

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2008 PRESIDING

August 18, 2008

A. CALL TO ORDER

The August 18, 2008 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President.

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

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

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PUBLIC HEARINGS

1. 9:00 a.m. 2008 Tax Roll

a. Tax Protest

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to reopen the Public Hearing regarding the 2008 Tax Rolls. The motion passed by a unanimous vote.

Barry Hunt addressed the Board of Supervisors regarding a tax protest on various parcel numbers located at 3770 Goodman Road East. Mr. Hunt said he wanted to start his presentation with everything that previously took place on the property. He asked the Board to recall that they are dealing with seven parcels of property. Mr. Hunt said he is an appraiser, but he is not an attorney. He said he understood the aspects of the protest relating to the appraisals, but he may not be aware of all of the legal aspects of the protest. He said he appreciated the Board listening to what he has to say about the taxes and he asked the Board to go through the entire presentation before making a determination on the issue. He said he recently learned that his appeal is the only one stopping the Board from approving the tax roll and he apologized for the delay.

Mr. Hunt said that he went to see Mr. Gerald Davis recently because he was the Engineer who originally divided the property. Since Mr. Davis is sick, Mr. Hunt said he met with Robbie Jones. Mr. Hunt said that Mr. Davis actually did the work, but due to suffering a recent stroke, he is currently unable to work. Mr. Hunt said he wanted to point out to the

Board that he did not prepare the documents for subdividing the property. He said, from an engineering standpoint, a professional did that work. He said the deeds were prepared by an attorney before they were filed in the Chancery Clerk's office.

Mr. Hunt said on October 25, 2000, he recorded a change in ownership for this property in the Chancery Clerk's office. He said there were supposed to be seven filings but only five were included due to an error. He said the two additional parcels were later recorded and became legal lots at that time. He reminded the Board that the subdividing documents were prepared by a professional engineer and an attorney. He said that three were on one recording and two were on the next recording. The legal descriptions were done by Gerald Davis. He showed a picture of the map that showed a road that was built through the property owned by Cowboy Corner. He said their property was also subdivided along with another neighbor's property. He said all of this was done in 2000 and taxes have been paid on the subdivided parcels with individual tax bills on each parcel since 2000.

Mr. Hunt said that the Mississippi Tax Code has two directions that are important on this issue. First, paragraph two says "with respect to each and every parcel". Second, the tax code also says "with the current use". He said that number three of the tax code said property should not be taxed on potential value of the property. He showed pictures of the property to the Board of Supervisors.

Supervisor Tommy Lewis asked if there is a road on Mr. Hunt's property. Mr. Hunt said no.

Mr. Hunt asked the Board to notice that on October 25, 2000, there was a change in ownership on five parcels. On May 4, 2001, he had evidence that the parcels were taxed separately. He showed the tax map which indicated the separate taxation on the separate parcels. He said taxes have been paid on each separate lot from 2001 through 2006. He said, from that time, taxes have increased from \$816.94 to a \$21,363 increase on these six parcels.

Mr. Hunt said he would like to address parcel number seven as a separate appeal to the Board of Supervisors. He said, in 2006, 2007 and 2008, the assessment on the house lot is included in this appeal.

For comparison, Mr. Hunt pointed out a picture of a building owned by Russell and Company located on Goodman Road next to the Walgreen's shopping center where a home was converted to an office similar to what happened to his property on Goodman Road. He pointed out the difference in the assessment on this property as compared to the values on the Hunt property. Mr. Hunt showed pictures of the home that he uses as an office. He said one of the comparison lots is valued at \$1,800 plus. He showed another assessment valued at \$1,985.

Mr. Hunt pointed out a parcel of property owned by DeSoto Investment Group. He said that property has had huge improvements, in excess of one million dollars and their taxes were \$3,078.

Mr. Hunt presented a history of the tax values on his property as follows:

Parcel No.	2005 value/tax	2006 value/tax	2007 value/tax
00026 06	\$1,200/\$167.22	\$1,200/\$173.96	\$20,255/\$2,897
00026002	\$908/\$126.56	\$908/\$131.62	\$23,728/\$3,392
00026 03	\$1,448/\$201.84	\$1,448/\$201.78	\$37,832/\$5,411
00026 04	\$353/\$49	\$353/\$49.20	\$8,233/\$1,117
00026 05	\$668/\$93.09	\$668/\$93.11	\$17,466/\$2,495
00026 07	\$1,200/\$167	\$1,200/\$167.27	\$42,310/\$6,051
00026 00	\$19,252/\$2,382	\$91,516/\$13,056	\$59,873/\$8,563

Mr. Hunt said the 2006 assessment was in error because it showed a house on that parcel. He said the Tax Assessor will not change that assessment. He said that Mr. Pickle refused to reassess that property even though they decreased in the 2008 tax year.

Mr. Hunt said he understands the Board of Supervisors position and the need to get the tax roll complete. He asked does an unfinished office get a bigger assessment than that of an

established business. He said there is an identical parcel next door to the Hunt property. One of the parcels became commercial and that one did not receive the same assessment as the Hunt property. He said, his wife, Teresa Hunt, who owns the property, recently got federal loans on the property. He said, if the building that is unfinished in the back of the property is worth four times the commercial lot next door, that is much better, he feels that is unfair. Mr. Hunt said he asked the Tax Assessor what right he has to tax his property this way. Their answer was, "you show me where we can't".

Board Attorney Tony Nowak asked what type of loans are on the property. Mr. Hunt said one was residential and the other was a line of credit that was never used. He said the line of credit was secured by two lots.

Supervisor Jessie Medlin asked if Gerald Davis drew the plat where the driveway is located. Mr. Hunt said yes.

Supervisor Eugene Thach said this is the first time in seventeen years the Board has faced this type of situation. He said we have asked this to go back to a committee. He said the Board wants to be fair and he would like to hear from the Tax Assessor before the Board makes a decision.

Supervisor Bill Russell asked the significance of the quit claim deed. Mr. Hunt said it was necessary for a change in ownership.

Supervisor Medlin asked when the horses were moved from the property. Mr. Hunt said the horses were moved in 2006. He said they are still cutting hay on the property.

Supervisor Allen Latimer asked, prior to 2000, was the property taxed as one parcel. Mr. Hunt said yes, and it has never been for sale.

Supervisor Latimer asked if anyone was here in favor or support of Mr. Hunt. No one came forward.

Bill Bryant and Piete Zee of the DeSoto County Tax Assessor's office came forward to present their side of this issue. Mr. Bryant presented information regarding the property. He said the Hunt's dividing property into seven parcels was irrelevant. He said the Tax Assessor's office has authority to combine or split any property by State Tax Commission rules and guidelines which has the same affect as law. He said the Tax Assessor's office did split it out for the sale purpose to make it more convenient if any of the parcels were sold.

Supervisor Thach asked if the Tax Assessor's office normally combines and splits property. Mr. Bryant said yes, they do it frequently. He said they appraised it as one piece of property except for the frontage. He said it worth \$3 per square foot and the question should be whether the value is incorrect on the property. He said he is comfortable with that assessment. Mr. Bryant said, when the Hunt's stopped living in the house and opened a company office, the Tax Assessor's office was required to appraise the property as commercial. He said the zoning is C-4 and it has always been appraised as residential until he started using it as an office.

Supervisor Bill Russell asked how we justify the difference in what we are charging the property owners and his neighbors. Mr. Bryant said property is always changing. He said Mr. Hunt got his appraisal values off of the internet and it is always one year behind. Supervisor Russell asked if the neighbor's property is being appraised lower than the Hunt's property. Mr. Bryant said that information came from the internet and is one year old. He said the Tax Assessor's office uses the value according to the use of the property on January 1 of the tax year. He explained one of the neighbor's is devalued because there is a barn on the front of the property.

Supervisor Thach asked if the State Tax Commission attended the meeting. Mr. Bryant said they were unavailable, but they said the Tax Assessor's office has full discretion anyway.

Supervisor Russell asked if the 2006 appraisal was in error. Mr. Bryant said yes. Supervisor Russell asked if the Tax Assessor's office will change the appraisal. Mr. Bryant said no, it is

all on one parcel now. Mr. Bryant said we are not here to discuss the 2006 taxes because they have already been approved. The time to protest them has passed. He said we can only discuss the 2007 taxes.

Supervisor Thach said, if we do not over ride the assessment, Mr. Hunt can appeal this issue to the courts. He asked the Board Attorney if he had anything to add that should be considered by the Board of Supervisors. Board Attorney Tony Nowak said the Board has to identify the current use and summarize what the value would be on the market for the current use of the property. He said it appears that is exactly what the Tax Assessor’s office did.

Supervisor Latimer asked, if he lives in his house and sells his property for commercial use, the zoning would not change hands until he left the property regardless of the use when it was sold. Mr. Bryant said he told the Board two weeks ago the Tax Assessor’s office does not consider zoning. He said they look at current use of the property.

Mr. Nowak said, at the previous meeting, Mr. Hunt mentioned having a large number of horses on the property at one time. He asked if those horses were under his ownership or were the owners renting space. Mr. Hunt said he owned the horses. Mr. Hunt said an appraisal is an opinion of the value of property. He said any two appraisers will give a different appraisal of the same property. He said the use on this property never changed on any of the parcels except for parcel seven. He said the neighbor’s parcels did not change except the Cowboy Corner parcel. Mr. Hunt said their use never changed on the parcels and every parcel is connected to the next parcel.

Supervisor Lewis said 2006 and 2007 cannot be considered. He said the Board of Supervisors is talking about the assessment for 2008 only.

Mr. Nowak said this is really a two step process. First, the Board should make a determination of the current use value of the property. The law says to use common sense when determining the current use of the property. Second, the Board should determine the purpose of having the mortgage on the house. He asked if it was for the purpose of having the horses for other use than their own and the Board should consider that.

Supervisor Medlin said they are cutting hay to feed their horses on that property. He said that seems to be farming use.

Supervisor Latimer said he does not understand how breeding horses is different than breeding cattle. He said he still calls that farming.

Supervisor Thach said, after listening to the presentations, he feels that we have county employees and the Board Attorney who has an opinion and the Board should support them.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to close the Public Hearing. The motion passed by a unanimous vote.

See Exhibit D.1.a

Supervisor Eugene Thach made the motion to approve the recommendation of the Tax Assessor’s office and deny the tax appeal. Mr. Hunt can go to court on the issue and if the Board is wrong, it will come out in court. The motion is based on what was heard from the presenters at the Board Meetings and the determination was made that the Tax Assessor’s office made the right decision in the assessment. Supervisor Bill Russell said you can make an argument for both sides on this issue but he is seconding the motion based on the opinion that the property is being used for commercial use. The motion passed by a vote as follows:

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

b. Approval of 2008 Tax Roll

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to open the meeting for the Public Hearing on the Tax Roll. The motion passed by a unanimous vote.

Supervisor Allen Latimer asked if anyone wishing to speak for or against the Tax Roll to come forward. No one came forward.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to close the Public Hearing. The motion passed by a unanimous vote.

The Board of Supervisors acknowledged that they have continued in session from day to day hearing objections to said assessments, taking testimony of witnesses, and examining books, records and papers with reference to the assessment of property that the Board has made changes in the assessments (as fixed by it on said rolls at its July 7, 2008 meeting) and is satisfied that the roll is in order to fix the assessment of property, real and personal, and its actual value so as to establish equality and uniformity of taxation according to value among the taxpayers of Desoto County, and that all objections to the assessment rolls, and the assessments therein contained, have been heard and disposed of; that the Desoto County Board of Supervisors have added to the said rolls all property and persons to be omitted therefrom, (there were none), and has given notice to such persons and has heard and determined all objections filed; that this Board has changed and corrected all erroneous assessments; that all things required by law have been done; that the Tax Assessor of Desoto County was represented at this meeting of the Board of Supervisors, from day to day, while it was considering the assessments of persons and property, and hearing objections to said assessments, and that the Tax Assessor's Office rendered all assistance which their knowledge and information enabled them to give; and now being of the opinion that said assessment roll contained assessments, fair, equal, uniform and just, according to the value of the real and personal property therein described, Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion that it is therefore ordered and adjudged, that the said assessment rolls, and the assessments therein contained, be and they are hereby accepted, approved and made the final recapitulation of said assessment rolls be certified to the State Tax Commission, on blanks furnished by it, within ten days after the adjournment of this meeting as provided by Section 9799, Mississippi Code of 1942, and as required by law. The motion passed by a unanimous vote. **See Exhibit D.1.b**

E. CITIZEN CONCERNS

1. Estates of Centerhill

Mr. Adam Webb appeared before the Board of Supervisors regarding the Estates of Centerhill. He said he wanted to know if any progress had been made on the drainage issue.

County Engineer Andy Swims said he spoke to Mr. Webb last week. He told Mr. Webb there is no quick solution to this problem and we are looking into the situation. Mr. Swims said there are multiple options to consider in coming up with a solution to the problem. He said the options for such an issue can be very complicated and expensive. Mr. Swims said he spoke to Ben Smith regarding the church property. Mr. Smith was out of town and wants to look at the situation more closely when he returns. He said we are still looking at the issue, but we do not have a solution yet.

Supervisor Jessie Medlin said that Mr. Swims told him that it looks like more water is coming from the west side of the road. He asked if there was anything to do with the rest of Forest Hill. Mr. Swims said that goes in the northwest direction. They discussed potential options and Mr. Swims said they will put strict guidelines on detention on future development in the area.

Supervisor Medlin asked if there will be more lots where Green Pasture Drive ends. Mr. Swims said no, the owner has changed her mind and will not sell anymore lots. Mr. Swims said when we considered carrying it downstream, the water ended in a flat area. Supervisor

Medlin asked if it could go down to a certain point and then to the other ditch. Mr. Swims said they looked at getting rid of the standing water in the ditch, but could not find a solution.

Mr. Webb said the other owner will be fine with the county extending the ditch to the Coldwater River. He said there is debris in the area too. Supervisor Medlin suggested working on a culvert. Mr. Swims said he will look at that option.

Supervisor Latimer asked Mr. Dorris if he has looked at the situation and he said yes, he has. Mr. Dorris said they will clean up any debris the county left but it is unusual for the county to leave debris in an area where they have worked.

Supervisor Russell said this problem is the same throughout the county. He said they have a similar situation in District 3. He said the area was a little questionable when it was developed, but the development worked. Now, three or four subdivisions later, it is worse than ever. He said the county needs some way to avoid these types of situations in the future. He said, by putting the responsibility on the developers as a group and not just one developer when the situation occurs may need to be considered. Mr. Swims said the biggest number of problems that occur are located in the floodplain.

No motions were made nor votes taken on this issue. **See Exhibit E.1**

F. CONSENT

The Board of Supervisors discussed the Consent Agenda items as follows:

1. Accounting

a. Transfer of Metro Seized Funds

Case #	Defendant	Date Seized	County Receipt #	Amount	Date of Forfeiture
DC-07-0117	Elwanda Thoms	6/28/07	19672	\$1,840.00	8/5/08
		Total		<u>\$1,840.00</u>	

b. Repay Interfund Loans (3)

From: Stormwater Advisory Board	\$5,200.00	(166-000-149)
To: General County Fund	\$5,200.00	(001-000-054)
From: Civic Center Tourism Building	\$5,000.00	(384-000-149)
To: General County Fund	\$5,000.00	(001-000-054)
From: 2004 Bond Construction Fund	\$2,105,000.00	(280-000-149)
To: General County Fund	\$2,105,000.00	(001-000-054)

c. Transfer of Street Crime Unit Seized Funds

Case #	Defendant	Date Seized	County Receipt #	Amount	Date of Forfeiture
DCS-08070200065	Deangelo Woody	7/2/08	20819	\$ 463.00	8/7/08
DCS-08070200065	Lora Ellen	7/2/08	20819	<u>\$1,005.00</u>	8/7/08
				\$1,468.00	
Transfer from Street Crimes Seized Fund	(124-000-139)	\$1,468.00			
Transfer to Street Crimes Forfeiture Fund	(124-000-238)	\$1,468.00			

d. Chancery Clerk Allowance-\$1,500.00

2. Grants

a. Closeout AOP Grants - 464W171/W6WL81

W6WL81 - \$8,333.33 464W171 - \$146,676.46

b. COPS Schools Program MOU

3. Inventory Dispositions-Final

a. PBX

Asset #	Serial #	Description	Reason for Disposal	Disposed of By	Location at Final Disposal
3305	N/A	Centracom CPC1000	Obsolete/Updated	JB	5R

11099	AH19V915422MTT	Centracom CTX	Obsolete/Updated	JB	5R
-------	----------------	---------------	------------------	----	----

b. Operations

Asset #	Serial #	Description	Reason for Disposal	Disposed of By	Location at Final Disposal
31812	01MM757	IBM Printer	Broken	JB	5R

c. Circuit Clerk

Asset #	Serial #	Description	Reason for Disposal	Disposed of By	Location at Final Disposal
3146	628PTU78NGXHT	IBM Laptop	Lost/Stolen	DT	Affidavit Attached

4. Safety Officer’s Report

5. Lease Agreement for AOP Building

6. Authorize Planning Director to Sign Development Agreements

7. Authorize County Engineer to Sign Erosion Control/Stormwater Agreements

Supervisor Allen Latimer asked about the interfund loan on the Consent Agenda. County Administrator Michael Garriga said the county put money into the Tourism Building fund to set up the account and pay the invoice. As the money comes back through, it will be refunded to the original budget.

Board Attorney Tony Nowak said that on Item number 2.b, the MOU for the COPS Schools Program. He and Grants Administrator Joyce Herring, have had several conversations about whether it is necessary for the county to draw up agreements with schools for the county to apply for this grant on behalf of the schools. He said it may be necessary to do so and he requested the authority to do that paperwork if the Board chooses to do so.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda items and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draw up any agreements necessary for the COPS School Program Grant.

The motion passed by a unanimous vote.

See Exhibit F

G. OLD BUSINESS

H. PUBLIC HEARINGS

1. Open Container Ordinance

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to open the public Hearing on the Open Container Ordinance. The motion passed by a unanimous vote.

Supervisor Allen Latimer asked for anyone to come forward in favor of the ordinance. No one came forward. Supervisor Latimer asked anyone against the ordinance to come forward. No one came forward.

After a moment, Mr. James Sulcer asked to speak to the Board regarding the Open Container Ordinance. He said that Mississippi is the only state that does not have a law that regulates open containers. He said that Walls has recently passed this law. Mr. Sulcer said it was something to hear that Mississippi is the only state that does not have this ordinance. He said he has been involved in drunk driving organizations such as MADD. He said they have sent him forms twice to send to the Governor of the state. The Board asked Mr. Sulcer if he was for or against the ordinance. Mr. Sulcer said he is for the ordinance.

Supervisor Bill Russell asked for comments from the Sheriff about the proposed ordinance. Sheriff Bill Rasco said he feels like it would be justified for this county. Sheriff Rasco said he does not drink and never has. He said he thinks he would be a positive step for the county. He said people who are driving and not drinking and carry passengers who are drinking, should not be targeted. People who are driving and drinking should be held accountable.

Supervisor Latimer said most of the calls he has received, questioned if you are the designated driver and said the designated driver law should cover these situations. He said, if that is the case, why the county needs an open container law. He said, if the driver is drinking, he should be removed. He asked if the current DUI laws address the problem we are having with open containers.

Sheriff Rasco asked, when people drink on public parking lots, would they be in violation of the open container ordinance. Supervisor Latimer said the people he talked to said they thought we already had laws in place that address these problems. Sheriff Rasco said you must use common sense when enforcing these laws. He said, when there are festivals that serve beer, you could not enforce this ordinance.

Supervisor Latimer asked how this would work when a person hires a limousine driver. Mr. Nowak said they would still be in violation of the ordinance.

Mr. Nowak said that Mississippi is the only state that allows a driver to drink. He explained that a person must test over the legal limit before they are considered to be driving under the influence.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to close the Public Hearing on the Open Container Ordinance. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over. The motion passed by a unanimous vote. **See Exhibit H.1**

2. Heavy Haul Ordinance

Supervisor Bill Russell made the motion and Supervisor Eugene Thach second to open the Public Hearing on the Heavy Haul Ordinance. The motion passed by a vote as follows:

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

Road Manager Russell Dorris said a meeting was held with about fifty people who were interested in the Heavy Haul Ordinance. County Representatives also attended the meeting. They discussed the ordinance as it is currently written. The people at the meeting are forming a committee to work on revising the draft of the ordinance to identify issues, solutions and recommendations.

Supervisor Allen Latimer asked if there were any public comments on the heavy haul ordinance. No one came forward.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to close the Public Hearing on the Heavy Haul Ordinance. The motion passed by a unanimous vote.

Supervisor Jessie Medlin said, if we adopt this ordinance, will we need to get a set of scales for the county. He said it would be helpful to have the scales, but it is not necessary. He said we do not have a way to operate and enforce the ordinance at this time.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to carry over the consideration of a Heavy Haul Ordinance to a later date. The motion passed by a unanimous vote.

I. NEW BUSINESS

1. Olive Branch Slurry Seal Agreement

Board Attorney Tony Nowak said some time ago the Board agreed to enter into an agreement with the City of Olive Branch for slurry seal. The work has been finalized and he asked for the Board’s approval of the agreement.

At the recommendation of the Board Attorney, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the agreement with Olive Branch for slurry seal. The motion passed by a unanimous vote. **See Exhibit I.1**

2. MDOT – Highway 305 ROW

County Engineer Andy Swims said this is where MDOT is widening Highway 305 and requesting right of way at the Tax Collector Building in Olive Branch. They need a 150 foot strip of property that is 3 feet wide. The taking will reduce the number of parking spaces and require the sign be moved. He presented the appraisal for the taking at fair market value at \$54,200. Mr. Swims recommended approving the document contingent on the City of Olive Branch not having any issues with the parking spaces. Supervisor Medlin said the library will gain twenty six parking spaces through work being done on their parking lot. Board Attorney Tony Nowak said there is a condition on the paperwork that waives the Board’s rights to future problems and he would recommend changing that wording.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Board President to sign the right of way agreement with MDOT for right of way at the Tax Collector’s building in Olive Branch contingent on final approval of the County Engineer and contingent on approval of the Board Attorney after any revisions recommended in the transaction paperwork. The motion passed by a vote as follows:

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

See Exhibit I.2

3. DeSoto Arts Council Proclamation

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve a proclamation to encourage everyone to read or re-read The Adventures of Tom Sawyer during the month of October, 2008. The motion passed by a vote as follows:

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

See Exhibit I.3

4. Inventory Dispositions – Preliminary

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the inventory dispositions as presented by the Inventory Clerk Amy Henley as follows:

a. Youth Services

Asset #	Serial #	Description	Loc. At Preliminary
4001	3028031	Bell & Howell Projector	Inv. Clerk
4031	PV320	Panasonic Camcorder	Inv. Clerk
1091	n/a	TDL Monitor	Inv. Clerk
4034	736480996	GE TV	Inv. Clerk

b. Circuit Clerk Office

Asset #	Serial #	Description	Loc. At Preliminary
9066	1067	CES Crimper	Murphy bldg

c. Board of Supervisors

Asset #	Serial #	Description	Loc. At Preliminary
38039	PN204AA6P04K	PalmOne Palm Pilot	Inv. Clerk

d. Emergency Services

Asset #	Serial #	Description	Loc. At Preliminary
33822	62306428	Minolta Digital camera	Inv. Clerk

The motion passed by a vote as follows:

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

See Exhibit I.4

5. Supplemental Claims Docket

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 Eugene Thach seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a unanimous vote. **See Exhibit I.5**

6. Sheriff’s Dept. - Accept a Restricted Donation

At the recommendation of Sheriff Bill Rasco, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept a restricted donation from Trustmark National Bank in the amount of \$500, from Renasant Bank in the amount of \$400, and from Sportsman’s Warehouse in the amount of \$1,500 for DeSoto County School Resource Officers. The motion passed by a unanimous vote. **See Exhibit I.6**

7. Engineering Services Contract

Board Attorney Tony Nowak said they should have before them an agreement with County Consulting Engineer Daniel Murphy. He said this agreement replaces the expired contract by Mr. Murphy and takes the one previous contract into three new contracts. One contract is for state aid, one is for specific contracts and one for on call services. That is where he commits to a fixed rate on each contract. Mr. Nowak said Mr. Murphy’s previous retainer has been dropped with these contracts.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the three contracts with Daniel Murphy and to include that the Road Manager as the county designee on these contracts. The motion passed by a vote as follows:

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

8. Tax Assessor- Delete Parcel from Tax Sale and Approve Refund

Vanessa Lynchard presented a request from Tax Assessor Parker Pickle acknowledging that parcel number 3086 1300.4 00063.00 in the name of Lizzie Wise Estate has gone through the land sale for the last five years. This parcel of land should not have been listed on the tax rolls for these years since it is an erroneous assessment due to the fact that it has been combined with another parcel of land. She said they are requesting the parcel be deleted from the tax sale for 2007 and that a refund of all monies that may have been collected for the five years be refunded.

Supervisor Tommy Lewis remembered that there was a limit on how many years could be refunded. Board Attorney Tony Nowak agreed.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve a request from the Tax Assessor to refund the maximum allowed by law on parcel number 3086 1300.4 00063.00 that was erroneous assessment by the Tax Assessor’s office. The motion passed by a vote as follows:

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

See Exhibit I.8

9. NRCS Projects

Assistant County Engineer Scott Young said we submitted applications for seven different sites with NRCS and all were approved with a total of \$751,200. The county match on this work is \$112,680. Road Manager Russell Dorris said that money will be available in the FY 09 budget and he pointed out the benefit the county receives through the NRCS projects.

Mr. Young said, as of August 1, 2008, the county has 220 days to be complete with these projects. He said that will require fast tracking the right of way acquisition on the projects and NRCS has a policy that any right of ways that are not signed by the landowners will forfeit the projects for the county.

Supervisor Allen Latimer asked if there is any problem with the title work. Mr. Nowak said there is no right of way needed except for temporary construction easements. Mr. Young said, to get the right of ways pushed through, it may require the Supervisors approaching some of the landowners.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the Board President to sign all of the documents associated with the NRCS projects as follows:

- 1.) Nail Rd \$155,400
- 2.) Craft Rd \$180,700
- 3.) Dean Rd \$114,000
- 4.) Watson-DeSoto Rd \$ 49,000

5.) Holly Springs Rd	\$ 79,000
6.) Fir Drive	\$141,000
7.) Evergreen Drive	\$ 31,600
 Total	 \$751,200
 <i>County Cost Share</i>	 <i>\$112,680</i>

The motion passed by a vote as follows:

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

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize the title work, to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm and anyone else necessary to complete the title work on these projects including, but not limited to appraiser and title work. The motion passed by a vote as follows:

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

See Exhibit I.9

10. Weight Limit on Old SR 304

The Board of Supervisors discussed the state bridge inspection on Old State Route 304. They discussed whether the county should re-inspect the weight limit on these bridges after the Road Manager informed the Board that the state had raised the weight limit to 80,000 pounds on Old State Route 304 before the county took the road over but they did not change the signs. Road Manager Russell Dorris said, when we took over maintenance on the roads, the county left the signs at 57,000 pounds that the state already had in place. He said haulers have asked to have the signs changed to reflect the weight limit approved by the state. The Board of Supervisors discussed that we want to re-route any heavy traffic to I-69. Supervisor Bill Russell asked what a typical gravel truck weighs. Mr. Dorris said, with the truck and the load, it would be just below 80,000 pounds.

Supervisor Tommy Lewis said his concern is 80,000 pounds being on the road long term. Supervisor said he does not think we would have a concern if the road was built to withstand 80,000 pound standards. He asked how we would find out if the road can withstand that weight load. Mr. Dorris said we can bore it, but it will be costly. He said the bridges are different. He said the bridges are inspected to see if they are structurally sound and they were determined not to need maintenance.

Supervisor Russell asked the set limit on I-69. Mr. Dorris said it depends on the axle's separation for loads on I-69. Supervisor Russell asked why not use the same standards on Old State Route 304.

Supervisor Allen Latimer said he does not have a problem with 80,000 but he would appreciate comments about the roads ability to withstand those weight loads.

Supervisor Russell said, before we approve posting it at 80,000 pounds, we need to make sure it was built to 80,000 pound standards. If it was not built to those standards, we could allow such hauling with a bond.

Supervisor Allen Latimer made the motion to change the weight limit to 80,000 on Old State Route 304 at the recommendation of the Road Manager Russell Dorris. There was no second on the motion.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to get a cost estimate to determine the standard that the road was built to withstand and to authorize the Road Manager to get the estimate and report back to the Board of Supervisors on this issue. The motion passed by a unanimous vote. **See Exhibit I.10**

11. Belmor Lakes Subdivision – Steve Wilson Proposal

County Engineer Andy Swims introduced Steve Wilson who is an engineer that is certified in erosion and sediment control. Mr. Wilson thanked the Board of Supervisors for the GIS Department and recognized its benefits for DeSoto County. He said that he and Andy Swims looked at Belmor Lakes Subdivision as requested and he is here to present his price for doing the work and make recommendations to make improvements for the flooding issues at Belmor Lakes. He said that includes services to determine possible remedies for the flooding at Belmor Lakes. Mr. Wilson said the drainage that flows from other developments would be taken into consideration as part of this project. He said there will be issues associated with down stream for any development or changes that are made up stream. He presented an estimate of \$12,360 for his work to complete the study.

Supervisor Eugene Thach asked why we would contract this work instead of having our own Engineering Department do the work. Mr. Swims said it would be good to have someone look at the problem independently of the county. He said the Engineering Department can do the work, but it would take some time. Supervisor Thach asked where the money will come from for the study. Mr. Swims said that is what we need to talk about today. Mr. Wilson said his expertise is in water and drainage control and erosion. He said he retired from NRCS where he did that work full time.

Road Manager Russell Dorris said there is money in engineering in his budget but we do not know how much it will take to fix the problems as far as construction at Belmor Lakes. The engineering fees could be covered through his budget. He said a benefit in using Mr. Wilson is that he can figure the stormwater impacts up stream and down stream.

Supervisor Russell said this work would not have to be done if those developments had not been built. Mr. Swims said that is right. He said the developer of the Estates of Southern Trails has done everything the county has asked him to do. Supervisor Russell asked if there is anyway we can get the developers to pay for the cost of this work. Mr. Swims said probably not on Southern Trails because they have done what the county asked them to do on their project. He said Mitchell's Corner may be contributing to some of the problem and they may can be approached for funding.

Supervisor Russell asked the County Engineer if anything has been done at the Estates of Southern Trails regarding detention. Supervisor Russell said he knows the county took in Belmor Lakes a few years ago.

Supervisor Russell asked if the county can work on private property if we determine a fix for the flooding. Board Attorney Tony Nowak said it depends on what caused the problem and the recommended fixes.

Supervisor Tommy Lewis asked if Mr. Wilson thinks this could be an NRCS program. Mr. Wilson said probably not, because there is no water or sewer lines in danger of failing. Therefore, he does not think this would qualify for NRCS or EWP. He said, when he was at NRCS, they stayed away from these types of problems. Mr. Wilson clarified that is his opinion but NRCS would have to look into those areas and make their decision.

Supervisor Lewis asked about the possibility Corp of Engineers helping. Mr. Wilson said he did not think so. He said, if they did, it would be a much longer process than NRCS. Mr. Wilson said there are some improvements that can be made to prevent the flooding.

Supervisor Russell asked if we can require Mitchell's Corner to do some of this work. Mr. Swims said a lot of the problems in this area existed before Mitchell's Corner was built. He said Mitchell's Corner has not installed their detention yet. Supervisor Latimer asked if it would be legal for the county to do any of this work. Mr. Dorris said we would have to

determine if it affected the health, safety and welfare of the public. He said the study would be necessary to find out whether we can fix the problem.

Supervisor Russell asked, since we do not have the manpower to do this work, do we need to find out what is causing the problem

Supervisor Latimer asked if we should find out whether the problem is affecting the health, safety and welfare of the public before we spend money.

The Board Attorney said, based on a previous presentation, the county may have the health, safety and welfare issue defined. In addition, Mr. Nowak reminded the Board that the Sheriff reported that the water in this area is also covering the road.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the study of Belmor Lakes by John S. (Steve) Wilson at a cost of \$12,360 based on the health, safety and welfare issue and also the flooding of College Road. Whether the county can do anything or not, we may be able to prevent Mitchell's Corner from further contributing to the flooding and, having determined that it may be worth the cost of the study, to find out what is causing this problem so the county can avoid future problems with flooding such as Belmor Lakes, that is occurring throughout the county. The motion passed by a vote as follows:

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

Supervisor Russell asked Mr. Swims to help him understand if this is the same problem as the Estates of Centerhill. Mr. Swims said there are a lot of different areas with similar flooding problems. He said he has talked to the residents and told them there are similar problems throughout the county. He said the study may find that the problems may or may not be caused by circumstances under our control.

Supervisor Lewis asked Mr. Wilson what he can do in terms of the Corps having said the county must have a plan before we do anything to the ditch. He asked if Mr. Wilson can estimate how much money we are talking about to get the Corp approval. Mr. Wilson said that would likely only include sending drawings plus a permit application form and he does not think that is a big issue. Mr. Swims agreed.

Supervisor Medlin asked Mr. Swims if why the County Engineering Department is not handling this work. Mr. Swims said he thinks it is a bigger problem than the County Engineering Department can undertake at this time, with the current workload and he recommends Steve Wilson because he has an experienced background that is needed to assess this issue. **See Exhibit I.11**

12. Schedule Budget Meeting

County Administrator Michael Garriga asked the Board to consider scheduling a meeting to go over the county budget. The Board of Supervisors discussed scheduling the meeting and Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Board to meet on August 25, 2008, at 9:00 a.m. to discuss the county budget for 2009. The motion passed by a vote as follows:

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

J. EXECUTIVE SESSION

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

K. OTHER

1. Planning Commission – Permit Fee Waiver Request

Planning Director Jim McDougal said there was storm damage at a home located 1842 West Oak Grove Road in Hernando on July 31, 2008. He said the owners are Verbon and Clare Maness who had a tree fall into their house. The house is now not livable and the Maness’s have requested to live in a fifth wheel on the property while their home is being repaired. Mr. McDougal said the Board usually waives permit fees for these types of situations.

At the recommendation of the Planning Director Jim McDougal, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to allow Verbon and Clare Maness to live in a fifth wheel camper on their property at 1842 West Oak Grove Road in Hernando while their home is being repaired and to waive permit fees for the repairs. The motion passed by a vote as follows:

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

2. Roads – I-269 Alignment

Planning Director Jim McDougal presented a map of MDOT’s alignment of I-269. He said on September 3, 2008, we will have to adopt a map that includes that alignment for land use purposes. He presented a map to the Supervisors and said he will be glad to answer any questions regarding the new alignment.

3. August 4, 2008, Minutes

At the recommendation of the Board Attorney, who notified the Board that approval of the August 4th minutes was necessary for the closing of the bond issue.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the Board minutes for August 4th with corrections as indicated by the Board of Supervisors. The motion passed by a vote as follows:

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

4. Traffic Signal – Highway 305 and Church Road

County Consulting Engineer Daniel Murphy presented a plan for signalization at Highway 305 and Church Road that includes a 450 foot installed auxiliary turn lane. The price for the project is \$131,069.37. He said the traffic signal and turn lane on Craft Road South will be accomplished through this project.

Supervisor Tommy Lewis asked if this will be ready by the time the road is opened. Mr. Murphy said he is not sure.

County Road Manager Russell Dorris said that the City of Olive Branch will pay half of the cost of this work. He said everything is tight in his budget, but they will figure out a way to fund this work.

Mr. Murphy said that Olive Branch has expressed an interest in installing additional guard rails in the area. He said the clear zone currently meets state aid guidelines and they are asking for additional guard rails. He said he thinks the cost of the guard rails will be approximately \$30,000, but he has not received the exact estimate. Road Manager said he thinks they can find the money but it is getting harder to find additional money for unplanned projects.

Supervisor

Allen Latimer asked, if the road meets the guidelines for state aid and the city wants it, why doesn't the city pay for it. Supervisor Eugene Thach said we should approach the city to see if they want the project if the county does not contribute additional funding. Mr. Murphy said he will be glad to talk to the city.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the project for traffic signalization and turn lane at Highway 305 and Church Road at an estimated cost of \$131,069.37 as presented by the County Consulting Engineer Daniel Murphy. The motion passed by a vote as follows:

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

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell second to install the guard rail in the area of Highway 305 and Church Road contingent on the City of Olive Branch paying the entire the cost of the project. The motion passed by a vote as follows:

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

5. Olive Branch High School – Touch the Turf Event

Supervisor Jessie Medlin said the Board was good enough to allow the county to make a donation to Olive Branch High School recently. He said they have invited everyone to see the football field on August 26th at 6:00 p.m.

6. Stateline Road – Drainage Issue

County Engineer Andy Swims said that he and Daniel Murphy and Steve Bigelow went to view an ongoing drainage issue on at a residence on Stateline Road. Mr. Swims said it would be hard to say that the county work is causing that drainage problem. Supervisor Medlin asked if Mr. Swims if he would take another look at the problem and report back to the Board.

7. Coldwater River Project

Supervisor Tommy Lewis said he understands that bids are in on the Coldwater River project and the Corp of Engineers is evaluating them now.

8. Parks – Robertson Donald

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draw up a contract with a ball team to use the Robertson Donald Ball Park. The motion passed by a vote as follows:

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

9. Road Manager Appointed as a Liaison on All Engineering Contracts

Supervisor Allen Latimer said, whenever we have a consulting contract, they should have to get their approvals through the Road Manager. He said this should be done on anything to do with road projects.

Board Attorney said he believes that the contracts with Daniel Murphy indicate that he should go through the Road Manager on those projects.

Supervisor Bill Russell said the Board may not want to have a blanket order for all projects to go through the Road Manager.

Mr. Dorris said, if it is a road project, it must come through the Road Department. He said he does not need to be involved in other areas, but he does need to be involved in all road projects.

Supervisor Latimer said, with Starlanding Road, authority is sometimes disbursed and that causes problems. He said any engineer must present plans and pay estimates to the Road Manager and also get direction from the Road Manager.

Supervisor Tommy Lewis said he thinks Supervisor Latimer and Supervisor Russell are talking about projects that affect the Road Manager’s budget.

Mr. Dorris said it would be a good idea for engineers on road projects to answer to the Road Manager.

Mr. Nowak said there are some things that the Board must approve rather than the Road Manager. He said the Road Manager authority is covered under law now.

Mr. Dorris said some engineers do not understand that the Road Manager has authority by statute. He said, if you have a job, that person needs to go to the Road Manager for direction and instructions on any project on a road in DeSoto County under the jurisdiction of the Road Manager.

Supervisor Thach asked what problem we are having now. Mr. Dorris said, when engineering was changed to go under the Road Department, the minutes only included Scott and Andy and no other engineers.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to make the Road Manager the liaison for engineers and liaison between the Board of Supervisors and the engineers on all county road projects. The motion passed by a vote as follows:

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

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to recess the meeting until August 25, 2008, at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 18th day of August 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors