Garrod and Mr. Laughter reported that the property at 4616 Holly Springs Road is in extremely poor condition, the grass has not been cut in some time and its present condition it is a public menace due to the drought and in their opinion it is a health hazard. Mr. Garrod then presented to the Board the public notice that was given to the owner of the hearing, and photographs documenting the property’s condition. The low bid to clean the property was \$250.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to accept the recommendation of the Code Enforcement Officer upon the finding that the property located at 4616 Holly Springs Road, Hernando, MS, is in such a state of uncleanness as to be a menace to the public health and safety of the community as outlined in Mississippi code section 19-5-105, and to accept the low bid of \$250.00 to clean the property.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

b. 6960 Poplar Corner Road, Walls, MS 38680 – In compliance by the time of this meeting

c. 7090 Goodman Road, Walls, MS 38680 – Incompliance by the time of this meeting

d. 7180 Broken Hickory, Walls, MS 38680

Environmental Services Manager Ray Laughter said the property located at 7180 Broken Hickory has debris strewn on it and the grass is high. He stated that in its present condition it is a public health hazard and menace. Mr. Garrod presented photographs of the site and the notice of the hearing that was submitted to the landowner.

Supervisor Bill Russell confirmed that the low bid is \$200 including raking and picking up debris on the property. Mr. Laughter agreed and said it also includes weed eating the property.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to accept the recommendation of the Code Enforcement Officer finding that the property located at 7180 Broken Hickory Road, Walls, MS, is in such a state of uncleanness as to be a menace to the public health and safety of the community as outline in Mississippi code section 19-5-105, and to accept the low bid of \$200.00 to clean the property.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

e. 7222 Goodman Road, Walls, MS 38680 – Incompliance by the time of this meeting

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to close the Public Hearing regarding Environmental Services-Code Enforcement.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.1

2. Other Items

a. Utility Easement 10145 Holly Springs Road (aka Cockrum Fire Station)

Resident Will McNeer appeared before the Board of Supervisors to discuss a parcel of property adjacent to DeSoto County right of way. Mr. McNeer said he needs to get electrical connections to his property.

Supervisor Jessie Medlin said he has seen Mr. McNeer's property which is located in the Cockrum community. Supervisor Medlin said Mr. McNeer has built his home and an out building on his property. He said that Mr. McNeer has electrical connections going to his house but not the out building. Mr. McNeer needs to get an electric line ran to the out building.

Mr. McNeer said Entergy is actually requesting an easement to provide access to electricity for the building.

Supervisor Medlin said he explained to Mr. McNeer, that the County cannot grant an easement unless someone pays for it, and Mr. McNeer is here today to see what process will allow the County to sell the easement to him or Entergy. Mr. Medlin then asked the Board attorney what the County's options are.

Board Attorney Jody Neyman reported that since DeSoto County is a public entity it cannot donate property to a public utility or a landowner, and as a result if an easement is needed the County can only sell it for fair market value. Mr. Neyman said the options are that Mr. McNeer can procure an appraisal of the property at his expense, and then come back to Board, present the appraisal and the Board can consider selling an easement to Mr. McNeer. Mr. Neyman said that based upon his review of the law there is no way the easement can be donated by the County.

Mr. McNeer showed his property on the map and said the easement is for a utility pole.

Mr. Neyman asked Mr. McNeer if he had any objections to getting an appraisal on his property to present to the Board. Mr. McNeer said he could do that.

Mr. Medlin said Mr. McNeer said he would not mind paying a fee for a night light. He could then connect to it to run electricity to the out building.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to approve Mr. McNeer getting an appraisal on the County property adjacent to Mr. Will McNeer's property and come back to the Board with fair market value for the Board to consider selling him an utility easement.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.2.a

b. Zoning Violation 6861 Center Hill Road

Board Attorney Jody Neyman said due to circumstances with the condition of the property located at 6861 Center Hill Road, the Board had previously authorized him to take the clean-up to court to declare the property in such a state of uncleanliness as to be a menace to the public health and safety of the community and the Court authorized the County to enter and clean the property and then assess the costs of cleaning against the property and the owners. Mr. Neyman stated that the Court gave the County until September 11th to clean the property. Mr. Neyman said the owner has died, her son who was living there has abandoned the property and cannot be located and it appears the only way the property can be cleaned will be if the County does it.

Code Enforcement Officer Ray Laughter said he got bids to clean the property and the invoice will have the order assessing the fees against the property. Mr. Laughter said the family members are unable to clean the property and have no money.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Code Enforcement Officer to get quotes to remove the trailer and clean the property and charge the fees for cleaning to the landowner's taxes.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
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Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.2.b

J. OLD BUSINESS

1. Board Attorney

a. Approval of University of Memphis Affiliation Agreement

At the recommendation of the Board Attorney Jody Neyman, Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Board President to sign the University of Memphis Affiliation Agreement.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit J.1.a

b. Approval of Lease Agreement for Firing Range Facility

At the recommendation of the Board Attorney, Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to authorize the Sheriff to use forfeiture funds to pay the rental on the firing range facility for the term of his office, approve the lease agreement for the facility with Thomas Raceway, LLC, and to pay one year’s rent in advance at \$2,000.00 per month.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit J.1.b

2. Department of Road Management

a. Mitchell’s Corner Reimbursement

Road Manager Andy Swims said the Board previously agreed to reimburse the Mitchell’s Corner LLC for construction of a turn lane into Southern Trails Subdivision on Hwy 305, in conjunction with the construction of an entryway and turn lanes into Mitchells’ Corner upon completion of MDOT inspection. Mr. Swims said the County agreed to share the expenses, but not to exceed \$15,000. He said that MDOT has not yet completed the inspection. Mr. Swims said MDOT does not want to put anything in writing until the work is completed, but it appears the property would pass inspection by MDOT.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve releasing \$15,000.00 to reimburse Mitchell’s Corner LLC, upon completion construction of a turn lane into Southern Trails Subdivision on Hwy 305, in conjunction with the construction of an entryway and turn lanes into Mitchells’ Corner upon completion of

MDOT inspection.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit J.1.a

b. Odom Road

Road Manager Andy Swims said a finding of fact was conducted on May 7th on Odom Road, South of Dean Road. There was a deteriorating culvert on the County right of way causing damage to private property associated with erosion, affecting the health, safety and welfare of the public. Mr. Swims said the culvert is 50% deteriorated and is buckling and it is affecting drainage in the area prone to flooding. The original estimated cost of repairs is \$3,100.00. Mr. Swims said the Board authorized seeking an Attorney General's opinion on the matter and it has been received, and the AG opinion said it is up to the Board of Supervisors to conduct a finding of fact to justify doing the work and if the Board finds that the repair to the culvert is to prevent damage to the road, the work would be justified.

Supervisor Bill Russell said the road has not been under water.

Mr. Swims said there has not been flooding on Odom Road lately due to the drought. He said if it rains heavily and the culvert gets plugged, it would cause flooding.

Supervisor Russell asked if the culvert in its current condition would cause flooding now. Mr. Swims said in the past it has flooded in two locations on the road. He said the size of the culvert needs to be increased, and in the event of heavy rain there would be flooding at those two locations which would damage the road. .

Supervisor Russell asked Mr. Swims to confirm that replacing the culvert would remedy the flooding in the two locations.

In response Mr. Swims said yes and that the current estimated cost to replace the culvert with a larger culvert is \$2,338.65.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to accept the finding of fact and that the conditions Odom Road, South of Dean Road would adversely affect the health, safety and welfare of the citizens of DeSoto County in accordance with Mississippi code section 19-5-92, that replacing the culvert will help prevent future flooding and protect the road and right of way, and to authorize the Road Manager to do the work at an estimated cost of \$2,338.65.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit J.2.b

K. NEW BUSINESS

1. Entergy and Transportation Enhancement Grant for Hernando Square and Courthouse Imports

Director of Community Development for the City of Hernando Shelly Johnstone and DeSoto County Grants Administrator Tom Haysley appeared before the Board of Supervisors to discuss a grant for improvements around the Hernando Square and the Courthouse lawn. Ms. Johnston said Entergy has a grant that is \$50,000 in cash and \$50,000 in-kind with \$25,000 local and \$25,000 in-kind.

Entergy Enhancement Grant for Hernando Square and Courthouse

Ms. Johnstone said that Entergy wants to bring the funds to Hernando. She said that she and Michael Garriga had been in conversations with them through the years. Mrs. Johnstone said they have discussed the following items:

1. Replacing the perimeter sidewalk with handicap accessibility
2. Widening the sidewalks
3. Installing trip hazards for electricity
4. Conducting power lines under the sidewalks
5. Placing benches
6. Additional waste containers for the lawn from Hernando
7. Adding pedestal style lighting

The total for these items is \$75,000. The work can be in-kind

Ms. Johnstone said Northwest Volunteer Mississippi has volunteered to do the landscaping and furnish concrete. She said the courthouse lawn is the most used space. She said two events moved from Memphis to Hernando, LeBonheur and St. Jude fundraising events. In addition, Hernando now has the Water Tower Festival, Music on the Square, Farmer’s Market, movies, parades and many other events. She said the improvements will help keep Hernando a tourist attraction. Ms. Johnstone said they are asking for a joint partnership with the County.

Supervisor Harvey Lee said this is a very good deal for the County and Hernando. He confirmed that the grant is \$50,000 and the match is \$25,000.

Supervisor Jessie Medlin said some of the money needs to go into improving the Courthouse lawn because it is used so much. Ms. Johnstone agreed, and said other parts of the state post signs at their courthouse to “please keep off of the grass”. Supervisor Lee said the County does not have that kind of money. Mr. Garriga said they met Friday and wanted to clarify that they are asking to apply for the grant with a 50/50 match with the County and City portion being \$25,000 which can be in-kind at \$12,500 each.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve applying for the Entergy Grant for improvements around the Courthouse Square and lawn, and the grant being a 50/50 match and the County and City portion being \$25,000 total or \$12,500 each.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Ms. Johnstone said she would bring the details back to the Board in addition to searching for my grants.

Transportation Enhancement Grant

Ms. Johnstone said a couple of years ago there was a transportation enhancement grant available. She said Hwy 51 South needs improvement. She said with the improvements around the Square, the improvements to Hwy 51 would really make the area a showplace. Ms. Johnstone said pushing

the Square further out would appeal to more people and private landowners. She said this would be the kind of improvement that would have bike paths and sidewalks. The sidewalks would be 10 feet wide on the east side of Hwy 51 up to the east corner of the Square. The growth of the Square would encourage more of a community environment.

Ms. Johnstone said the total cost is \$160,000 with a minimum match of 20%. The match could be reduced by engineering and design.

Supervisor Bill Russell asked how this is a County issue instead of a City issue and if it could be an in-kind contribution. Grants Administrator Tom Haysley verified that it is a match and can be in-kind. The land could be donated.

Supervisor Medlin confirmed that it is a 50/50 match. Mr. Haysley said it was discussed and it will be put into the Board's hands by next Friday.

Supervisor Lee Caldwell verified that the minimum is \$8,000 to \$9,000. Mr. Haysley said it could be \$8,000 to \$9,000. The national match is \$32,000. The in-kind amount goes into the \$32,000 down to \$9,000.

Supervisor Harvey Lee asked if the state will do the work on Hwy 51. Mr. Haysley said yes, it is green space and not part of the road. Ms. Johnstone said the sidewalk improvements will give Hernando more of an urban feel. Mr. Haysley said these types of amenities are bringing in more and more businesses and people.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve to apply for the Transportation Enhancement Grant for sidewalks on Hwy 51 South, up to the Square.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

2. Advertising County Resources: Fellowship of Christian Athletes Golf Tournament

Mr. Cecil Sowell said the golf tournament will be held September 10th. He said he is a volunteer and introduced another volunteer, Mr. John Engstrom who played basketball at Ole Miss. Mr. Engstrom is very involved in the Fellowship of Christian Athletes (FCA). The FCA depends on local contributions.

Mr. Engstrom said the goal of the fellowship of the FCA is to teach young people about the Lord and Savior Jesus Christ and this work is accomplished through volunteers and coaches. The coaches have a lot of influence and can use their outreach to students in a positive way. The students need to know that they have rights to worship as they choose.

Mr. Engstrom said last year, the Board of Supervisors donated \$250.00 to the Fellowship of Christian Athletes Golf Tournament.

Supervisor Bill Russell asked if there will be anything to show DeSoto County's participation.

Mr. Sowell said yes, there will be a sign on a tee. The tournament has drawn 10 counties. Mr. Engstrom said there are 400 participants. Mr. Sowell said Kyle Rote, Jr. is the guest speaker.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve an allocation \$250 to the Fellowship of Christian Athletes Golf Tournament being held September 10th, from Advertising County Resources, after having determined that the request to advertise county resources met the guidelines of the policy adopted by the Board of Supervisors, in accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors did

make a determination that the above request would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County. The Board of Supervisors noted that a banner must be placed at the site of the event to advertise the resources of DeSoto County according to the approved policy.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

3. Authorization to Transfer Lease on County Property from Earl Magdovitz to World Imports

Attorney Billy Myers said he was before the Board representing Mr. Earl Magdovitz. He said Mr. Magdovitz' business is located in the old Imperial Dinette Building. Imperial has been closed for some time but they are presently renting the property to World Imports and it has an annual inventory of \$2.3 million.

Mr. Magdovitz said the building is owned by DeSoto County and is in need of improvements. The company is expanding from 166,000 square feet to about one half million square feet. They are requesting to add six new loading docks, paint the building, add and replace interior lighting and new overhead doors on the Hwy 61 side. They discussed replacing necessary pipe and the driveway at an estimate of \$56,000. Mr. Magdovitz explained the improvements needed on the grounds as well. There is a ditch filled with concrete that is located in the County Right of Way that needs to be repaired.

Supervisor Jessie Medlin asked if there was a government bond. Mr. Neyman stated that this property was subject to one of the old government improvement bonds, the Magdovitz family sold the property to the County for \$1 in the 60's, then the County procured the bond, and then the Magdovitz family's business, Imperial Manufacturing and the County entered into a 99 year lease that in lieu of rent Imperial would pay all interest and principal on the bond over a number of years, which has been paid. Mr. Neyman stated his understanding is that Imperial has to pay a small fee in lieu of taxes to the County once the bond obligation was paid.

Supervisor Mark Gardner asked if improvements were being done to the inside of the building for office space. Mr. Magdovitz said they now occupy 80 square feet and will increase to 86 square feet.

Supervisor Russell asked if there is a grant for the improvements. County Administrator Michael Garriga said there is a Block Grant.

Board Attorney Jody Neyman said considering the cost estimate he would recommend taking the request to perform the road work under advisement and have the Road Manager look at the plan and the work requested as described in Exhibit K.3 and report back to the Board. Mr. Swims stated he would take a look at it.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to approve transferring the lease from Mr. Earl Magdovitz to World Imports and the Board President to sign the documents.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.3

4. Eudora Fire Department Plan Review: Acceptance of Building and Bid Specifications and Authorization to Solicit bids

County Administrator Michael Garriga said the Committee recommended bringing the Eudora Fire Department building up to specifications and Mr. Doug Thornton, AERC is appearing today to present a recommendation.

Mr. Thornton said he got with the geo technical group last week and made other adjustments to try and lower the price for bringing the Eudora Fire Department up to compliance. He pointed out cost savings by using shingles instead of metal for the roof and brick veneer on the outside. Mr. Thornton said the cost estimate with alternates is \$453,445.00.

Supervisor Bill Russell asked if this money is in the budget. Mr. Garriga said there is \$391,865.00 in the budget, but accommodations for the remaining funding can be made in the 2013 budget.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to accept the plan for upgrading the Eudora Fire Station as detailed in Exhibit K.4 and to authorize bidding the project.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.4

5. DeSoto County Greenways and Parks

a. Greenways Update

b. Discussion of County Ordinance for Greenways and Parks

c. Johnson Creek Greenway Project

Phase I

Greenways Coordinator Larry Jarrett said there is a groundbreaking for Johnson Creek Greenway Phase 1 on August 31st.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work on an Interlocal Agreement with DeSoto County Regional Utility Authority for an \$800,000 TEA Grant with MDOT for the expansion of the Johnson Creek Greenway.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Mr. Jarrett said he has talked to the Director of the Historic DeSoto Museum Brian Hicks and he is very knowledgeable about the history of Indians and Hernando DeSoto's arrival. Mr. Hicks discussed the history of the Native American culture in DeSoto County and the impact that Hernando DeSoto's arrival had on them. He said it is believed that the park known has

Bass Landing was where Hernando DeSoto arrived in DeSoto County. He said the Park is a wonderful tool for education. It is where culture changed the life of Indians forever. Mr. Jarret asked that the name of the park be changed from Bass Landing to Hernando DeSoto Park.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve changing the name of Bass Landing to Hernando DeSoto Park.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Phase II

Mr. Jarrett said the cost estimate for Phase II of Johnson Creek is \$450,000 with a 20% match. He said \$20,000 could be in-kind.

(1.) Authorization for Interlocal Agreement for Johnson Creek Greenway

(2.) Authorization to Apply for Phase II Grant

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve applying for a grant for Phase II of Johnson Creek Parkway.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

d. Acceptance of Land Donation to DeSoto County Greenways and Parks from Bill Rasco

Greenways Coordinator Larry Jarrett said there is County owned land near the Old County Landfill on Starlanding and Hwy 51. He said Tract 1 is 15.08 acres and Tract 2 is 6.337 acres. He said DeSoto County is still rich in farm land, and this property would be good for an equestrian park. There is a need for a place to show horses, cattle, a 4-H program and equestrian and this park would fill that need.

Supervisor Lee Caldwell said she suggested building an equestrian park many years ago. There is a need to have a place to ride as well as show animals.

Mr. Jarrett said Sheriff Rasco offered donating 20 acres of land. It is all located in a flood zone. He said the land could be used for an outdoor classroom.

Sheriff Bill Rasco said he would like to donate the 20 acres to DeSoto County Greenways

Supervisor Bill Russell asked how to name the park. He then said when Mr. Bill Austin donated a couple of mills for a trail, they named it Austin Trails.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to allow DeSoto County Greenways to accept 20 acres of land from Sheriff Bill Rasco.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>

Supervisor Bill Russell, Third District YES
Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

Supervisor Caldwell thanked Sheriff Rasco for the donation and said it would improve the quality of life for DeSoto County residents.

e. Greenways and Parks Committee Report

Greenways Coordinator Larry Jarrett said litter has been picked up two or three times and the Road Department has put up “No Hunting” signs.

There is a litter ordinance and the fine is \$250. He said something needs to be in place for the discharging of firearms and possessing firearms on county property.

Board Attorney Jody Neyman said according to Mississippi code section 45-9-53 the Board of Supervisors can adopt regulations for using and possessing firearms on County property including parks. In addition, they can adopt a policy for firing firearms.

Supervisor Bill Russell said there should be no firing of firearms on Greenways and Parks, but a person who has the proper concealed carry permit should be allowed to have a proper permitted firearm to defend them. Supervisor Mark Gardner stated that he agrees with Mr. Russell about the 2nd Amendment. He said that the Department of Public Safety offers an advanced endorsement, which allows concealed carry permit holders to carry firearms in public places, including courthouses, if they take a special class.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to prepare a firearm ordinance regarding the use and possession of firearms with concealed carry permits on Greenways and Parks.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES
Supervisor Mark Gardner, Second District YES
Supervisor Bill Russell, Third District YES
Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

Supervisor Bill Russell said he has worked with the Greenways and Parks Committee on goals and objectives to integrate DeSoto County Greenways and Parks Commission into one entity. He said to be successful, private and public partnerships needed to be involved.

Supervisor Russell explained that the DeSoto County Economic Development employs Mr. Jarrett as the Greenways Coordinator. He said they also work with the Department of Road Management. He said they would like to develop a plan to integrate programs as well as enhance Greenways and Parks.

Supervisor Russell said the last three years, DeSoto County has allocated \$150,000 to the Economic Development Council for Greenways. He said each Park Fund receives \$35,000 annually. He said the goals are Greenways, wildlife, water and air quality. He recommended the creation of a County Recreation District, a private group with public authority.

County Administrator Michael Garriga stated that Mississippi code section 55-9-37 gives the DeSoto County Board of Supervisors statutory authorization to create a recreation district. If the Board were to do that he recommends that there be seven appointees with the Board of Supervisors. The commission could be expanded in the future to allow broader representation functions. Mr. Jarrett would remain under the Economic Development Council.

The Board of Supervisors discussed funding the proposed County Recreation District and the advantages to centralizing Greenways and Parks.

Supervisor Bill Russell said the committee has done their due diligence and it is important to keep the connection with the Economic Council. He said currently the Road Department maintains the parks. Next year they want to keep a good record on any salaries that need to be transferred.

Supervisor Medlin said from the very beginning there has always been a park fund for each district.

Supervisor Russell said how it would be funded needs to be researched and recommendations would then be brought to the Board. He said \$125,000 is allocated for the Greenways Coordinator salary, insurance, retirement and other benefits and under the committee's proposal all other allocations must be approved by the Board.

Supervisor Russell said there are 15 commission members on the present committee and the Board of Supervisors still has control and in his opinion the Greenways should be county and municipal.

Supervisor Harvey Lee made the motion to accept the recommendation from the Greenways Coordinator to integrate Greenways and Parks into a Recreational District.

Supervisor Lee withdrew the motion.

Supervisor Medlin said he does not want to create a million dollar department during an economic downturn.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to accept the recommendation of the Greenways and Parks Committee and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to prepare a resolution to create a County Recreation District to bring back to the Board and to prepare an ordinance outlining the County Recreation District after the adoption of the resolution.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Harvey Lee made the motion and Supervisor Gardner seconded the motion to allocate \$325,000 total funding to Greenways and \$175,000 to the proposed district upon its creation.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

f. 11:00 a.m. Public Hearing – Proposed DeSoto County Scenic Byway

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to open the Public Hearing for the proposed DeSoto County Scenic Byway.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>

Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

Greenways Coordinator Larry Jarrett presented a new map based on the new proposal. Mr. Jarrett recommended setting up an Advisory Committee to look into the possibility of making the outlined area a Scenic Byway. He said it has been approved by MDOT and is tied into Hwy 161. Mr. Jarrett said we are here today to get public input.

Supervisor Jessie Medlin asked if there was anyone present who wished to speak about making this area a Scenic Byway. No one came forward.

Supervisor Mark Gardner asked if the highway department would post signs. Mr. Jarrett said yes.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to close the Public Hearing.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES
Supervisor Mark Gardner, Second District YES
Supervisor Bill Russell, Third District YES
Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

6. Emergency Services: Approval of Contracts

a. Interlocal Agreement for Joint Use of Training Facilities and Equipment

Board Attorney Jody Neyman stated he had reviewed the agreement and there are no problems with it legally. He explained that the agreement is a renewal of a prior agreement and it will allow DeSoto County officers and emergency responders to work with other agencies in the mid-south area and to share their equipment and to pay for the repair of any equipment that is damaged.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Inter-Local Agreement between DeSoto County, MS; City of Arlington, TN; City of Bartlett, TN; City of Collierville, TN; City of Millington, TN; City of Germantown, TN; Shelby County, TN; City of Memphis, TN; Fayette County, TN; Tipton County, TN; Lauderdale County, TN; Crittenden County, AK, for joint use of training facilities and equipment.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES
Supervisor Mark Gardner, Second District YES
Supervisor Bill Russell, Third District YES
Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

b. Agreement with McCook Community College, Mid-Plains Community College Area for Advanced EMS Training Field Experience

Board Attorney Jody Neyman stated that his office had reviewed the agreement and as proposed it is in full compliance with Mississippi law. Tim Curtis with DeSoto County EMS stated that this is basically an agreement to fast track EMS training at McCook Community College and it is paid for by the employee.

Supervisor Bill Russell seconded the motion to approve an agreement with McCook Community College, Mid Plains Community College Area, 1205 East Third Street, McCook, Nebraska for advanced EMS training field experience.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

7. Office of Finance & Accounting

a. Grants Administration

(1.) Request approval to apply for an ACCESS Polling Place Grant for temporary ADA Accessibility at polling places

Supervisor Mark Gardner made the motion and Supervisor Harvey seconded the motion to approve a request to apply for the ACCESS Polling Place Grant for temporary ADA accessibility at polling places.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

(2.) Accept \$13,000 in EMPG funds for DCEMA

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to accept \$13,000 EMPG funds for DCEMA to improve Emergency Operations Center or enhance capability to respond to emergencies and disasters in DeSoto County.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

b. Inventory Control Dispositions: Preliminary

Inventory Control Clerk Char McCool presented preliminary dispositions for the Board’s consideration for approval as follows:

(1.) Sheriff’s Department: Approval of Forfeitures to be added to inventory

AGENCY	CASE #		DATE DECLARED	MANUFACTURER	DESCRIPTION	SERIAL #	VALUE
SID	2012-25623	JAMES LAWS, JR.	07/06/12	GMC	YUKON - SILVER	1GKEC13TX1J191354	3100.00

(2.) Emergency Services

ASSET #	DESCRIPTION	SERIAL #	REASON FOR DISPOSAL	LOCATION AT PRELIMINARY
30343	REALM PLUS VHF RADIO	C06038	BROKEN / NON-REPAIRABLE	TIM CURTIS OFC @ EMA
38215	KENWOOD HH RADIO	90300375	"	"
38209	KENWOOD HH RADIO	90200212	"	"
40125	KENWOOD HH RADIO	A9600485	"	"
34965	KENWOOD PORTABLE RADIO	B1701667	"	"

(3.) Sheriff's Department

Sheriff Bill Rasco said they have outdated bullet proof vests and want to donate them to other agencies that do not have vests.

Board Attorney Jody Neyman said that should the Sheriff's Office decide to donate the property an agreement would have to be prepared that would have to be approved by the County and the agency receiving the donation.

Ms. McCool noted that Asset number 38957 is incorrect on the inventory disposition. It should be 38597.

ASSET #	DESCRIPTION	SERIAL #	REASON FOR DISPOSAL	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE
33316	PACA TACT VEST	04ZG2	OUTDATED / EXPIRED	SHERIFF DEPT	08/06/12
33940	PACA TACT VEST	RC299476	"	"	"
33941	PACA TACT VEST	RC299493	"	"	"
33942	PACA TACT VEST	RC299473	"	"	"
33944	PACA TACT VEST	RC299475	"	"	"
33946	PACA TACT VEST	RC299488	"	"	"
33949	PACA TACT VEST	RC299490	"	"	"
34025	PACA TACT VEST	RC299481	"	"	"
34026	PACA TACT VEST	RC299472	"	"	"
35100	PACA BODY ARMOR	RC529242	"	"	"
35101	PACA BODY ARMOR	RC529056	"	"	"
35103	PACA BODY ARMOR	RC528826	"	"	"
35104	PACA BODY ARMOR	RC529313	"	"	"
35105	PACA BODY ARMOR	RC528862	"	"	"
35106	PACA BODY ARMOR	RC529602	"	"	"
35107	PACA BODY ARMOR	RC528922	"	"	"
35108	PACA BODY ARMOR	RC529186	"	"	"
35110	PACA BODY ARMOR	RC528827	"	"	"
35111	PACA BODY ARMOR	RC529219	"	"	"
35114	PACA BODY ARMOR	RC528901	"	"	"
35115	PACA BODY ARMOR	RC529601	"	"	"
35116	PACA BODY ARMOR	RC528942	"	"	"
ASSET #	DESCRIPTION	SERIAL #	REASON FOR DISPOSAL	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE
35117	PACA BODY ARMOR	RC529235	OUTDATED / EXPIRED	SHERIFF DEPT	08/06/12
35118	PACA BODY ARMOR	RC528927	"	"	"
35119	PACA BODY ARMOR	RC529346	"	"	"
35120	PACA BODY ARMOR	RC528932	"	"	"
35122	PACA BODY ARMOR	RC528991	"	"	"
35123	PACA BODY ARMOR	RC529704	"	"	"
35125	PACA BODY ARMOR	RC528838	"	"	"
35127	PACA BODY ARMOR	RC528928	"	"	"
35128	PACA BODY ARMOR	RC528918	"	"	"
35130	PACA BODY ARMOR	RC528828	"	"	"
35131	PACA BODY ARMOR	RC528865	"	"	"
35132	PACA BODY ARMOR	RC529718	"	"	"
35135	PACA BODY ARMOR	RC528924	"	"	"
35136	PACA BODY ARMOR	RC528910	"	"	"
36356	POINT BLANK BODY ARMOR	0501270736 / 0501270702	"	"	"
36357	POINT BLANK BODY ARMOR	0501270767 / 0501270731	"	"	"
36358	POINT BLANK BODY ARMOR	0501270029 / 0501270765	"	"	"
36360	POINT BLANK BODY ARMOR	0501270772 / 0501270771	"	"	"
36364	POINT BLANK BODY ARMOR	0501270724 / 0501270762	"	"	"
36367	POINT BLANK BODY ARMOR	0501270758 / 0501270722	"	"	"
36368	POINT BLANK BODY ARMOR	0501270749 / 0501270765	"	"	"

ASSET #	DESCRIPTION	SERIAL #	REASON FOR DISPOSAL	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE
36369	POINT BLANK BODY ARMOR	0501270748 / 0501270718	OUTDATED / EXPIRED	SHERIFF DEPT	08/06/12
36374	POINT BLANK BODY ARMOR	0501270703 / 0501270737	"	"	"
36375	POINT BLANK BODY ARMOR	0501270756 / 0501270721	"	"	"
36380	POINT BLANK BODY ARMOR	0510270746 / 0510270710	"	"	"
36381	POINT BLANK BODY ARMOR	0501270745 / 0501270709	"	"	"
36383	POINT BLANK BODY ARMOR	0501270747 / 0501270717	"	"	"
36558	POINT BLANK BODY ARMOR	501038768	"	"	"
38323	PACA BODY ARMOR	RC528929	"	"	"
38327	PACA BODY ARMOR	RC529055	"	"	"
38332	PACA BODY ARMOR	RC528921	"	"	"
38335	PACA BODY ARMOR	RC531178	"	"	"
38336	PACA BODY ARMOR	RC533239	"	"	"
38615	OPWEAR BODY ARMOR	8248345301	"	"	"
38616	OPWEAR BODY ARMOR	8248274601	"	"	"
38851	GH PRO BODY ARMOR	SO910208	"	"	"
38874	GH PRO BODY ARMOR	SO912555	"	"	"
39373	GALLS BODY ARMOR	07000094821/07000094845	"	"	"

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve the Preliminary Dispositions as presented.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.7.b

c. Claims Docket

Chief Financial Officer Tom Arnold, of the Office of Finance and Accounting, presented the claims docket to the Board. Mr. Arnold read the items on the claims docket individually and the Board discussed these items.

1.) Supervisor Mark Gardner asked about the two bills for the jail on page 20 for Entergy. He asked if it the jail is online with the chiller.

County Administrator Michael Garriga said it is online, and in reviewing last year's bills, there is a decline. Mr. Garriga said that we should start seeing a savings, soon, but they are still making a few minor adjustments.

Supervisor Jessie Medlin asked if the old units had been removed. Sheriff Bill Rasco said not yet.

Supervisor Medlin asked if the jail had multiple meters and if that amount was for one month. Mr. Arnold said the jail runs 24/7 so it is going to be high because there is never any down time.

Supervisor Gardner said Tony Martin did analysis for the 2013 but and we are looking at only a \$60,000 increase at the new jail. We had estimated \$200,000.

2.) Supervisor Gardner asked about the claim on page 21 for Hannah Services for daily cleaning. Mr. Garriga said there were three cleaning employees out and we had to outsource cleaning some of the county facilities.

3.) Supervisor Gardner asked about the claim for C.C. Dickson. Mr. Garriga said it is for heating and air unit supplies for the Southaven Health Department.

4.) Supervisor Gardner said on page 26 we are paying for a lot of phone lines and asked IT Director John Mitchell for an update on the new phone system. Mr. Mitchell said they are starting to install phones in a few select offices. The installation should be completed in 30-45 days. Supervisor Gardner asked if there would be reduced phone lines on the 2013 budget. Mr. Mitchell said the contractual agreement is 80 business days.

5.) Supervisor Gardner asked if the claim on page 80 is in Child Support and if it is DHS over site. Vanessa Lynchard said she really did not know, but Procurement always tries to get quotes. They are a state office and do order a lot of office supplies. Supervisor Gardner asked Vanessa to make sure they got quotes. Vanessa said she is sure they got quotes, but they just order a lot. Supervisor Medlin said he thought he saw something that said they hired six new employees. Supervisor Gardner said if they are adding employees they will need additional office space. Vanessa said she believes she is right that they buy a lot of supplies. Mr. Arnold said Vanessa is right and some offices do stock up on office supplies.

6.) Supervisor Gardner asked about the UASI Grant on page 95. Mr. Arnold said this is for a machine that processes fingerprints and it is under the UASI Grant.

7.) Supervisor Gardner said on page 110 there is a claim for Scott Equipment Rental. Vanessa said the county was renting equipment and we have now bought equipment so that claim should go away in the future.

8.) Supervisor Gardner asked about the claim on page 126 for soil testing, concrete and densities for the new jail. Mr. Garriga said soil testing is never included in quotes.

9.) Supervisor Gardner asked about the 2% Tourism Tax on page 128. He asked if any progress had been made in getting them to make payments. Mr. Garriga said yes. They committed to paying \$200,000 and they want it in writing. Supervisor Medlin said he met with the representative and that is the plan.

10.) Supervisor Jessie Medlin asked Road Manager Andy Swims about the claim on page 119 for asphalt. Mr. Swims said it is probably for the driveway on 4780 Victoria.

11.) Supervisor Bill Russell asked about the claim on page 21 for \$1,408 for mosquito control. Mr. Arnold said he would find out and let Mr. Russell know.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer. The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

8. DeSoto County Branding

IT Specialist Mary Jane Thaxton asked that this item be deleted from the Agenda.

9. Office of Procurement

a. Emergency Purchase Authorization

Procurement Director Vanessa Lynchard stated that the law allows for the Board to designate certain people to make certain purchases without issuing a purchase order in the event of a disaster or emergency. She stated that once the purchase is made, at the next meeting the designated person would present the invoice and conditions pertaining to the emergency purchase and the Board would authorize the emergency purchase. She stated that Mr. Nowak

researched the issue, and he advised the new Board that a new order will need to be entered to designate persons who would be able to make emergency purchases on behalf of the County as their authority expired under the prior Board's term.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to prepare a new Board order designating the following persons to make purchases for the County in the event of an emergency:

1. County Administrator
2. Director of Emergency Services
3. Director of Facilities Management
4. Road Manager
5. Purchasing Clerk
6. Sheriff

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.9.a

b. Approval to Reject and Rebid

(1.) One or more tractor truck and rebid

(2.) One or more ¾ ton crew cab pick-up trucks

Procurement Director Vanessa Lynchard commended Jimmy Cox, Stan Rochelle and Road Manager Andy Swims on working on bid specifications to make them more open to attract more bidders. Vanessa stated that when there are only a couple of bidders it may not always be in the best interest of the County and there is a greater chance of having to rebid an item.

Vanessa said they are planning to write bids that will attract more bidders and invite more competition which will be very good for the Road Department and County. She said there is a legitimate concern on getting equipment that is not as durable or meets their needs, but in the future they will remove non-critical specs.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to reject bids for one or more tractor trucks and one or more ¾ ton crew cab pick-up trucks and to rebid them.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.9.b

c. Bids Under Advisement

(1.) One or More Mini Excavator 18,000-20,000

Vanessa Lynchard explained concerns about the bids for equipment. Her concerns and

reactions that led to the reconsideration were both verbally communicated and they were communicated to the Board of Supervisors in writing prior to the meeting to allow vendors to talk to the BOS about the bids in case there was a misunderstanding of the vendors position and requests for the bids.

Vanessa Lynchard stated that they received four bids for the mini excavator and presented the bid tabulation number 12-156-025 as follows:

	Name of Bidder	Make/Model of Unit	Delivery Date	Bid Price	Guaranteed Bonded Buy Back		Price After Buy Back
1	Scott Equipment Company 4515 Pidgeon Roost Road Memphis, TN 38118	Volvo ECR88	90 Days	\$95,272.00	36 mo.	\$ 48,500.00	\$46,772.00
					48 mo.	\$ 41,500.00	\$53,772.00
					60 mo.	\$ 33,500.00	\$61,772.00
2	Stribling Equipment 1505 Corporate Avenue Memphis, TN 38132	John Deere 85D	60-90 Days	\$114,150.00	36 mo.	\$ 79,000.00	\$35,150.00
					48 mo.	\$ 70,000.00	\$44,150.00
					60 mo.	\$ 60,000.00	\$54,150.00
3	Thompson Machinery 1291 Corporate Avenue Memphis, TN 38132	Caterpillar 308ECR	60 Days	\$106,568.55	36 mo.	\$ 65,000.00	\$41,568.55
					48 mo.	\$ 56,000.00	\$50,568.55
					60 mo.	\$ 46,000.00	\$60,568.55
4	Williams Equipment 3655 American Way Memphis, TN 38118	Bobcat E80	45 Days	\$85,500.00	36 mo.	\$ 36,700.00	\$48,800.00
					48 mo.	\$ 32,900.00	\$52,600.00
					60 mo.	\$ 29,500.00	\$56,000.00
RECOMMENDATION: Scott Equipment Co. at \$95,272 It is unlikely that the county will trade the equipment in 3 to 5 year							
EXCEPTIONS:							
	Specifications	Scott Equipment Co.	Stribling Equip.	Thompson Machinery	Williams Equip.		
	Max. digging depth w/ standard stick => 1	13.8'	13'				
	Max. reach w/ standard stick => 24	23.6	23.8"	22' 9"			
	Engine displacement -/> 170 cu. In.		133 c. i.				
	Machine shall have one variable displacement piston pump w/output of 39:1	35:1					
	Equipment operating pressure => 4600 psi	3485 psi	4554 psi				
	Undercarriage Rubber track length => 115"	112.2"				111.1"	
	Undercarriage Overall track shoe width 16" - 10"					17"	
	Cab door shall slide to maintain the compact radius concept upon opening	Curved full door	No. It latches				
	Blade => 91"	90.6"					
	Blade height => 18"			17' 7"			
	Cooling system => 4 gal.		2.7 gal.	3.3 gal.	2.6 gal.		
	Hydraulic tank =< 21 gal.		15 gal.				
	Engine oil => 3.3 gal.		3.2 gal.	3.0 gal.			
	Warranty - 3 Year unlimited hours full machine			No			
	Travel time and mileage included in price			Covered first 90 days or 250 hours			
	Digging force with standard stick => 8700 lb.		8554 lb.		7659 lb.		
	Digging force w/ long stick => 7800 lb.		7209 lb.		Not Available		
	Bucket digging force => 13,400 lb.		12368 lb.		12,280 lb.		
	Fuel tank capacity => 32 gal.				29.1 gal.		
	Blade dig depth => 12"		11"				
	Machine shall have a removable swing stop		No				
	Factory mounted hydraulic thumb		No				
	Both the boom and dozer cylinder rods shall be guarded against damage		No				
Stribling: The John Deere 85D has been determined not to be responsive because the weight is too low, the removable swing stop is necessary for some applications, and the boom and cylinder rods are not guarded. In addition, the digging depth is not adequate. Therefore, this bid has been determined as non-responsive.							
Williams Equipment: The Department of Road Management recently experienced a job where our Bobcat where it almost fell over while in operation. The Bobcat would not break the ground.							

She said there were a few exceptions on the bid from Scott Equipment but none that could indicate they failed to be responsive to the bid specification from the County's perspectives, Ms. Lynchard reported the vendors agreed there were no material deviation from the specification from Scott's bid. The bid from Stribling did not meet the equipment bid specifications and they were not responsive to the specs for the bid. The bid from Thompson met specifications but was priced higher than Scott. The Procurement Department and Road Department both recommended awarding the bid based on the purchase price, since it is unlikely the County will trade the equipment during the buy back years.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve Scott Equipment Company as the lowest and best bid for one or more mini

excavator 18,000-20,000, in relation to bid number 12-156-025, based on the recommendation of the Purchase Clerk and Road Department.

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.9.c.(1.)

(2.) One or More 15' Mech Drive 3 section Batwing Cutters

Vanessa presented the bid tabulation for one or more 15' Mechanical Drive 3 section batwing cutters, bid number 12-156-028 as follows:

Name of Bidder	Make/Model of Unit	Delivery Date	Bid Price	Guaranteed Bonded Buy Back		Price after Buy Back
1 Mid-South AG Equipment, Inc. 3044 Hwy 302 Byhalia, MS 38611	Bush Hog 2815	30 Days	\$ 14,760.00	36 mo.	\$ 5,600.00	\$ 9,160.00
				48 mo.	\$ 3,600.00	\$ 11,160.00
				60 mo.	\$ 2,600.00	\$ 12,160.00
2 Tractors and Equipment 1985 Hwy 304 W. Hernando, MS 38632	Bush Hog 2815	30-60 Days	\$ 14,577.95	36 mo.	N/A	N/A
				48 mo.	N/A	N/A
				60 mo.	N/A	N/A
3 Stateline Turf & Tractor 7341 Hacks Cross Road Olive Branch, MS 38654	ST-180 Elite	30 Days	\$ 12,500.00	36 mo.	N/A	N/A
				48 mo.	N/A	N/A
				60 mo.	N/A	N/A
RECOMMENDATION: Mid South Ag at the bid price						

Vanessa stated they received three bids. The only bid with a buyback is Mid-South Ag. She said Tractors and Equipment had some exceptions and Stateline Turf & Tractor did not offer a buyback, so her recommendation was Mid-South Ag.

Supervisor Bill Russell asked why they did not recommend Stateline Turf. Road Department Manager Andy Swims said they did not have a buy back. Supervisor Russell asked if that is part of the logic in getting by backs for bids. Mr. Swims said there are some instances when it is profitable for the County.

Supervisor Harvey Lee asked when buybacks are profitable. Mr. Swims said when you are looking at selling the vehicle or equipment. Supervisor Lee asked how long we keep the equipment. Superintendent Jimmy Cox said 3-4 years. Mr. Cox said the equipment wears out quickly because of so much use. Mr. Swims said we do very well with the buy-back in those instances.

At the recommendation of the Road Manager and Director of Procurement, Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve Mid-South Ag as the lowest and best bid for one or more 15' mechanical drive Bat Wing Cutters, bid number 12-156-028.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.9.c.(2.)

(3.) One or More Drum Vibratory Soil Compactor

Vanessa presented bid number 12-156-07 for one or more drum vibratory soil compactors as follows:

	Name of Bidder	Make/Model of Unit	Delivery Date	Bid Price	Guaranteed Bonded Buy Back		Price After Buy Back
1	Scott Equipment Company 455 Pidgeon Roost Road Memphis, TN 38118	Volvo SD 70D	90 days	\$96,965.00	36 mo. \$	49,500.00	\$56,620.00
				shell kit \$ 9155.00	48 mo. \$	42,000.00	\$64,120.00
				\$106,120.00	60 mo. \$	34,000.00	\$72,120.00
2	Stribling Equipment 1505 Corporate Avenue Memphis, TN 38132	Sakai SV410TF	30-45 days	\$115,140.00	36 mo. \$	86,000.00	\$29,140.00
					48 mo. \$	75,000.00	\$40,140.00
					60 mo. \$	63,000.00	\$52,140.00
3	Thompson Machinery 1291 Corporate Avenue Memphis, TN 38132	Caterpillar CS44	10 weeks	\$121,305.00	36 mo. \$	55,000.00	\$66,305.00
					48 mo. \$	43,000.00	\$78,305.00
					60 mo. \$	38,000.00	\$83,305.00
RECOMMENDATION: Scott Equipment Co. at the purchase price since we are not likely to exercise the buy back.							
EXCEPTIONS:							
	Specification	Scott Equipment Company	Stribling Equipment	Thompson Machinery			
1	Engine - 100 +/-	99.2 HP					
2	Transmission - 2 pump hydraulic driver/variable speed forward & reverse		1 pump				
3	Drum - shall have a compaction width = /<65" wide /<48" diameter and a shell thickness = /<1"	.88"					
4	Amplitude - Single switch						
5	Drive axle - Limited slip						
6	Ground speed - low range 0 - 5, high range 0 - 11 mph		0 - 6.2 mph				
7	Wiring - 2 batteries	1 750 CCA Battery	No				
8	Hydraulics - +/- 15 gal.		13 gal.				
9	Drum and vibratory parts shall be isolated by resilient supports						
10	System shall be 24 volts	12 v	12 volts				
11	Must have a padfoot shell kit to bolt on smooth drum, each piece max. thickness		Smooth over padfoot standard				
NOTES:							
		Scott Equipment	Stribling Equipment	Thompson Machinery			
Buy Back		Good working condition; 60% tread life on tires; not more than \$500 damages to glass and sheet metal. Any amount over \$500 will be deducted from buy back	Frame - no breaks or cracks; Drive train - good condition; Transmission - shall shift properly at rated speeds; and engine - good working order; tires and undercarriage must have 50% wear remaining and free of structural damage; Accessories - in good condition and appearance, 50% wear on teeth, damage shall be replaced to standard	Good working order; all damaged sheet metal must be replaced; glass free of cracks; tires must have 50% life; free of structural damage and plating; a/c must work; vibratory system must work			
<p>Stribling: Smooth padfoot comes standard on Sakai equipment. We use smooth drum 99% of the time. We can find no research to show the results of using the add-on as the primary component. If our primary use of the machine was the function Sakai offers as-built, we would not be as apprehensive of using the add on for particular jobs where it is needed. However, in reverse, it seems that using the add on for a primary function would not serve our purposes as well as a machine that meets the specs we advertised.</p>							

Vanessa Lynchard explained that Stribling did not meet the bid spec because theirs is a machine where the horse power deficiency along with the combination of other exceptions shows this machine is not what the County expected to buy on the bid. The vendor felt this machine was more competitive than their next machine that would closely meet the County's needs. They do not have an explanation of the different exceptions, but they acknowledged that they bid this machine because it would be more cost competitive. The lack of horse power and specification 61, 62 and 63 make this bid not applicable to recommend for award. In this case the buy-back will not be used.

At the recommendation of the Directors of the Road Department and Procurement, Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the bid from Scott Equipment Company as the lowest and best bid for a drum vibratory soil compactor for bid number 12-156-07.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.9.c.(3.)

(4.) One or More Gooseneck Trailer

Superintendent of the Road Department Jimmy Cox said they recommended Holden Industries, Inc. on this bid because they felt like the six inch channel would hold up better. Bid number 12-156-030 was presented by the Procurement Director as follows:

Name of Bidder	Make/Model of Unit	Delivery Date	Bid Price			
1 Memphis Equipment Company P. O. Box 99 Memphis, TN 38101	Big Tex 3XGN-26+5	8-10 Weeks from PO	\$ 21,400.00			
2 Holden Industries, Inc. P. O. Box 550 South West City, MO 64863	Holden HGD30	60 Days	\$ 18,352.00			
3 Custom Springs 4909 E. Shelby Drive Memphis, TN 38118	2012 Better Built	3-4 Weeks	\$ 16,100.00			
4 Stribling Equipment Company 1505 Corporate Memphis, TN 38132	Interstate G24DT	8 Weeks	\$ 20,225.00			
5 Trailer World 800 Three Springs Rd. Bowling Green, KY 42104	Better Built GN3122DT 15K	4 Weeks	\$ 16,250.00			
6 Vanderburg's Trailers & Equipment 8970 Hwy. 178 Olive Branch, MS 38654	Better Built 30K	30 Days	\$ 15,200.00			
RECOMMENDATION: Holden Industries, Inc.						
h						
EXCEPTIONS:						
Specifications	Memphis Equipment Company	Holden Industries	Custom Springs	Stribling Equip.	Trailer World	Vanderburg's Trailers & Equip.
1 Neck 12" I-beam			14" I-beam			
2 12 x 22# Frame steel			14" x 22#			
3 Cross members 6" I-beam 16" centers			4" channel		I-beam 16" centers, 4" channel on 16" centers	I-beam 16" centers, 4" channel on 16" centers
4 Floor 2" pine			Oak		Oak	Oak

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the bid for one or more gooseneck trailers from Holden Industries, Inc. as the lowest as best bid in relation to bid number 12-156-030.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.9.c.(4.)

(5.) One or More Rubber Tire Backhoe

Vanessa said there were critical issues with deviations from the specifications on the bids from Stribling and Scott Equipment for the rubber tire backhoe. There was no bucket on from Scott and Stribling did not meet several specifications. She recommended Thompson Machinery based on the buy back price, and presented the bid tabulation for bid number 12-156-030 as follows:

	Name of Bidder	Make/Model of Unit	Delivery Date	Bid Price	Guaranteed Bonded Buy Back	Bid After Buy Back
1	Mid-South AG Equipment, Inc. 3044 Hwy 302 Byhalia, MS 38611	New Holland B95C	90 - 100 Days	\$ 87,083.00	36 mo. \$ 59,687.00	\$ 33,595.00
				add for bond \$6,199	48 mo. \$ 50,700.00	\$ 42,582.00
				\$ 93,282.00	60 mo. \$ 43,124.00	\$ 50,158.00
2	Stribling Equipment Company 1505 Corporate Avenue Memphis, TN 38132	John Deere 3105K	30-60 Days	\$ 87,990.00	36 mo. \$ 66,000.00	\$ 21,990.00
					48 mo. \$ 59,000.00	\$ 28,990.00
					60 mo. \$ 52,000.00	\$ 35,990.00
3	Scott Equipment Company 4515 Pidgeon Roost Road Memphis, TN 38118	Volvo BL70	90 Days	\$ 81,457.00	36 mo. \$ 41,500.00	\$ 39,957.00
					48 mo. \$ 35,000.00	\$ 46,457.00
					60 mo. \$ 28,500.00	\$ 52,957.00
4	Thompson Machinery 1291 Corporate Avenue Memphis, TN 38132	Caterpillar 420F	90 Days	\$ 84,345.07	36 mo. \$ 63,000.00	\$ 21,345.07
					48 mo. \$ 54,000.00	\$ 30,345.07
					60 mo. \$ 47,000.00	\$ 37,345.07
RECOMMENDATION: Thompson with 3 year buy back - We are likely to sell this piece of equipment back and Thompson offers a higher buy back.						
EXCEPTIONS:						
	Specifications	Mid South Ag Equipment	Stribling Equipment Co.	Scott Equipment Co.	Thompson Machinery	
1	Travel speed: forward 3.6 to 24 mph	F - 3.5 to 22.1; R - 4.2 to 14.5				
2	Final Drives - HD, outboard planetary	Standard duty outboard planetary				
3	Hydraulic Variable flow closed center		Open center gear type			
4	Hydraulic pressure relief on main pump 3600 psi	3017 psi main pump relief				
5	Hydraulic spin on 10 micron filter	Spin on 7 micron filter				
6	Hydraulic pump capacity 43 gpm @ 2200 rpm	39.88 gpm on loader; 41 gpm on backhoe	36.6 gpm, loader 28.6 gpm			
7	Pump type, variable flow, axial piston		No			
8	Steering Mechanical front wheel drive	Electronic engage switch				
9	Tires - front tires 12.5/80-18 10 pr	12.5 - 16.5				
10	Bucket dig force 13,800 lbs.	12,993 lbs.				
11	205 degree rotation bucket	204 degrees	180 degrees			
12	Backhoe Bucket - Curved excavator style boom			No		
13	Loader bucket - 1.4 cy heaped		1.31 cy			
14	Stick dig force 9600 lb		8090 lb.			
15	Roller switch control for E stick - no foot control		Pedal control			
16	Minimum machine weight must not be less than 21,000 lb.		17690 lb.			

Ms. Lynchard said the Road Manager says it is very likely we will exercise the buy back.

At the recommendation of the Procurement Director and the Road Department, Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the lowest and best bid, based on the three year buy-back from Thompson Machinery for one or more rubber backhoes in relation to bid number 12-156-030.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.9.c.(5.)

(6.) One or More Tractors for Roadside Mower

Vanessa said that the bids from Stateline Turf and Tractors and Equipment did not meet the very important bid specifications one or more tractors for roadside mower. Vanessa recommended the bid for Mid-South Ag for bid number 12-156-023 as follows:

	Name of Bidder	Make/Model of Unit	Delivery Date	Bid Price	Labor Rate per Hour	Travel Mileage Rate to Site
1	Mid-South AG Equipment, Inc. 3044 Hwy 302 Byhalia, MS 38611	New Holland T6.15S	16-Oct-12	\$ 62,450.00	\$ 75.00	None
2	Stateline Turf & Tractor, Inc. 7341 Hacks Cross Road Olive Branch, MS 38654	John Deere 5115M	1-Oct-12	\$ 61,350.00	\$ 65.00	\$ 85.00
3	Tractors and Equipment, Inc. 1985 Hwy 304 West Hernando, MS 38632	John Deere 6430	60 Days	\$ 63,588.11	\$67.00 shop \$75.00 field	Same as Labor Rate
RECOMMENDATION: Mid-South Ag Equipment, Inc.						
EXCEPTIONS:						
	Specifications	Mid-South Ag Equipment, Inc.	Stateline Turf & Tractor, Inc.	Tractors and Equipment, Inc.		
1	Clutch - 9" triple disk		No			
2	43 gal. fuel tank		No			
3	25 gpm hydraulic pump		No	No - 21.1 gpm		

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to approve Mid-South Ag as the lowest and best bid on bid number 12-156-023 for one or more tractors for roadside mower.

The motion failed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>NO</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>ABSENT</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to reconsider the previous motion.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>NO</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to approve Mid-south Ag as the lowest and best bid for one or more tractors for roadside mower on bid number 12-156-023.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>NO</u>

See Exhibit K.9.c.(6.)

10. Contracts Administration

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve the following contracts under the same terms as detailed in Exhibit I.8:

a. Renewals

(1.) Adult Drug Court - Sterling Reference Laboratories for drug testing services

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to

approve the contract with Sterling Reference Laboratories for drug testing services in the Adult Drug Court.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.10.a.(1.)

(2.) Justice Court, Chancery Court and Tax Collector - Data Systems Management

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to approve the contract with Data Systems Management for CDMS Software support for Justice Court, Chancery Court and Tax Collector.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.10.a.(2.)

(3.) Environmental Services - Creative Recycling

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve an agreement with Creative Recycling for the Environmental Services Department for electronic equipment.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.10.a.(3.)

b. Approve addendum with Delta Computer Systems, Inc. for computer software support for Circuit Court

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve an addendum to the software agreement with Delta Computer Systems, Inc. for computer software support for Circuit Court.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.10.b

c. Approve new contract with RJ Young for copier in Fugitive Sheriff’s Department

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve an agreement with RJ Young for a new copier for the DeSoto County Sheriff’s Department that the Sheriff’s Department negotiated outside of the County contract with R.J. Young.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.10.c

11. Board Attorney

a. Lewisburg Fire Department Radio Equipment Use Agreement

Board Attorney Jody Neyman advised the Board that Lewisburg Fire Department has a repeater and will need to enter into a use agreement for the shared use of the repeater. Lewisburg, Fairhaven and ACI have always shared a frequency. It is getting too busy and they need to all apply to the FCC for a license. Mr. Neyman stated that Emergency Services has requested the Board hire the County Attorney to assist them in preparing the agreement.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to retain the law firm of Smith, Phillips, Mitchell, Scott & Nowak to prepare for Board approval of a Radio Equipment use agreement for the Lewisburg, Fairhaven and ACI Fire Departments to share a repeater on the Lewisburg Fire Department radio frequency equipment.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

b. Lewisburg Fire Department to Acquire FCC License

Mr. Neyman advised the Board that Lewisburg, Fairhaven and ACI Fire Departments will need to acquire the FCC license from the Lewisburg Fire Department, and it is his understanding that Lewisburg’s legal counsel will be sending a proposed agreement to EMS in the near future. Mr. Neyman stated that this is related to the transfer of the equipment from Lewisburg to the County.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve DeSoto County EMS’ acquisition of the Lewisburg Fire Department’s FCC license and to retain the law firm of Smith, Phillips, Mitchell, Scott and Nowak Law Firm, Mitchell, Scott & Nowak to assist EMS in the preparation of the agreement.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.11.b

c. Valleybrook Road Bridge Project – Acquisition ROW

Board Attorney Jody Neyman advised the Board that the State Aid Engineer has stated that the County must acquire right of way for this project.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to acquire right of way for the Valleybrook Road Bridge Project.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

12. Authorization to Allocate Funds to Nesbit Fire Department for Construction of New Fire Station (Fund 313-347: \$120,000)

Supervisor Lee Caldwell said bids were solicited for construction of the new Nesbit Fire Department building and there is funding in the budget. Supervisor Caldwell stated that the fire department building would probably be used as a voting precinct as well.

Supervisor Jessie Medlin asked if the County would own the Fire Station.

Supervisor Caldwell said the County will own the building, but the Fire Department will maintain it. The County will conduct the inspections to make sure it is kept up and properly maintained.

Supervisor Harvey Lee said everyone worked on this and to address the needs of all parties.

Supervisor Mark Gardner asked what would be done with the old fire station.

Supervisor Caldwell said it could be used for storage.

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to approve allocating \$120,000 to fund 313-347 to Nesbit Fire Department for construction of the new fire station.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

13. Dept. Emergency Services: Consideration of Lease Agreement for Communications Tower at Fairhaven Fire Station Property

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work on the lease agreement for a communication tower at the Fairhaven Fire Station property.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>

Supervisor Lee Caldwell, Fourth District
Supervisor Harvey Lee, Fifth District

YES
YES

14. Department of Road Management

a. Floodplain Management Training

Road Manager Andy Swims and Engineer Scott Young presented information regarding Floodplain Management 101 Training. Mr. Swims said Stacey Ricks of MEMA informed them that there is an opportunity for Floodplain Management Training. Mr. Swims said it is a good opportunity for the Board members to attend the training. It would be very informative and they would learn the procedures. Mr. Swims said this affects the Community Rating System (CRS) which would improve the ratings and we would see a reduction in floodplain insurance.

Supervisor Lee Caldwell said it is quite long and a lot of information to absorb.

Mr. Swims said, if the County has a disaster, there are certain procedures we have to follow which will be in this training.

Supervisor Bill Russell said it is very beneficial and he thinks all of the Supervisors need to attend. He said there is a lot of good information available. The County had to buy a home that was in a floodplain and there was a grant that took care of everything.

Mr. Swims said he could check and see if they could come here to do the training for the Board members and include the city officials as well.

Supervisor Russell asked Mr. Swims to get dates of availability and bring them back to the Board.

See Exhibit K.14.a

b. Hallum Estates Subdivision

Road Manager Andy Swims said this subdivision is in Supervisor Russell's district and it has flooded the road several times. He presented pictures of the area and said he has seen the roads flooding twice.

Supervisor Mark Gardner asked who developed the subdivision. Supervisor Russell said Lanier Hurdle was the developer.

Mr. Swims said 200 acres drains through the subdivision and he has also talked to Horn Lake Creek Drainage District and NRCS.

Supervisor Gardner asked if it is possible to contact the developer. Mr. Swims said it is tough to get the developer to correct issues or work on property after their job is completed.

Supervisor Russell suggested doing a detention.

Supervisor Gardner said the Corp of Engineers might be able to help.

Mr. Swims said that is possible and he will look at agencies as well as get Horn Lake Creek Drainage District to at least do a study.

Mr. Swims recommended coming back at a later date with more information and including what the County is actually responsible for.

See Exhibit K.14.b

c. Finding of Fact

(1.) Bridgetown Subdivision, 2290 Itasca Drive

Mr. Swims said this is part of a repair they started several years ago in Bridgetown. He said a finding of fact has been conducted at 2290 Itasca Drive and he presented pictures showing damages to private property associated with drainage and erosion, affecting the health, safety and welfare of the public. Mr. Swims said the estimated cost of the repairs is \$1,870.69.

At the recommendation of the Road Manager, Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to declare the damages caused by drainage and erosion on the property located at 4035 Huron Court in Bridgetown Subdivision, a health, safety and welfare issue to the citizens of DeSoto County as outlined in Mississippi code section 19-5-92.1, and to repair the damages at an estimated cost of \$4,900.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.14.c.(1.)

(2.) Bridgetown Subdivision, Intersection of Okeechobee/Victoria/Eldorado

Mr. Swims said this area in Bridgetown Subdivision has issues on both sides of the road at the intersection of Okeechobee, Victoria and Eldorado Roads. He said neither the Homeowners Association nor the homeowner could fix this problem because it is so expensive.

Supervisor Bill Russell said he has seen this and all the water is draining off of the County road.

At the recommendation of the Road Manager, Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to declare the damages caused by drainage and erosion on the property located at Okeechobee, Victoria and Eldorado Roads in Bridgetown Subdivision, a health, safety and welfare issue to the citizens of DeSoto County as outlined in Mississippi code section 19-5-92.1, and to repair the damages at an estimated cost of \$4,761.86.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.14.c.(2.)

(3.) Estates of Southern Trails Subdivision, 8787 Cameron Street

Road Manager Andy Swims said there is a pipe connection under the road causing a drainage problem in Southern Trails Subdivision at 8787 Cameron Street. Mr. Swims presented pictures showing damages to private property associated with the drainage and erosion and affecting the health, safety and welfare of the public.

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to declare the damages caused by drainage and erosion on the property located at 8787 Cameron Street in Southern Trails Subdivision, a health, safety and welfare issue to the citizens of DeSoto County as outlined in Mississippi code section 19-5-92.1, and to repair the damages at an estimated cost of \$3,655.20.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.14.c.(3.)

d. Bridgetown Fire Department Parking Lot Quotes, Horn Lake Library Parking Lot Quotes, EMA Parking Lot Quotes

Road Manager Andy Swims presented two proposals to repair the Bridgetown Fire Department Parking Lot. Mr. Swims said the cracks in the parking lot needed to be repaired and the entire parking lot would need to be sealed. There are two quotes, one from Barnes Striping and Seal Coating and a quote from North Mississippi Driveways, Inc. Mr. Swims recommended the quote from Barnes Striping and Seal Coating Inc. as detailed in Exhibit K.14.a.

At the recommendation of the Manager of the Road Department, Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to approve the quote from Barnes and Seal Coating Inc., in the amount of \$3,323.00 for repairs and sealing of the parking lot at the Bridgetown Fire Department.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Mr. Swims also presented an estimate for overlaying the Horn Lake Library parking lot in the total amount not to exceed \$48,126.87. Mr. Swims said the Library is not ADA compliant and that needs to be done at the same time. He said he had a quote on just the concrete and would get with Facilities Director Tony Martin to work on complying for ADA.

Supervisor Lee Caldwell asked if they could an additional quote on the concrete.

County Administrator Michael Garriga said this work is already in the budget.

Mr. Swims also presented an estimate for paving the parking lot at the EMA building in the amount of \$46,341.53.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve overlaying the Horn Lake Library Parking lot in the amount of \$48,126.87 and a total not to exceed \$52,939.55, and include the concrete work to make it ADA compliant; and to hold up on the request to pave the parking lot at the EMA building in the amount of \$46,341.53 and not to exceed \$50,975.69.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.14.d

15. Presentation of Proposed FY 2013 Budget

County Administrator Michael Garriga presented the first draft of the proposed FY 2013 Budget to the Board of Supervisors for their review.

The Board of Supervisors agreed to meet to discuss the budget on Wednesday, August 8th at 8:00 a.m.

16. Tax Appeal – Life Point Village

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to acknowledge receipt of a tax appeal involving Life Point Village and showing it was received on August 6, 2012 at 10:00 a.m.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit K.16

L. EXECUTIVE SESSION

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

Supervisor Mark Gardner made the motion to recess the Board meeting until August 8, 2012 at 8:00 a.m. The motion was seconded the motion by Supervisor Lee Caldwell.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

THIS the 6th day of August 2012, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie Medlin, President
DeSoto County Board of Supervisors