

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

DISTRICT ONE MARK GARDNER, PRESIDING

August 19, 2013

A. CALL TO ORDER

The August 19, 2013 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Mark Gardner, 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
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

B. INVOCATION

Supervisor Mark Gardner said he appreciated the Public Safety Officers who protect us on the front line daily and asked Deputy Carl Hurt to present the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZENS REMARKS & PRESENTATION

1. Extension Service: 4-H Club Robotics Team Update

Jessica Lindsey, 4-H Youth Agent in DeSoto County, appeared with the 4-H Senior Robotics Team to update the Board of Supervisors on the Team’s recent National Championship. Ms. Lindsey introduced Nathan Rodgers, Renee Anderson and Rebecca Robinson. Ms. Lindsey said team member Audrey Johnson could not appear today because she started her college semester.

Ms. Lindsey said this year the DeSoto County 4-H Senior Robotics Team recently placed first at the 2013 4-H State Congress at Mississippi State University. This Team is eligible to attend the 2013 National 4-H Engineering Conference in West Lafayette, IN.

Nathan Rodgers said he is a member of the Robotineers Club. They worked very hard to win the competition to go to the National Championship. Mr. Rodgers said what he liked about being on the team is that it is a lot of fun, teamwork and they learn and use a lot of technology. He said Robotics teaches skills in a way students can see and touch. It becomes part of a fun game and helps prepare them for the workforce. He said his personal goal is to help more kids get interested in learning through Robotics.

Supervisor Jessie Medlin thanked the young people for appearing before the Board and for their hard work. He asked the dates of the 2013 National 4-H Engineering Conference in West Lafayette, IN. Mr. Rodgers said the dates are September 28th through October 2nd. The cost of the trip is approximately \$2,500 and includes \$65 for hotel rooms and a \$60 registration fee for each

youth plus one chaperone. It also includes a rental vehicle and gas for transportation to and from the competition.

Ms. Lindsey said they are contacting Baker Engineering, Civil Link, Florence and Hutcheson, Waggoner Engineering, Pickering Engineering, Hernando Rotary and others. If they do not respond, they will call them and then make visits as well.

Supervisor Lee Caldwell said they are the future and she is very proud of them. She said she appreciated the work they are doing and they have thrown the gauntlet so to speak.

Supervisor Jessie Medlin asked if they will make the trip if they do not raise all of the money. Mrs. Lindsey said yes. She said they would have to take from other funds but would be able to take the trip.

Director Joy Anderson said this is a new program and there is no line item. Ms. Anderson said they also have opportunities at the NASA Camp for Robotics.

Supervisor Harvey Lee said this young man lives next door to him and he is so proud of him. His parents have taught him well. Supervisor Lee Caldwell said she is proud of the entire Team. Supervisors Lee said Mr. Rodgers may be the first young man on Mars.

In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors did make a determination that the request for the contribution would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County, Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve contributing \$1,000 from Advertising County Resources and to authorize the clerk to write the check.

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.1

Supervisor Mark Gardner asked if there was anyone else present in the audience who wished to address the Board of Supervisors regarding an item not listed on the Agenda.

No one came forward.

E. Approval of Agenda: Additions and Deletions

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

- 1.) Board Attorney requested consideration for adding an update regarding a property acquisition for EMA.
- 2.) Chancery Clerk Sluggo Davis requested adding a tax appeal.
- 3.) Sheriff Bill Rasco requested adding an agreement for a Smart Kiosk at the Jail.
- 4.) Sheriff Bill Rasco requested consideration for two possible executive session items of personnel.
- 5.) Supervisor Jessie Medlin requested adding the resignation of Clinton Nichols from the DeSoto County Convention and Visitors Bureau as the District One appointee due to health concerns; and

to present Mr. Nichols with a Resolution of Appreciation for his service for the past six years.

6.) County Administrator Vanessa Lynchard requested adding the following:

a. CVB Loan Agreement

b. Tax Collector Contract

c. Jail Inspection Report

7.) Chief Financial Officer Tom Arnold requested adding a settlement with Travelers Insurance for a motorcycle wreck.

8.) Road Manager Andy Swims requested adding the following:

a. Finding of Fact at 4291 Starlanding Road

b. Authorization for Board Attorney to prepare easements and other legal agreements with landowners residing in Hallum Estates in relation to the ongoing drainage work.

9.) Accept and Approve Tax Rolls

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve the Agenda with the additions and deletions set forth above.

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.) Board Attorney requested consideration for adding an update regarding a property acquisition for EMA.

This item was later determined to qualify for executive session.

2.) Chancery Clerk Sluggo Davis requested adding a tax appeal.

Board Attorney Tony Nowak said since the previous Board Meeting was in recess to this date, it is appropriate to discuss this item.

Piet Zee of the Tax Assessor's Office said this item has already been addressed and the recommendation was to keep the value in place. Mr. Zee said the county value is still low.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve upholding the assessed value for Westwind Apartments and Townhouse, all parcels; and Pecan Grove Apartments, parcel 1 09 8 27 00 0 00001 09.

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.) Sheriff Bill Rasco requested adding an agreement for a Smart Kiosk at the Jail.

Sheriff Bill Rasco explained that the Smart Kiosk would enable inmates and families to use computers at the Kiosk for email correspondence. Sheriff Rasco said it would eliminate the cost of a jailer having to open the inmate's mail. There is no charge to the county for the system and it would also save the inmate the cost of a stamp. Sheriff Rasco said the Board Attorney has reviewed the agreement.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract with Smart Communications DeSoto, Inc., to provide at no cost to the county, a complete two-way, closed circuit, and secure electronic messaging system for inmates at the "Jail Facility" at 3425 Industrial Drive.

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 E.3

4.) Sheriff Bill Rasco requested consideration for two possible executive session items of personnel.

These items were later determined to qualify for executive session.

5.) Supervisor Jessie Medlin requested adding the resignation of Clinton Nichols from the DeSoto County Convention and Visitors Bureau as the District One appointee due to health concerns; and to present Mr. Nichols with a Resolution of Appreciation for his service for the past six years.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve drafting a Resolution of Appreciation for Mr. Clinton Nichols who is the District One representative for the DeSoto County Convention and Visitors Bureau.

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>

6.) County Administrator Vanessa Lynchard requested adding the following:

a. CVB Loan Agreement

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft a loan agreement with the DeSoto County Convention and Visitors Bureau.

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. Tax Collector Contract

Ms. Lynchard said the Tax Collector wants to start using Franklin Collections for their collections. She said Franklin was recommended by Lee County.

No action was taken on this item.

c. Jail Inspection Report

The Board of Supervisors inspected both DeSoto County Jails on August 19, 2013. The Board does hereby find that, pursuant to Section 19-5-1 of the Mississippi Code Annotated, periodic examinations into the state and condition of the DeSoto County Jail, in regards to its safety, sufficiency and accommodation of the prisoners is required. Pursuant to Section 19-5-1, the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine the jail for said compliance. The DeSoto County Board of Supervisors has a policy of attempting to inspect the DeSoto County Jail on a regular basis and a requirement that the DeSoto County Jail be inspected as often as is mandated by Mississippi statute, State and/or Federal law. By direction of the DeSoto County Board of Supervisors, the following persons were directed, pursuant to Section 19-5-1, to perform the required examination into the state and condition of the jail and to report back to the DeSoto County Board of Supervisors:

- Supervisor Jessie Medlin
- Supervisor Mark Gardner
- Supervisor Bill Russell
- Supervisor Lee Caldwell
- Supervisor Harvey Lee

The DeSoto County Board of Supervisors does hereby find that they have examined the DeSoto County Jails regarding its state and condition in regard to its safety, sufficiency and accommodation of the prisoners, and do find the jail to be in compliance and requiring no further action at this time.

7.) Chief Financial Officer Tom Arnold requested adding a settlement with Travelers Insurance for a motorcycle wreck.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve a settlement with Travelers Insurance in the amount of \$16,871.40 for property damage incurred to a Sheriff's Department motorcycle.

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 E.7

8.) Road Manager Andy Swims requested adding the following:

a. Finding of Fact at 4291 Starlanding Road

At the recommendation of the Road Manager, Supervisor Harvey Lee Caldwell made the motion and Supervisor Lee Caldwell seconded the motion to declare the damages caused by drainage and erosion on the property located at 4291 Starlanding Road, Bridgetown Subdivision, as 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 \$989.56

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 E.8.a

b. Authorization for Board Attorney to prepare easements and other legal agreements with landowners residing in Hallum Estates in relation to the ongoing drainage work.

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 easements and other legal agreements with landowners residing in Hallum Estates in relation to the ongoing drainage work.

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>

9.) Accept and Approve Tax Rolls

Supervisor Mark Gardner asked if anyone was present for a tax appeal. No one was present. Supervisor Gardner asked for a motion to close the Public Hearing and Adopt the Tax Rolls recessed to this day.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to close the Public Hearing for Tax Appeals and to adopt the 2013 Tax Roll with all changes and equalizations approved at the prior meetings.

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>

F. CONSENT AGENDA

The Board of Supervisors considered the following items on the meeting’s Consent Agenda. Supervisor Jessie Medlin asked the Road Manager if the county has been spending that much money for 10 years for tires.

Road Manager Andy Swims said yes. He thinks it is on state contract and it does include tire repair.

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

1. Office of Finance & Accounting

a. Budget Amendments

b. Inventory Control

1) Sheriff’s Department – Declaration of Forfeitures

AGENCY	CASE #		DATE DECLARED	MFGR	YEAR	DESCRIPTION	SERIAL #	VALUE
SID	2013-35653	MICHAEL HAGAN	08/08/13	FORD	2012	F150 PICKUP (GREEN)	1FRFW1EF3CFC89310	30000.00
COUNTY ASSET #43322								
T250-L227-F120-D200								

2) Road Department – Final

ASSET#	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	Y R A C Q	C O S T	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE	DISPOSED OF BY	FINAL DISPOSAL LOCATION
41278	EPSON TM-U295P POS PRINTER	SJ9NF003934	BROKEN-WARRANTY EXPIRED-COST TOO MUCH TO REPAIR	10	3H	CHANCERY LAND REC ROOM	07/15/13	JEFFERY BROWN	EWASTE

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

- a. Board of Education Budget 2013 – 2014 School Year
- b. MOU with CF Industries Nitrogen, LLC (Valleybrook Road Project)

3. Road Department

- a. Monthly Safety Report
- b. Additions to Road Map and Register

Byhalia Creek Farms Subdivision:

<u>Name of Road:</u>	<u>Location:</u>	<u>Length:</u>	<u>Width:</u>
Byhalia Creek Farms Road West	Byhalia Rd – Myers Plantation Rd	3076'	24'
Byhalia Creek Farms Road East	Byhalia Rd – Myers Plantation Rd	3112'	24'
Myers Plantation Road	Myers Rd – End	3630'	24'(90' Cove)
Myers Plantation Cove	Myers Rd – End	820'	24'(90' Cove)
Davenport Road	Byhalia Creek Farms Rd East – End	1470'	24'(90' Cove)
Byhalia Farms Road West	Myers Plantation Rd – End	480'	24'(90' Cove)
Byhalia Farms Road East	Myers Plantation Rd – End	480'	24'(90' Cove)

4. Order Setting Drainage Tax Levy for 2014 – Horn Lake Creek Watershed Drainage District

5. Chancery Clerk Allowance (2) \$1,966.66 \$1,400.00

6. Park Commissioner District 5 Resignation: Danette Williams

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES

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 F

G. OLD BUSINESS

1. Approval of Homeland Security Regional Task force Agreement with Fred Randle

Board Attorney Tony Nowak said this contract has been in place for several years; it is a yearly contract with the right for either party to cancel with a 30 days’ notice. The county pays Mr. Randle up to what the Homeland Security Grant pays. Mr. Nowak advised the Board Mr. Randle is a contractor with the County and not an employee.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Homeland Security Regional Task force Agreement with Fred Randle for services.

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.1

2. Appointments to Ozone Committee

County Administrator Vanessa Lynchard said a representative from MDEQ attended the recent Ozone meeting. Ms. Lynchard said they talked about informing the public about Air Quality. She said they are getting ready for their first meeting and asked the Board of Supervisors to be thinking about anyone they may want on the committee. She said there can be an employee’s committee and then an Ozone Action Committee.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the following for the Ozone Action Committee:

Supervisor Mark Gardner - Nancy Hardin District 2
 Supervisor Bill Russell – Jan Knight District 3
 Supervisor Jessie Medlin – Renee Hardaway District 1
 Supervisor Lee Caldwell – Bonnie Reed District 4

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. Lynchard reminded the Board to fill out the Jail Inspection form to show they inspected the jail on this day.

H. NEW BUSINESS

1. City of Hernando – Hernando Civic Center

Mayor Chip Johnson thanked the Board of Supervisors and the County Administrator for their role with the ozone in DeSoto County.

Mayor Johnson said the DeSoto County Regional Utility Authority (DCRUA) is closing Hernando north and south lagoons. They are scooping and hauling the south lagoon and the north lagoon will become a soccer field. Mayor Johnson said they are seeking support for an access road to the soccer field. He said most of the road is in the county. Mayor Johnson said he would like 50/50 participation for the road. He said the City of Hernando will borrow their share of the funding. He said they can get a grant to help fill the lagoons with green matter but there are no grants for the work on the soccer field.

Supervisor Mark Gardner asked Mayor Davis how soon they needed the funds. Mayor Johnson said as quickly as possible. The estimated total is \$350,000.

Supervisor Gardner addressed the city engineer Joe Frank Lauderdale and asked if he had talked to the County Road Manager. Mr. Lauderdale said they have talked.

Road Manager Andy Swims said the road follows the topography of the land and would be from Robertson Road to the creek and it is heavily wooded. Mr. Swims said they would need to build up some areas by a couple of feet. It will be a very narrow road, not even two lanes. They have 350 kids signed up for soccer.

Supervisor Jessie Medlin said he appreciated the Mayor's good intentions. Supervisor Medlin said he would like to hear from the Board Attorney if the county could perform in-kind work on the project. The Mayor said the money could pass through the city in order for everything to be legal.

Supervisor Harvey Lee said the county could do the overlay because it would be cheaper. The county could move trees and possibly burn them if it doesn't affect the ozone. Mayor Johnson said they could possibly have five soccer fields at the location.

Supervisor Harvey Lee made the motion Lee Caldwell seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work with the cities engineers and the County Road Department to identify cost and to draft an agreement in relation to working on the north lagoon to construct a soccer field, build a road keeping a natural trail setting.

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>

Sheriff Bill Rasco asked if anyone knows how the neighbors on Robertson Way feel about the project. Mayor Johnson said he has received no comments and they have been working on this since 2005.

Supervisor Medlin said in-kind work would be good and use the DeSoto County paving contract.

Supervisor Lee Caldwell said we could piggyback on next year's paving contract; Mr. Swims agreed.

2. Office of Procurement

a. Bids Under Advisement

1) Inmate Food Service

Procurement Clerks Sheila Morris and Karen McNeil presented the bid tabulations for inmate food service. Ms. Morris said they received six bids.

At the recommendation of Sheriff Bill Rasco, Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to reject the bids in relation to bid tabulation number 14-200-001 for inmate food service and continue with in-house food preparation with revised menus which will result in a 27% savings to the county as follows:

VENDOR	PRICE PER MEAL PER INMATE BASED ON POPULATION						PRICE PER MEAL PER INMATE BASED ON POPULATION						NSLP JUVENILE MEALS		
	(Based on 2500 Calorie Menu)						(Based on 2800 Calorie Menu)						Breakfast	Lunch	
	325-349	350-374	375-399	400-424	425-449	450 +	325-349	350-374	375-399	400-424	425-449	450 +			
Trinity Services Group, Inc., Oldsmar, FL	NO BID						Yr 1	\$1.2500	\$1.1680	\$1.0970	\$1.0600	\$0.9800	\$0.9300	\$0.3500	\$0.3500
							Yr 2	\$1.2880	\$1.2030	\$1.1300	\$1.0920	\$1.0090	\$0.9580	\$0.3610	\$0.3610
							Yr 3	\$1.3260	\$1.2390	\$1.1640	\$1.1250	\$1.0400	\$0.9870	\$0.3710	\$0.3710
ABL Management, Inc. Baton Rouge, LA	\$1.1203	\$1.0886	\$1.0606	\$1.0358	\$1.0135	\$0.9934	\$1.1673	\$1.1360	\$1.1084	\$1.0838	\$1.0618	\$1.0420	\$1.5647	\$1.5647	
CBM Managed Services Sioux Falls, SD ALTERNATE 36 MONTH (w/annual CPI adjustments)	NO BID						\$1.1090	\$1.0820	\$1.0550	\$1.0350	\$1.0130	\$0.9960	\$1.4590	\$1.4590	
							\$1.0790	\$1.0520	\$1.0250	\$1.0050	\$0.9830	\$0.9660	\$1.4290	\$1.4290	
Valley Services Flowood, MS ALTERNATE BID (2800 Calories but No fresh fruit and milk once weekly)	NO BID						\$1.4250	\$1.3970	\$1.3730	\$1.3510	\$1.3333	\$1.3160	\$0.9200	\$1.9500	
							\$1.2720	\$1.2440	\$1.2190	\$1.1980	\$1.1790	\$1.1620			
Aramark Correctional Services Philadelphia, PA ALTERNATE 36 MONTH (w/annual CPI adjustments)	\$1.0320	\$1.0070	\$0.9840	\$0.9650	\$0.9500	\$0.9370	\$1.0620	\$1.0370	\$1.0150	\$0.9950	\$0.9800	\$0.9670	\$1.4400	\$1.4400	
Tiger Correctional Services Jonesboro, AR	\$1.2900	\$1.2400	\$1.2100	\$1.1900	\$1.1700	\$1.1300	\$1.3200	\$1.2700	\$1.2400	\$1.2200	\$1.2000	\$1.1600	same	same	
RECOMMENDATION: Sheriff Rasco recommends continuing with inhouse food preparation. Food service compared to the current food preparation would cost the county an additional 15% to 20%. The implementation of a new menu (with the help of a Sysco dietician)															

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 H.2.a.1

2) Hot Mix Asphalt – Reject & Rebid

Procurement Clerk Pat McLeod said they received bids from three vendors and they were higher than expected. She presented the bids as follows:

VENDOR		LEHMAN ROBERTS Memphis, TN	APAC-TN Memphis, TN	STANDARD CONSTRUCTION Germantown, TN	
Piggyback to other jurisdictions		Yes	No	No	
Alternate Bidder		Yes	Yes	Yes	
PATCHING PROJECTS REQUIRING: (An overlay application of asphalt over an area prepared by the county.)					
0-50 Tons		\$ 500.00	\$ 175.00	\$ 225.00	
51-100 Tons		\$ 200.00	\$ 150.00	\$ 160.00	
101-200 Tons		\$ 150.00	\$ 125.00	\$ 125.00	
200 Tons and greater		\$ 125.00	\$ 125.00	\$ 98.00	
MILLING PROJECTS REQUIRING: (Any situation when the county wants asphalt removed from a section of roadway.)					
0-50 Tons		\$ 400.00	\$ 200.00	\$ 200.00	
51-100 Tons		\$ 160.00	\$ 110.00	\$ 110.00	
101-200 Tons		\$ 80.00	\$ 75.00	\$ 80.00	
200 Tons and greater		\$ 40.00	\$ 50.00	\$ 55.00	
Mobilization Charge per job			\$ 2,500.00		
RECOMMENDATION: Andy Swims elects to reject all bids and to re-bid this item at a future date.					
COMPARISON TO FY13 BID					
		FY13 ACTUAL USAGE (12 months)	FY14 PROJECTED BASED ON FY13 USAGE	Percentage Change from FY13	
HOT MIX PAVING	TONS				
0-50 tons	1546	\$ 128,318.00	\$ 270,550.00	111%	
51-100 tons	986	\$ 81,838.00	\$ 147,900.00	81%	
101-200 tons	261	\$ 21,663.00	\$ 32,625.00	51%	
Greater than 200 tons	227	\$ 18,841.00	\$ 28,375.00	51%	
Total		\$ 250,660.00	\$ 479,450.00	91%	

Road Manager Andy Swims said the companies are busier now than they were last year. They usually do not want to take small patching jobs when they can have a bigger job.

Supervisor Jessie Medlin suggested that with oil prices being higher, it could have caused the increase.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to reject all bids due to the percentage increase in cost from last year and rebid for hot mix asphalt.

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 H.2.a.2

b. Request for Sole Source Purchase: Time Clocks for Sheriff's Department

IT Director John Mitchell said the Sheriff wants to start using time clocks for the Sheriff's Department. Mr. Mitchell said Justice Court and the Road Department started using time clock software and clocks about a year or so ago. Mr. Mitchell said the Sheriff's Department wants to start using time clocks now. He said they need five clocks.

Sheriff Bill Rasco said it would benefit their payroll department. Mr. Mitchell confirmed that it would track employee hours in a particular area. Mr. Mitchell said the cost of the clocks is \$3,000 a piece and is slightly discounted because it is a group. Mr. Mitchell said this is the only system that would work with the current system the County already has in place.

In accordance with Section 31-7-13 which outlines the provisions for obtaining a sole source purchase for equipment and in accordance with Section 31-7-115 which states that records must be kept of any sole source purchase and available to the auditor and the purchase matches other time clocks being used in Justice Court and the Road Department and using the same system software; Supervisor Harvey Lee Caldwell made a motion and Supervisor Lee Caldwell seconded the motion to approve the sole source purchase of five time clocks and one System Support Contract Product Addition for various areas of the Sheriff's 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>

See Exhibit H.2.b

3. Office of finance and Accounting

a. Inventory Control

1) Sheriff's Dept.: Preliminary Disposition

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve the preliminary disposition for the Sheriff's Department as follows:

ASSET #	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	Y R A C Q	C O S T	LOCATION AT PRELIMINARY
34053	FORD 2001	2FAFP71W91X177706	DECLARE SURPLUS / AUCTION	04	12K	SO - CENTRAL MAINTENANCE
35144	FORD 2005	2FAHP71WX5X127086	DECLARE SURPLUS / AUCTION	07	13K	SO - CENTRAL MAINTENANCE
38414	FORD 2005	2FSHP71W05X156838	DECLARE SURPLUS / AUCTION	08	13K	SO - CENTRAL MAINTENANCE
38421	FORD 2005	2FAHP71W75X156755	DECLARE SURPLUS / AUCTION	08	12K	SO - CENTRAL MAINTENANCE
38704	FORD 2006	2FHAP71W16X154713	DECLARE SURPLUS / AUCTION	08	14K	SO - CENTRAL MAINTENANCE
38872	FORD 2007	2FAHP71W77X128070	DECLARE SURPLUS / AUCTION	09	14K	SO - CENTRAL MAINTENANCE
39805	FORD 2007	2FAHP71W17X128114	DECLARE SURPLUS / AUCTION	09	13K	SO - CENTRAL MAINTENANCE
39807	FORD 2006	2FAHP71W26X154722	DECLARE SURPLUS / AUCTION	09	12K	SO - CENTRAL MAINTENANCE
40581	FORD 2007	2FAHP71W07X128086	DECLARE SURPLUS / AUCTION	10	13K	SO - CENTRAL MAINTENANCE

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 H.3.a.1

2) Sheriff's Dept.: Accept Restricted Donation

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

approve the DeSoto County Sheriff's Department accepting a restricted donation as follows:

Desoto County Sheriff Department, Fugitive Division has received the following as
a Restricted Donation from the Justice Department, US Marshals Service.

*FORD 2013 F150 PICKUP
Valued at \$25,485.33
Shipped from Dearborn MI*

They are asking the Board to accept the restricted donation as listed above, to aid
and assist the Fugitive Division.

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 H.3.a.1.b

b. 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.

Mr. Arnold explained that the refund on page 57 is for a cash deposit for a homeowner's road in Fox Creek Subdivision. He said that Mike Kennedy of the Road Department submitted this information for the claim.

Mr. Arnold said the claim to Black Box Corporation on page 80 is for the last payment on the new phone system.

Supervisor Jessie Medlin asked about the claim for uniforms on page 4.

County Administrator Vanessa Lynchard said this is for the Tax Assessor's office. The appraisers wear shirts with the county logo so they are easily identified by the public. Ms. Lynchard said they do need the shirts as much as any other employee since they are out in the field daily. Mr. Arnold said they are appraising county properties. Supervisor Medlin suggested wearing a name tag.

Supervisor Medlin asked about the claim on page 44 for medical administrative fees. Mr. Arnold said the first line is for administration fees; lines two and three are the actual medical bills. Supervisor Medlin said it looks like we are paying it twice. Mr. Arnold said we pay the bills and we are reimbursed.

Supervisor Mark Gardner asked about the following claims:

- 1) MDOT claim on page 8. Deputy Planner Tom Haysley said that is a quarterly payment to MPO.
- 2) Page 9 - claim to county employee. Mr. Arnold said it is tuition reimbursement.
- 3) Page 24 - copier fees, \$29. Mr. Arnold explained that under the new contract some copiers are priced lower.
- 4) Page 46 - Ultimate Tire Service. Mr. Arnold said this is for multiple vehicles. Procurement Clerk Pat McLeod said this is also for upper and lower ball joint replacement.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee 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>

4. Contracts Administration

a. IT Dept. – Black Box Network Services

IT Director John Mitchell said the Black Box Network Services Agreement is for one year of phone support and is in the IT budget. Mr. Mitchell said it covers onsite support, advance replacement on devices and phone support.

Supervisor Mark Gardner asked if there is a cost savings on using this system. Mr. Mitchell said the County would see a return of \$35,000 this year. He said there is no maintenance agreement on the phone hardware.

County Administrator Vanessa Lynchard said she has asked Mr. Mitchell for anything that is not billed on the original bid and one is the maintenance agreement.

Supervisor Jessie Medlin asked if the total savings is \$35,000. Mr. Mitchell said yes, for one year alone.

Supervisor Mark Gardner asked if Mr. Mitchell is pleased with the system and Mr. Mitchell replied yes.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve the Black Box Network Services agreement for one year.

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 H.4.a

b. IT Dept. – Data Systems Management

Supervisor Mr. Mitchell presented the Data Management Systems Agreement and said they are adding an additional component to the tax appraiser system. There is a monthly cost which comes out of the IT budget.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the maintenance agreement as detailed in exhibit H.4.b. for one year.

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

See Exhibit H.4.b

5. County Administrator: Employee Survey Results

County Administrator Vanessa Lynchard said the results of the employee survey are in and they are still in the process of being analyzed. Ms. Lynchard said some concerns were related to time clocks and they have already been addressed earlier in the meeting for the Sheriff’s Department.

Ms. Lynchard said one of the questions related to how employees felt about swapping holidays. She said 71 employees preferred Confederate Memorial Day, 163 employees preferred Good Friday and 9 employees preferred taking all state holidays.

Supervisor Harvey Lee said he would like to have the “neither agree nor disagree” removed from the survey. Supervisor Lee said the purpose was to ask the employees opinion and that statement took away many opinions. He said he wanted to know the opinions of the employees.

No action was taken on this item.

6. Department of Road Management: Approval of Engineering Services Agreement with Kimley-Horn and Associates and Board President to Sign

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the Engineering Services Agreement with Kimley-Horn and Associates and Board President to Sign the agreement.

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

See Exhibit H.6

7. Goodman Road Bridge Dedication Request

Supervisor Mark Gardner said Ron Guerieri is the son of Senator George Guerieri. Supervisor Gardner said Senator Guerieri was instrumental in getting the Goodman Road Bridge which crosses over Interstate 55 built and would like to authorize the county to write a letter to MDOT requesting Senator Guerieri be honored and the bridge be named after him.

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to authorize the County Administrator to write a letter to MDOT requesting that Senator Guerieri be honored and the bridge be dedicated and named after him.

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

8. MAS Request for Insurance Program Research Participation

Supervisor Mark Gardner said MAS is looking into property casualty insurance pool through the

state to save money for government owned properties. It could be a way to save money. They have sent documentation for discussions with our insurance carrier and we need authorization.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Board President to sign the documentation from MAS to allow discussions with the county property insurance company.

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 H.8

9. FY 14 Budget Discussions

This item was held over until August 26, 2013 at 8:00 a.m.

10. 11:00 a.m. PUBLIC HEARING: Delta Bluff Scenic Byways Extension Designation

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee Caldwell open the Public Hearing for the Delta Bluff Scenic Byways Extension Designation.

Greenways and Parks Coordinator Larry Jarrett said MDOT approved the initial request for Delta Bluff Scenic Byways Extension Designation and this meeting to hear from the public.

Supervisor Mark Gardner asked there was anyone present in the audience who would like to speak regarding the Delta Bluff Scenic Byways Extension Designation.

No one came forward.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to close the Public Hearing for the Delta Bluff Scenic Byways Extension Designation.

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 H.10

11. Appointments to CVB – District 1

Supervisor Jessie Medlin said that Mr. Clinton Nichols, appointment to the DeSoto County Convention and Visitors Bureau (“CVB”) for District 1 is in bad health and has resigned from the CVB. He said he spoke to Michael Hatcher and Mr. Hatcher would like to fill the position.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to appoint Mr. Michael Hatcher to the position vacated by Clinton Nichols as the appointee to the CVB for District 1.

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>

I. PLANNING COMMISSION AGENDA

DeSoto County Board of Supervisors
Planning Agenda
August 19, 2013
11:00 a.m.

I. PUBLIC HEARINGS

Supervisor Russell made a Motion to open a Public Hearing. Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

- 1. Harold Smith Rezoning (723) – Application is for approval of Rezoning of property from Agricultural-Residential (A-R) to Planned Commercial (C-4), identified as Parcel #2-06-9-32-00-0-00015-02. Subject property is located on the north side of Byhalia Road and east side of Craft Road in Section 32, Township 2, Range 6 and is zoned Agricultural (A-R). (District 5)**

Mr. Tom Haysley stated the applicant has requested this item be continued until the September 3, 2013 meeting of the Board of Supervisors.

Supervisor Gardner asked if there was anyone present to speak for or against this item. There was no one.

Supervisor Lee made a Motion to continue Harold Smith Rezoning (723) until the September 3, 2013 Board of Supervisors meeting. Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Supervisor Medlin made a Motion to close a Public Hearing. Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Supervisor Medlin made a Motion to open a Public Hearing. Supervisor Caldwell seconded the

Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

- 2. *Appeal, Jessica Stephan (1456) – The DeSoto County Board of Supervisors will consider an appeal by Ms. Jessica Stephan to overturn the action of the Board of Adjustment and deny approval of a Conditional Use application by Christine Mueller to allow veterinary clinic on the north side of Bethel Road and west of Hwy 305, Parcel #2-06-5-21-00-0-00024-01 in Section 21, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 5)***

Mr. Haysley presented the appeal request of the approval granted by the Board of Adjustment of Conditional Use (1456) by Dr. Christine Mueller to allow a veterinary clinic on the north side of Bethel Road and west of Hwy 305.

Mr. Scott Stephan and Mrs. Jessica Stephan came forward to represent the appeal.

Mr. Stephan stated he does not feel this use fits in the area as it is a residential only area. He stated he is concerned with the following:

- Noise associated with the clinic
- There is nothing in the approval to keep the applicant from putting outdoor kennels at the site
- Increased traffic
- Decreased property value

Mr. Stephan stated he feels there must be a commercial area that would be a better fit for this type of use.

Supervisor Gardner asked if there was anyone to speak for or against this application.

Mr. Robert Fletcher- 9068 Bethel Road - came forward and stated there is still no clear cut documentation of who owns the property as it is still shown as a 50 acre tract. He stated he is concerned with all 50 acres becoming commercial.

Supervisor Medlin stated in the minutes from the Board of Adjustment meeting it states that the property was left to several family members and that all family members have signed the application.

Supervisor Gardner asked how much of the 50 acre tract is being rezoned to commercial. Mr. Haysley explained that the application is not for rezoning but for a Conditional Use. He went on to state the Conditional use request is only for 2.5 acres that was divided by minor lot subdivision in July of this year. Supervisor Russell asked if this item could be considered "spot zoning". Mr. Nowak advised that it is not spot zoning as this application is for a Conditional Use not a rezoning. Supervisor Gardner asked if more commercial business were to move to this area would that require a rezoning of the property. Mr. Garrod stated the application presented is for a Conditional Use for a vet clinic and any other commercial use that does not fall under a Conditional Use for this zoning area would need a rezoning of property.

Mr. Stephan stated he is concerned that this may not be a rezoning application but that it could lead to commercial growth in the area. He stated he is concerned that they choose to place the clinic on the opposite side of the property from the family homes on the property. He stated he is also concerned with a Conditional Use being granted for such a long time as he is familiar with another property that was permitted for a mobile home conditional use for 4 years, the conditional use expired 15 years ago but the mobile home has not been removed. Mr. Stephan asked that if the approval is upheld that the Board of Supervisors put stipulations of approval in writing.

Mrs. Stephan stated she is concerned with a business being located next to her home.

Supervisor Medlin stated he sees the area of Highway 305 and Bethel Road being commercial one day but not this particular parcel.

Mr. Fletcher stated he lives in Lewisburg Farms and the Covenants of the subdivision prohibit commercial development within the subdivision. He stated he is also concerned with increased traffic in the area. He asked if the Board could at least recommend a stoplight or stop sign be installed at this intersection. Supervisor Medlin stated they have requested a traffic light in the past for this intersection, and that a stop sign would cause major traffic congestion.

Mr. Joel Branson -8705 Thomas Lane - stated he would like clarification about this area being designated as a green space area with no structures to be built in the green space according to the I-269 Corridor. Mr. Haysley stated the I-269 Corridor Study does not address specific land uses.

Mr. Vern Harvey -1830 Acorn Woods Drive- stated he signed a petition against this application that stated all 50 acres were going to be rezoned commercial and that is not the case and he feels the petition he signed was not valid. Mr. Fletcher stated the property on the petition was the same that was represented on the public notice postcard.

Dr. Christine Mueller came forward and presented her project for the vet clinic. She stated there are close neighbors, as well as, friends and family members present at this meeting in support of this project.

Dr. Mueller stated in response to the neighbors' concerns that there will be no outdoor kennels, that all animals will be kenneled indoors in a climate controlled area. She went on to state she has met with a sound specialist to discuss methods of insulating the building to help reduce the amount of sound associated with the kennels. Dr. Mueller stated that existing trees will be left on the property to help buffer the sounds from the clinic. She stated this will be a clinic for small animals only, so there will not be outdoor stalls and such for large animals such as cows and horses that are associated with smells and flies outdoors.

Dr. Mueller stated the building will be aesthetically pleasing and that the landscape plans go above and beyond what is required in the Designs Standards Ordinance for the County.

Dr. Mueller stated this is not an application for a rezoning but for a Conditional Use for vet clinic which is allowed in this zoning if approved by the Board of Adjustment. She stated there is a definite need for a small animal clinic in Olive Branch, that the last clinic of this type was opened in 1998. She stated that due to significant growth in this area, I-269 and the opening of the new hospital all support this type of project. She stated this project will provide jobs for not only the clinic employees but also the local builder and his employees she has hired to build her clinic. She stated she grew up in this area and is invested in this area.

Supervisor Medlin asked for clarification of the proposed hours of operation of the clinic. Dr. Mueller stated she would like the hours of operation to Monday through Friday from 7:00 a.m. until 5:30 p.m. and 7:00 a.m. until 12:00 p.m. on Saturdays. Supervisor Lee stated he has had calls from neighbors about the hours of operation due to school traffic and asked if the applicant would consider opening later. Dr. Mueller stated she would like to keep the opening time as 7:00 a.m. to allow customers to drop of their pets on the way to work and school.

Supervisor Medlin asked the applicant if she will have a freezer for the euthanized animals. Dr. Mueller confirmed she will have a freezer for the euthanized animals. Supervisor Gardner asked why the applicant chose that spot on the parcel to locate the vet clinic. Dr. Mueller stated that is the flattest spot and most accessible spot on the parcel.

Mr. Chip Denman – 3045 Bethel Road – stated he lives next door to Cat and Cow Veterinary Clinic and that some noise can be heard but not much and with the proposed clinic there would be less due to there being no outdoor kennels. He also stated there will be a little more traffic but with the new hospital opening there will already be an increase in traffic in the area.

Supervisor Gardner asked how many people were in the audience that were against the application and four people raised their hands. He then asked how many were there in support of the

application and live near the proposed site, numerous people raised their hands.

Supervisor Lee made a Motion to uphold the decision by the Board of Adjustment to approve Conditional Use (1456), based upon a finding that the use will not substantially increase traffic hazards or congestion, will not substantially increase fire hazards, does not adversely affect the character of the neighborhood or adversely affect the general welfare of the county, will overtax public utilities or community facilities, and is not in conflict with the Comprehensive Plan, and subject to the following conditions:

1. The building shall be designed to be insulated to reduce sound;
2. There shall be no outdoor kennels;
3. The Conditional Use shall be limited to 20 years, until July 22, 2033;
4. There shall be no transfer of the Conditional Use to another person, the Conditional Use will run with the owner not the land;
5. The hours of operation shall be Monday through Friday from 7:00 a.m. until 5:30 p.m. and Saturdays from 7:00 a.m. until 12:00 p.m.; and
6. The building plans shall be subject to Design Standards review.

Supervisor Medlin seconded the Motion.

Supervisor Gardner asked if anyone had any documentation they would like to have included in the minutes. There was none.

Mr. Stephan asked about what type of sign will be allowed. Mr. Haysley stated the Zoning Ordinance addresses the sign requirements.

Mr. Nowak stated the Board may want to include the practice be limited to cats and dogs and a limitation of the size of the building in the Motion.

Supervisor Russell stated there should be a restriction on the height of the sign and that it not be a lighted sign. Mr. Haysley stated according to the Ordinance the sign cannot be any larger than 100 sqf/side or exceed a total of 200 sqf for all signs.

Dr. Mueller stated she explained that sound insulation to be used at the clinic will be 2x6 walls with 6" batting, two layers of sheetrock and flash foam. She stated according to the sound specialist she met with this will bring the sound to that equal to leaves rustling.

Supervisor Lee amended his Motion to uphold the decision by the Board of Adjustment to approve Conditional Use (1456) to include the following conditions:

1. The building shall be designed to be insulated to reduce sound;
2. There shall be no outdoor kennels;
3. The Conditional Use shall be limited to 20 years, until July 22, 2033;
4. There shall be no transfer of the Conditional Use to another person, the Conditional Use will run with the owner not the land;
5. The hours of operation shall be Monday through Friday from 7:00 a.m. until 5:30 p.m. and Saturdays from 7:00 a.m. until 12:00 p.m.;
6. The applicant shall leave as many existing trees on the property as possible;
7. The veterinary practice shall be limited to small animals only;
8. The maximum size of the building shall be 2600 sqf;
9. The landscaping shall be as presented to the Board of Supervisors;
10. The building plans shall be subject to Design Standards review; and
11. All signage shall be consistent with the County's sign ordinance. No sign shall be no larger than 50 sqf. and the total of all signage on the property shall not exceed 100 sqf.. Signs shall be ground mounted and not lighted.

Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Supervisor Caldwell made a Motion to close the Public Hearing. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

II. NEW BUSINESS

1. **Edgar White Minor Lot (6895) – Application is for final subdivision approval of one (1) lot of 1.0 acres, identified as Parcel #2-07-4-19-00-0-00028-00. Subject property is located on the north side of Bankston Road and west of Swinnea Road in Section 19, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)**

Mr. Haysley presented the Edgar White Lot Minor Lot (6895) and stated approval was recommended by the Planning Commission.

Supervisor Lee made a Motion to approve the Edgar White Lot Minor Lot (6895). Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

III. OTHER MATTERS

1. **I-269 International Trade Corridor Update (6:30 PM)**

Mr. Haysley stated a joint meeting of the Planning Commission and the Board of Supervisors has been scheduled for September 3, 2013 at 6:30 p.m.

Mr. Garrod stated he would like to set-up the Board Room a little differently for this meeting to accommodate both the Board of Supervisors and the Planning Commission. Supervisor Russell stated the Board Room may not be large enough to accommodate such a large group.

There was discussion of holding the meeting at the Courthouse or the Landers Center. Supervisor Gardner stated the Board will leave it up to the Planning Staff to work out the logistics of securing a site that will accommodate this public meeting.

J. EXECUTIVE SESSION

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

Supervisor Harvey Lee made the motion to recess the Board meeting until August 26, 2013 at 8:00 a.m. 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>

THIS the 19th day of August, 2013, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Mark Gardner, President
DeSoto County Board of Supervisors