

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**ALLEN LATIMER, PRESIDENT 2008 PRESIDING**

**December 3, 2008**

**A. CALL TO ORDER**

The December 3, 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**

Deputy Carl Hurt presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. PLANNING COMMISSION AGENDA**

**DeSoto County Board of Supervisors  
 Planning Agenda  
 December 3, 2008**

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, presented the Stormwater Report, Code Enforcement Report and Building Permits Report.

**PUBLIC HEARING**

**7960 Getwell Road** - The DeSoto County Board of Supervisors will consider a request to have the weeds/grass cut and assess the cost to the land owner’s Property Tax. The property owned by Celia Mae Bonner is located at 7960 Getwell Road, parcel number 1078-27 00-0-00011.00, on the east side of Getwell Road and south of Shady Oaks Drive, in Section 27, Township 1, and Range 7 (District 2).

Supervisor Medlin made a Motion to open the public hearing and make the hearing notice part of the minutes. Supervisor Thach seconded the Motion.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

- FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
- SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
- THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
- FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
- FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Mr. Steve Powell, Code Enforcement Officer, reported to the Board that Celia Mae Bonner has failed to properly maintain her property located at 7960 Getwell Road, Southaven, MS 38671, which has a parcel number of 1078-2700-0-00011.00 by failing to cut the grass and it is so extremely overgrown that it is a public health issue. Mr. Powell stated that he had spoken with Board Attorney Jody Neyman who informed him that under Mississippi Code Section 19-5-105, if a property is in such a state of uncleanness in its present condition that it constitutes a menace to the public health and safety to the citizens of DeSoto County, Mississippi, the Board can order the property to be cleaned up and assess the cost on the property taxes at the Board's next meeting. Mr. Powell noted that the landowner was noticed pursuant to the statute. Supervisor Lewis asked about the owner of the property. Mr. Powell stated the owner of the property is in a nursing home and the family of the owner doesn't want to take responsibility for maintaining the property.

Mr. Powell stated he received two bids for the cleaning up of this property and that he recommends the lower bid. Supervisor Medlin asked if both companies looked at the lot because there seems to be a large difference in the two quotes one quote states to bush hog the property and the other quote includes debris removal. Mr. Powell stated he only requested quotes for bush hogging the property.

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

Supervisor Medlin asked how big the property is. Mr. Powell answered 1.7 acres.

Supervisor Russell asked if the taxes were current. Mr. Powell responded that yes, they are current

After discussion about the state of uncleanness of the property a motion was made by Supervisor Thach, seconded by Supervisor Russell to declare the property to be a public health menace to the citizens of DeSoto County and that the property be brought into compliance by getting the grass cut and authorized Mr. Powell to accept the lowest bid of \$110.00 as presented by Mr. Don Bennett to bush hog the property located at 7960 Getwell Road. The vote passed by a unanimous vote. Mr. Nowak stated an Order would be entered at the Dec 15, 2008 meeting memorializing the particulars of this order and also an order would need to be prepared and entered to order the tax collector to assess the property.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES  
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES  
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES  
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES  
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Supervisor Russell made a Motion to close the public hearing. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES  
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES  
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES  
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES  
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

**Scenic Hollow Subdivision** - The DeSoto County Board of Supervisors will consider properties located at the following parcel numbers: 1097-3500-0-00001.00; 1097-3500-0-00002.00; 1097-3500-0-00003.00; 1097-3500-0-00003.0; 1097-3500-0-00003.01; and 1097-3500-0-00004.00 to determine if said properties are in violation of the DeSoto County Litter Ordinance, DeSoto County Stormwater Ordinance and if the alleged violations constitute a menace to the public health and safety of the citizens of DeSoto County, MS. The properties are owned by Scenic Hollow Investments, LLC and are located in Section 35, Township 1 and Range 9, south of Goodman Road and west of Poplar Corner Road (District 3).

Supervisor Lewis made a Motion to open the public hearing and make the hearing notice part of the minutes. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES  
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES  
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES  
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES  
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Mr. Steve Powell, Code Enforcement Officer, reported to the Board that Scenic Hollow Estates has failed to bring its property located 6929 Poplar Corner, Walls, MS, which has a parcel number of 1097-3500-0-00001.00 into compliance with the County's Stormwater Ordinance. Mr. Powell stated that he had spoken with Board Attorney Jody Neyman who informed him that the Bankruptcy Court has given DeSoto County permission to enforce the provisions of the County's stormwater ordinance through its administrative remedies. Mr. Powell stated that Mr. Neyman informed him that the

administrative remedies fall under Mississippi Code Section 19-5-105, which is a statute that allows the Board to order cleanup and assess the costs of clean up on the property taxes. Mr. Powell stated that he spoke with County Stormwater Enforcement Officer Ray Laughter and all that is required for compliance would be to get the grass cut.

Supervisor Latimer asked if anyone was present to speak for or against this item. No one was present.

On motion of Supervisor Russell, seconded by Gene Thach a Motion was made to declare the property to be a menace to the citizens of DeSoto County and that the property be brought into compliance by getting the grass cut and authorized Mr. Powell to get the grass cut to the lowest bidder, accepting the \$750.00 bid presented by Mr. Don Bennett to bush hog the property located at the following parcel numbers: 1097-3500-0-00001.00; 1097-3500-0-00002.00; 1097-3500-0-00003.00; 1097-3500-0-00003.01; and 1097-3500-0-00004.00. The vote passed by a unanimous vote. Mr. Nowak stated an Order would be entered at the Dec 15, 2008 meeting to memorialize the particulars of this order and also an order would need to be prepared assessing the property.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES  
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES  
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES  
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES  
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Supervisor Lewis asked if the area to be cleaned was 45 acres, as stated on one of the bid quotes received. Mr. Powell replied no, the property in question is only about 15 to 20 acres. Supervisor Lewis asked how many acres total there are in the subdivision. Mr. Powell stated there are approximately 200 acres. Supervisor Lewis asked how 200 acres in this subdivision is different than 200 acres of farm land, as far as having to keep it cleared. Mr. Powell stated that if the land is ever cleared for development it then has to be kept cleared per the County's Ordinance. Supervisor Russell asked if after the ownership of this property is established, could the new owner come back before the Board and request to rezone the property as Agricultural to avoid having to keep it cleared. Mr. Jim McDougal, Planning Director, stated they could have it rezoned, but because the land has already been cleared the new owners will have to keep it clear as well.

Supervisor Russell made a Motion to close the public hearing. Supervisor Lewis seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES  
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES  
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES  
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES  
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

MINOR LOT

District 5

**Michael Smith Minor Lot (6746)** - Application is for final subdivision approval of one (1) lot of 3.58 acres, one (1) lots of 1.97 acres and one (1) lots of 13.59 acres out of 19 acres. Subject property is located on the west side of Robertson Road and north of Pine Tree Loop in Section 2, Township 3, Range 8 and is zoned Agricultural (A). (District 5)  
**\*\*\*MUST BE PLATTED AND RECORDED\*\*\***

Mr. McDougal presented the application above and stated the Board would need to allow an exception for the length of the proposed 870-foot easement in order for the application to be in accordance with the County's Zoning and Subdivision Ordinances, which limits the length of access easements to a maximum of 600 feet.

Supervisor Lewis asked if the triangle shaped piece of the property identified on the preliminary plat, the area between the proposed easement and one of the new lots, was large enough to develop in the future. Mr. McDougal stated that it is part of the 13.59 acre tract that is remaining after subdividing the parcel and is not proposed as a new, separate lot at this time, but could be considered for subdivision under separate application in the future.

Supervisor Lewis made a Motion to approve the minor lot application conditioned upon the applicant's compliance with staff recommendations, securing necessary Health Department approval and that the plat and easement must be recorded with the Chancery Clerk's Office. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES  
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES  
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES  
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES  
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

**E. CONSENT**

The Board of Supervisors considered the items presented on the Consent Agenda. Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda and the reports and actions set forth therein as follows:

- 1. Make Part of Minutes – Municipal Inmate Jail Contracts**
  - a. Agreement for the Use of the DeSoto County Jail – City of Horn Lake**
  - b. Agreement for the Use of the DeSoto County Jail – City of Walls**
  - c. Agreement for the Use of the DeSoto County Jail – City of Olive Branch**
  - d. Agreement for the Use of the DeSoto County Jail – City of Southaven**
  - e. Agreement for the Use of the DeSoto County Jail – City of Hernando**
  
- 2. Purchasing- Approval to Bid and Open Bids**
  - a. Dept. of Road Management – Uniforms, Maps, Mats**
  - b. Publication of Board Proceedings**
  - c. Sirens**

The motion passed by a vote as follows:

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

**See Exhibit E**

**F. OLD BUSINESS**

**1. Approval of November Planning Commission Minutes**

County Administrator Michael Garriga said we did not receive Planning Commission minutes to be included in the November Board of Supervisor minutes in time for approval on Monday. Mr. Garriga said he identified a few changes that needed to be made and he has given those to Jim McDougal.

Supervisor Jessie Medlin said he thought there was an issue on Spring Valley that was discussed last month.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve changes on number three of the last page of the document to show that house sizes were allowed to be a minimum of twenty three hundred square feet.

Supervisor Tommy Lewis said there were a couple of changes on pages one and three that needed to be made as well.

Supervisor Tommy Lewis asked Mr. McDougal to look at the house size on the last page of the minutes.

After discussing the changes and issues, Supervisor Eugene Thach withdrew the motion and Supervisor Bill Russell withdrew the second on the motion.

Mr. Nowak said changes should be clarified to make sure the minutes reflect what was voted on by the Board.

Supervisor Tommy Lewis made the motion to approve the Planning Commission minutes for November except for number four which will be clarified and brought back to the Board. Supervisor Bill Russell seconded the motion. The motion passed by a vote as follows:

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

**2. Bel Mor Lakes – Preliminary Drainage Study**

County Engineer Andy Swims said he has a final report on Bel Mor Lakes Subdivision. He said that Steve Wilson is here to present the report. Mr. Swims reminded the Board that Mr. Wilson was hired to address drainage issues between Mitchell’s Corner and Bel Mor Lakes Subdivisions. Mr. Swims said, since the Board gave Mr. Wilson authorization to do this work, he has done a survey. Mr. Swims introduced residents of Bel Mor Lakes who are most affected by the drainage who were present at the meeting. He said that Mr. Wilson has done a survey and an analysis of the situation and he is here to tell the Board of his discoveries and recommendations on the drainage issues.

Steve Wilson, Certified Professional in Sediment and Erosion Control Engineer, thanked the Board for authorizing him to do the study. He said they did a survey and he also met with the residents. He said they looked at the entire area including the Estates of Southern Trails, Bel Mor Lakes and Mitchell’s Corner which is still in progress. He said the measures that the Board asked for in the Estates of Southern Trails worked fine. Mr. Wilson said it does have a low bank that needs to be addressed to prevent silt from going onto other property. The culverts in Bel Mor Lakes and Mitchell’s Corner are properly sized. In the previous month, DEQ did a compliance study on Mitchell’s Corner and they identified a number of non-compliant items. Since that report, most of the items, if not all of those items, have been addressed.

Supervisor Jessie Medlin asked if the detention ponds in the Estates of Southern Trails, are dry ponds. Mr. Swims said that is correct. Mr. Wilson said, a substantial part of the water flowing under College Road, comes from Mitchell’s Corner. About 40% of that water comes from east of Highway 305. Mr. Swims said there is potential for commercial development in that area. As development continues in Mitchell’s Corner, flows will increase which will also increase potential for erosion. If they do not clear the trees, it will help slow down the water flow. Mr. Wilson said they looked at every culvert that contributes to the flow. He used the 25 year storm to base the report.

Mr. Swims presented conclusions and recommendations to the Board of Supervisors as follows:

**CONCLUSIONS AND RECOMMENDATIONS**

1. **The existing common ditch near the Plitt and Windham property lines is blocked by sediment. Temporary excavation to remove this blockage is recommended as soon as possible. Stringent erosion control and BMP’s are needed to minimize erosion that contributes to the sedimentation. Although the ditch has been cleaned out several times, continued maintenance is needed to preserve a minimal ditch.**
2. **A permanent ditch of adequate size is needed. Adequate protection or armoring of the gravel portion of the ditch is imperative. An 8’ bottom width with 3:1 side slopes with a uniform grade as shown on the attachments is recommended. Options include a rock riprap lined ditch or earthen ditch lined with a permanent erosion control blanket such as Pyramat or Propex. Costs estimates for these options are shown in the Attachments.**
3. **An additional culvert is needed under College Road. The existing single culvert is not adequate to convey the runoff for the commonly used criteria (25 year storm). The addition of another culvert will immediately increase flow rates for the area downstream of the culvert. However, out of bank flows occur with the 25 year event, so flow heights are not significantly different. A culvert of the same size as the existing culvert (arch CMP 54” x 92”) is recommended.**
4. **The ditch downstream (north) of College Road should be closely monitored. Consideration should be given to installing protective measures now, to maintain the current ditch condition. Structures to control the channel bottom grade will likely be needed at some time, especially at the lower end. Rock riprap check dams would assist in preserving the existing ditch bottom condition.**
5. **For future development east of Highway 305, a more stringent retention basin than normal should be considered. This will contribute to reduce the flows and reducing flooding.**

6. A zero tolerance of non-compliant Stormwater Pollution Prevention Plans should be adopted in this area. This is applicable in this area where flooding of yards and homes is problematic.
7. The rainfall event that occurred on October 7, 2008 flooded the Plitt, Windham, and Swatek properties. Water reached the elevation of the bottom of the brick on the Plitt house. This was 1.8 feet lower than the house slab elevation. Heavier rainfalls may endanger the house.
8. Additional flow area is needed between the Plitt and Windham houses. Fences should be moved to allow the water to flow less impeded to the ditch. Note that without an adequately maintained ditch to provide an adequate outlet for this drain, this recommendation is not practical.
9. Grading of the Plitt's back yard is recommended. The northern part of their back yard does not drain adequately due to the top bank of the ditch being higher than the middle part of the yard. This is likely due to sedimentation as there is evidence of this having occurred.
10. The retention pond in Southern Trails is adequately sized to retain the post development runoff increase. The bare slope of the retention pond should have vegetation established as soon as possible.

Mr. Wilson said that eroded banks upstream also need to be addressed or it will be back in the same shape. He said an additional culvert is needed under College Road to help reduce flooding on these properties. Also, a ditch is needed to adequately convey the water.

Supervisor Bill Russell asked Mr. Wilson if he could tell the Board what caused the problem. Mr. Wilson said, as far as he can tell, all of the developers followed the County ordinances and practices. He said, when Southern Trails was developed, sediment occurred in the ditch and caused some of the problems. Mr. Wilson said he is not sure how to prevent that from happening again. Those issues may be addressed in your stormwater ordinances.

Mr. Swims said it is hard to assess the cause. All of the developers did what the County required them to do. He said Tommy White developed Bel Mor Lakes, and it was accepted by the County. He created the ditch that is there now, but it was not a good ditch.

Supervisor Bill Russell said he heard Steve Wilson say the ditch was adequate at the time it was built. He said it is against the law for the County to do work on private property. The County Engineer approved the plans. He asked if that is enough to allow the County to do this work. He asked if any of this can be the County's responsibility. Can the County sue the landowners to make them do the work recommended to be done? Or is it the homeowner's responsibility?

Board Attorney Tony Nowak said that the County approving a plan does not create any obligation or liability on the County. The County can get involved to protect the road or, if it is a health, safety and welfare issue. The County cannot bring any lawsuit on behalf of the landowners that are being flooded.

Supervisor Russell said he has not heard anything about this problem endangering the County road. Mr. Wilson said the developer and engineers did a pretty good job when installing their drainage, but they do a terrible job of maintaining the drainage. He said the stormwater portion allows us to fine developers. It is his understanding, that you can fine them or you can do more than fine them. He said the biggest thing that would have prevented this would be a high tolerance of stormwater measures. Remember, it was not until 2006 that the County put in force stormwater issues. That entire aspect of the situation is new.

Supervisor Jessie Medlin referred to pictures that were presented to the Board for review. Supervisor Medlin asked if the picture where there is running water is at Bel Mor Lakes. He said, by looking at the picture, anybody knows that ditch is going to erode. Mr. Swims said they have relocated that particular ditch. The majority of the ditch was on the Mitchell's Corner property.

Supervisor Allen Latimer asked if the Board has the authority to do anything to remedy this situation. Mr. Nowak said it depends on the details. If it is a health, safety and welfare issue, it depends on the circumstances. Mr. Wilson said there will always be some flooding on the property. But the recommendation will be a practical solution. He said another option would be to use permeable turf matting. He said an additional culvert and a ditch using turf matting would be the best solution and that is what he recommends.

Supervisor Russell asked if the measures will protect the road or the private property. Mr. Swims said the water will not go over the road with the protective measures that are recommended.

Mr. Wilson said, with the 25 year study, it will not go over the road. He said the storm on October 7, 2008, was in excess of the 25 year flood. That was somewhere between a 25 and 50 year storm according to the National Weather Service. He said he looked at the records of the National Weather Service and there has not been a ten year flood in DeSoto County in 20 years. He said these flash flood events are not recorded by the National Weather Service and that is what has been causing the problem.

Road Manager Russell Dorris said, if we enlarge that culvert or put an additional culvert in that area, we will probably satisfy our health, safety and welfare legal obligation and that might help some of the street flooding. He said he does not know if the County can legally do all of Mr. Wilson's recommendations.

Supervisor Russell said it appears the resident's houses are upstream of the culvert. What will this do to the residents downstream? Mr. Wilson said it will give them more water downstream. He said there are large lots downstream. Mr. Swims said larger storms did not have much effect downstream according to their calculations. He said the culvert being added would not add a significant amount of water downstream. Mr. Swims said, by stopping the water from coming over the road, it will decrease the water on the property in question.

Supervisor Russell said, first, he would like to authorize the Road Department to resize that culvert. Second, he would like to do more within the legal limit to hold the developers responsible for the other measures. He asked if the County can force the developers to do those measures or will the homeowners have to do that. Supervisor Eugene Thach said that Andy Swims does not know that. Mr. Swims said that Tommy White Development is no longer in business.

Scott Young said the homes have not flooded. He said it will be about two feet before they flood in the same storm events. Mr. Wilson said his records show the 100 year flood would not get into the house. He said there is something the landowners can do. Mr. Wilson referred to the previous recommendations as follows:

- 11. The rainfall event that occurred on October 7, 2008 flooded the Plitt, Windham, and Swatek properties. Water reached the elevation of the bottom of the brick on the Plitt house. This was 1.8 feet lower than the house slab elevation. Heavier rainfalls may endanger the house.**
- 12. Additional flow area is needed between the Plitt and Windham houses. Fences should be moved to allow the water to flow less impeded to the ditch. Note that without an adequately maintained ditch to provide an adequate outlet for this drain, this recommendation is not practical.**
- 13. Grading of the Plitt's back yard is recommended. The northern part of their back yard does not drain adequately due to the top bank of the ditch being higher than the middle part of the yard. This is likely due to sedimentation as there is evidence of this having occurred.**

Mr. Wilson said grading needs to be done in the backyards. He said a substantial amount of water comes from the fences that are there. He said adjusting the fences would help the situation.

Supervisor Tommy Lewis asked if Mr. Wilson knew what the stream bed elevation was before the silt came out of the subdivision. Mr. Wilson said the ditch upstream is four feet deep so he would guess the road bed was three to four feet deep. Mr. Plitt said they had no problems until they had been in their home for about two years. The problems occurred when the Estates of Southern Trails was put in. Mr. Wilson pointed out that the first two years of occupancy were drought years.

Mr. Swims said if the Board does the ditch according to Mr. Wilson's recommendation, it will add a continual fall. As he recommends, the continual fall would have a big impact behind their houses. He suggested lining the ditch with rip rap or permanent erosion matting.

Supervisor Russell asked who should do that work. Mr. Swims said he wished that Tommy White had originally built the ditch correctly. He said Southern Trails has done some work out there.

County Administrator Michael Garriga said it appears the developers are pretty much out because they are bankrupt. Mr. Swims said it would be difficult to go after them. This is a blue line stream so we have to get approval from the Corps of Engineers. Mr. Wilson said they have ruled this is under the nationwide permit.

Supervisor Eugene Thach said, this should teach our Board and the Engineering Department, we should make sure these developers do what they are responsible for doing to keep all of the taxpayers from paying for this.

Mr. Nowak said he does not see that you can say that any one person is at fault. He said, concerning what we can do from here, we can make the developer comply but they are usually gone by the time these problems occur. He said, in terms of whether the County can get involved, if the Board makes a finding of fact that the water is hurting the road, the County can do the work. He said if there is a health, safety and welfare issue, the Board can determine it needs to be addressed. Mr. Nowak said that is a question of fact.

Supervisor Tommy Lewis said one thing that sets this year apart is it has been determined the stream bed elevation is higher than the fence.

Mr. Wilson said Mitchell's Corner is still under development so why can't they fix the ditch since it is on that property anyway.

Bel Mor Lakes resident, Jason Swatek, said they moved into the subdivision in March, 2008. He said, since that time, their property has eroded at least five feet. The ditch is not any wider than it was before. Mitchell's Corner is gaining property because of the silt and the Swatek's are losing property. He said a lift station was installed on Mitchell's Corner so why is there no easement. Since he has lived there, water has run over the road twice. He asked if there should be an easement, or is there an easement on Mitchell's Corner side.

Mr. Swims said, when you have a drainage easement, and he is not sure there is one there, someone like a homeowners association may have the easement.

Supervisor Russell said, when you say other counties take care of such areas, they may be doing that through their drainage district. He said, on Horn Lake Creek, the commission was established and they have taxing authority to take care of such issues. He said the only way the County can do anything, as our attorney explained, is if it is affecting the roads or the health, safety and welfare of the people. It is a different system for working the canals.

Supervisor Latimer asked who is in danger with this situation. Mr. Dorris said he thinks that being a public road, would allow the County to replace that culvert. He said he knows that water has come over the road two times recently.

Supervisor Medlin said that will not solve the problems because the water cannot get to the culvert.

Supervisor Lewis asked if the Board is willing to carry this issue over for thirty days to see if there is an opportunity to work with Mitchell's Corner. He said he thinks there are some health, safety and welfare issues here.

Supervisor Russell said he thinks we should replace the culvert and then work with the developer.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to allow the Road Manager to start the process of contacting the developer and to authorize replacing the culvert as recommended in the study by Steve Wilson in Bel Mor Lakes/Mitchell's Corner/Estates of Southern Trails. The motion passed by a vote as follows:

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

Mr. Wilson said it will take longer to load and unload the track hoe than it will take to clean up the ditch as recommended.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Clerk to write the final check in the amount of \$3,315 to Steve Wilson for the drainage study as presented. The motion passed by a vote as follows:

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

**See Exhibit F.2**

### **3. Firearms Ordinance**

Board Attorney Tony Nowak said, at the last meeting, the Board set a Public Hearing in January for the firearms ordinance. There was a prior ordinance prepared by Bill Austin and submitted to the Board which did not pass on the issue.

Supervisor Jessie Medlin asked if it would be better for the Board to take that ordinance and work on it to decide what needs to be changed. He said his concern is people shooting in neighborhoods.

Sheriff Bill Rasco said there are complaints about shooting in neighborhoods. Supervisor Bill Russell said he has also received calls about that too. His calls have been from people in residential areas who adjoin agricultural neighborhoods. He said we need to know what Mississippi law is and what the Game Wardens recommend in this regard.

Supervisor Eugene Thach said the Sheriff should also bring recommendations to the Board.

Sheriff Rasco said he knows there is not a lot we can do with agricultural land, but this is about residential areas. He suggested addressing the issue for firearms in residential areas in the entire County.

Mr. Nowak said he thinks the Board is discussing shooting in residential areas and the agricultural area within a close distance to residential areas.

Vanessa Lynchard suggested getting public input on the issues that people are facing before anything is drafted and then call a Public Hearing later. Supervisor Bill Russell asked who will get the information to the Board. Mr. Nowak said he can give the Board information on state laws and regulations currently in place.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board Attorney Tony Nowak to get information about existing laws for shooting firearms. The motion passed by a vote as follows:

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

Supervisor Medlin said his main concern is safety.

**4. Veteran’s Officer**

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until December 15<sup>th</sup>. The motion passed by a vote as follows:

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

**G. NEW BUSINESS**

**1. Insurance – Renewal of Worker’s Compensation Policy**

Rick Stallings of Harris, Madden and Powell, Inc., appeared before the Board of Supervisors regarding Worker’s Compensation for DeSoto County.

County Administrator Michael Garriga said that Mr. Stallings wanted to present a proposal to the Board regarding our experience with worker’s compensation the last few years. He said there has been a decrease in worker’s comp this year. Mississippi Public Entity has done a good job with handling worker’s comp issues in the County.

Mr. Stallings said Harris, Madden and Powell will shop out the County’s rates to different companies. He said they take those quotes and work them to get the best rates. Mississippi Public Entities decreased their rates. He said, between this year and last year, there is about a \$53,000 difference or an 8% decrease. Mr. Stallings said, if you compare payroll to payroll, so you are comparing apples to apples, you would see a 12% savings. Mr. Stallings said their experience mod stayed the same. MPE also declared a dividend this year for the first time in six years. They gave the County a \$14,589 dividend in renewal credit. MPE has had some good years and they do a good job controlling claims. Mr. Stallings presented a list of companies they shopped for as follows:

- |                                      |          |
|--------------------------------------|----------|
| 1.) CNA                              | Declined |
| 2.) Alliance General Insurance       | Declined |
| 3.) American Federated               | Declined |
| 4.) Harford Insurance                | Declined |
| 5.) Travelers Insurance              | Quoted   |
| 6.) Risk Reducers (rep. 4 Companies) | Quoted   |
| 7.) AIG Insurance                    | Quoted   |
| 8.) MS Public Entity Services        | Quoted   |
| 9.) AIA Insurance                    | Quoted   |
| 10.) Assigned Risk of MS             | Quoted   |

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the insurance for worker’s compensation renewal with Mississippi Public Entities using Rick Stallings as the local agent beginning January 1, 2009, at a total estimated premium of \$618,236. The motion passed by a vote as follows:

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

**See Exhibit G.1**

**2. County Government Week – May 3-9, 2009**

Vanessa Lynchard notified the Board of Supervisors that NACo had determined the week of May 3<sup>rd</sup> through 9<sup>th</sup>, to be County Government Week. The Board discussed the low attendance for County Government Week last year. Vanessa said the newspapers ran advertising about the events and the buildings were opened to the public but there seemed to be very little interest, especially for the evening events.

Supervisor Bill Russell suggested inviting students from schools. Vanessa said mock meetings have been held and we are happy to do them. She said there was really no participation from the youth at the summer Mock Board Meeting last year.

Supervisor Tommy Lewis said maybe we should not do as much unless we receive requests from the public to do so.

Vanessa said it could mean the people have a comfort level with the government and did not feel the need to come forward.

The Board agreed to bring this matter up at a later date.

### **3. Advertising County Resources – Exchange Club/Palmer Home Christmas Float**

Road Manager Russell Dorris said they have a request from the Hernando Exchange Club to allow the Exchange Club to use a County trailer and truck in the Hernando Christmas Parade for the Palmer Home Children to be the Grand Marshal of the Christmas Parade. Mr. Dorris asked that the Board consider allowing the Exchange Club to use a trailer and truck which will be driven by a County employee.

Board Attorney Tony Nowak said this would advance the cultural and moral possibilities of DeSoto County so it would qualify under the statute for Advertising County Resources.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Exchange Club to use a County vehicle and trailer in the Hernando Christmas Parade for the benefit of the Palmer Home children. The motion passed by a vote as follows:

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

## **H. EXECUTIVE SESSION**

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

## **I. OTHER ISSUES**

### **1. Red Banks and Craft Roads**

Road Manager Russell Dorris said the County's portion will be \$3.5 million to build five lane bridges instead of three lane bridges on I-269, and that is in today's money. MDOT will not construct an off ramp for anything but a two lane road regardless of the bridge. Mr. Dorris said it will cost more money if we do not build it now. Mr. Dorris said, if we can build it to five lanes now, it will be cheaper in the long run. He said he would like to do a study with Fisher and Arnold to see the feasibility of doing so. He said, if the Board does not build Tchulahoma, we have been asked to allow a conveyor belt system on the road.

Supervisor Tommy Lewis said, if he understands correctly, the traffic count on Craft and Red Banks will be adequate to justify a five lane road by 2011. He asked why the state would not build the road to five lanes, based on the traffic count. Mr. Dorris said, if we had a road in place, they would build the bridge to five lanes and pay for it. He said, if the Board allows us to look at the five lanes, it could be there when the road is built. He said if we can come up with an estimate soon, we can move in that direction. They would probably take the traffic count into consideration, but, if the road is not there, they will not build the bridge to five lanes regardless of the projections.

Supervisor Lewis said we need to find out how far we have to build five lanes to get them to build the bridge. Mr. Dorris said he would recommend working with MDOT on the issue.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to coordinate with MDOT on the I-269 bridges and to authorize Florence and Hutcheson to identify the cost of the projects and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work with the project as necessary to determine the cost of building the bridges to as many as five lanes on I-269 and building the roads necessary to allow that to happen, in the interest of future cost planning. The motion passed by a vote as follows:

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

**See Exhibit I.1**

## **2. Pleasant Hill Road**

Supervisor Jessie Medlin recused himself from this issue.

Supervisor Eugene Thach said he called Mayor Rikard about Pleasant Hill Road. He said the County's \$650,000 and the City of Olive Branch's \$650,000 and the MPO money would be enough to pay for the road. He said they are going down to Nail Road for the first phase of the project. Supervisor Thach suggested the County provide the \$650,000 toward the project. Supervisor Tommy Lewis asked if this is a request for the County to send our \$650,000 now.

The Board discussed the issue and Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draw up an interlocal agreement for the County to provide \$650,000 to the Pleasant Hill Road project from Goodman to Nail Road for engineering, right of way and construction if possible, allowing up to \$650,000 after MPO money is taken off the top of the cost of the project and the balance to be split between Olive Branch and the County, with the County's portion being no greater than \$650,000. The motion passed by a vote as follows:

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

## **3. Accounting – Late Bill**

At the recommendation of the Comptroller Tom Arnold, Supervisor Bill Russell made the motion and Jessie Medlin seconded the motion to approve paying credit card bills in the amount of \$339.76 for repairs to a County vehicle and \$178.00 for Board of Supervisors travel and to authorize the Clerk to write the check to avoid finance charges. The motion passed by a vote as follows:

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

#### 4. Roads – Joyner Road

Supervisor Jessie Medlin asked the Road Manager if he found out anything about Joyner Road being on the County Road map. Mr. Dorris said the County has obviously maintained the road for many years, but it was left off of the County road map and road register. He said, when the people reported repairs that needed to be made, they noticed that Joyner Road was not on the road map and register.

Board Attorney Tony Nowak said we need to get a description of the road and bring it back to the Board at the next meeting. The Board directed that this item be placed on the December 15<sup>th</sup> Agenda to start the process to take in this road.

#### 5. Legislative Request

Supervisor Bill Russell asked if working on pipes on private property was on the Legislative Request List. County Administrator Michael Garriga said it was on the Legislative Request List. Supervisor Russell said he would contact Legislators about this issue.

#### 6. Blue Ribbon Trip

County Administrator Michael Garriga said Jim Flanagan wants to know who will be attending the Blue Ribbon trip this year. Supervisor Allen Latimer said he will not attend. Supervisor Bill Russell suggested sending the County Administrator and the Board President who will be in office at that time.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to send the Board President and the County Administrator on the Blue Ribbon trip in 2009. The motion failed 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-----NO

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to allow the Board President, any Board members, the County Administrator and the Board Attorney to attend the Blue Ribbon trip if they determine the travel is necessary. The motion passed by a vote as follows:

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

Supervisor Russell said he does not agree with the motion because any Board member can get authority to go to Washington at any time. Jim Flanagan says we need to limit the list.

Supervisor Eugene Thach said that Jim Flanagan said they are trying to limit the list, but the Senators and Representatives in Washington said they never try to limit the number attending the meetings.

Supervisor Jessie Medlin said he is not planning to go, but the County has had success going on other projects like the sewer system, so the trips are beneficial for the County.

**7. School Roads**

Road Manager Russell Dorris said he sent each of the Supervisors a letter that the school roads should remain on the Board of Education’s inventory until County compliance issues are addressed.

Supervisor Jessie Medlin questioned the name of Lake Drive. Mr. Dorris said he will get that information and bring it back to the Board.

**8. Roads – Starlanding**

Supervisor Allen Latimer said, if the Board took action on Mrs. Langston’s driveway. Later, it was discovered that her driveway was not a part of the plans for the paving project.

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to rescind the Board’s prior action on November 17<sup>th</sup>, and approving paving Mrs. Langston’s driveway on Starlanding Road. The motion passed by a vote as follows:

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

**9. Bid – Roadside Herbicides and Contract Services for Application**

Purchase Clerk Vanessa Lynchard said the county had advertised for bids for roadside herbicide products with the County providing the application or to contract the entire service. Vanessa said the Road Manager determined contracting the application would not be cost effective. Vanessa said this bid is for product only and the county will apply the product. Vanessa explained the bids as well as the usage chart as described below.

At the recommendation of the Purchase Clerk, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve taking the low bid from DeSoto County Co-Op - Trimec 992; NaturChem – MSMA 6.6, Surfactant 820, Garlon 3A; as recommended for individual roadside chemicals more fully detailed in Exhibit I.9 as follows :

**DeSoto County Board of Supervisors  
 Office of Purchasing  
 365 Loshier Street, Suite 340  
 Hernando, MS 38632**

Equipment: Annual Bid – Roadside Herbicides and Contract Services for Application of Roadside Herbicides

Bid File Number: 09-156-009

Bid Opening: 10:00 a.m.

Bid Date: December 2, 2008

**Alternate A:** Vendor to furnish all equipment, herbicides, and labor to perform roadside herbicide application services. Chemicals and products must be used as directed and invoices must be provided to prove chemical purchases.

HERBICI DES	Precision Spraying &	DeSoto County Cooperative	DeAngelo Brothers, Inc.	Helena Chemical	NaturChem, Inc.	Jerdan Services, Inc.
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	<b>Mowing LLC</b>					
<b>Round-Up Pro (or equivalent)</b>	\$140.64 at 16 oz per acre	No Bid	No Bid	No Bid	No Bid	\$48.18 gallon
<b>MSMA 6.6 (or equivalent)</b>	\$51.50 at 64 oz per acre	No Bid	No Bid	No Bid	No Bid	\$37.38 gallon
<b>Surfactant 820</b>	\$36.80	No Bid	No Bid	No Bid	No Bid	\$11.26 gallon
<b>Trimec 992</b>	\$74.25 at 32 oz per acre	No Bid	No Bid	No Bid	No Bid	\$46.20 gallon
<b>Simazine 4L</b>	\$50.25 at 64 oz per acre	No Bid	No Bid	No Bid	No Bid	\$39.54 gallon
<b>Garlon 3A (or equivalent)</b>	No Bid	No Bid	No Bid	No Bid	No Bid	\$114.80 gallon
<b>Outrider (or equivalent)</b>	No Bid			No Bid	No Bid	\$54.00 ounce

**Alternate B:**

TREATMENT	Precision Spraying & Mowing LLC	DeSoto County Cooperative	DeAngelo Brothers Inc.	Helena Chemical	NaturChem, Inc.	Jerdan Services, Inc.
Winter broadcast treatment using Campaign (or equivalent)	\$22.56 per acre	No Bid	\$29.86 per acre	No Bid	\$19.00 per acre	\$25.26 per acre
Late Spring broadcast application using Trimec 992 (or equivalent) and Simazine (or equivalent)	\$18.72 per acre  \$25.13 per acre	No Bid	\$29.97 per acre (+ Simazine add \$5.00)  Simazine only \$29.97 per acre	No Bid	\$17.11 per acre  \$20.42 per acre	\$17.43 per acre  \$19.71 per acre
Late summer broadcast application using MSMA 6.6	\$25.63 per acre	No Bid	\$30.83 per acre	No Bid	\$18.00 per acre	\$25.38 per acre
<b>OPTIONAL TREATMENT APPLICATION (AS NEEDED BASIS)</b>						
Brush/Kudzu Control Treatment using Garlon 3A (or equivalent)	\$271.80 per acre	No Bid	\$95.00 per acre	No Bid	\$70.00 per acre	\$57.40 per acre
Bridge Abutment using Garlon 3A (or equivalent)	\$169.00 per bridge	No Bid	\$95.00 per bridge	No Bid	\$100.00 per bridge	\$115.50 per acre
Bridge Abutment using Round-Up (or equivalent)	\$140.40 per bridge	No Bid	\$95.00 per bridge	No Bid	\$100.00 per bridge	\$23.50 per bridge
Johnson Grass Control using Outrider (or equivalent)	\$48.25 per acre	No Bid	\$36.23 per acre	No Bid	\$45.00 per acre	\$55.00 per acre

**CHEMICALS**  
County chemicals with Department

**ONLY:** purchases from vendor application by of Road Management

**RECOMMENDATION: DeSoto County Co-Op - Trimec 992; NaturChem – MSMA 6.6, Surfactant 820, Garlon 3A;  
Helena Chemical – Round-Up Pro, Simazine 4L, Outrider**

**PRICE COMPARISON BASED ON FY08 USAGE:**

HERBICIDE	USAGE	FY08 COST	FY09 BID PRICE	ACTUAL FY08 EXPENDITURE	PROJECTED EXPENDITURES FOR FY09 BASED ON FY08 USAGE
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CHEMICALS	CONTAINER SIZE	Precision Spraying & Mowing LLC	DeSoto County Cooperative	DeAngelo Brothers Inc.	Helena Chemical	NaturChem, Inc.	Jerdan Services	STATE CONTRACT PRICING (Expires December 2008)
Round-Up Pro (or equivalent)	30 Gallon Drum	No Bid	\$31.00 per gallon (Cornerstone)	No Bid	\$29.00 per gallon (Glyphos Extra)	\$33.25 per gallon (Razor Pro)	No Bid	\$17.33 per gallon
	2.5 Gallon Tote	No Bid	\$32.00 per gallon (Cornerstone)	No Bid	\$29.00 per gallon	\$32.87 per gallon (Razor Pro)	No Bid	\$33.75 per gallon
MSMA 6.6 (or equivalent)	2.5 Gallon	No Bid	\$19.00 per gallon	No Bid	\$19.97 per gallon (Target 6 plus surfactant)	\$17.00 per gallon	No Bid	Not Available
Surfactant 820	2.5 Gallon	No Bid	\$48.75 per case (Topsurf)	No Bid	\$55.00 per case (Adspray 820)	\$47.50 per case	No Bid	\$9.25 per gallon
Trimec 992	2.5 Gallon	No Bid	\$108.75 per case (Strike 3)	No Bid	\$115.00 per case	\$127.80 per case	No Bid	Not Available
Simazine 4L	2.5 Gallon	No Bid	\$117.50 per case	No Bid	\$109.50 per case	\$113.30 per case	No Bid	Not Available
Garlon 3A (or equivalent)	2.5 Gallon	No Bid	No Bid	No Bid	\$340.00 per case	\$231.25 per case (Triclopyr 3SL)	No Bid	\$44.95 per gallon
Outrider (or equivalent)	2.5 Gallon	No Bid	No Bid	No Bid	\$2580.00 per case (10 – 20 dry oz.) \$12.90 oz	\$14.55 per ounce (20 ounce container)	No Bid	\$11.02 per ounce
<b>TOTAL (EXCLUDING ZERO USAGE)</b>		0	\$106,152.50	0	\$63,769.25	\$66,653.90	0	

Round-Up Pro (or equivalent)	2 – 30 gallon drums	\$840.00 (30 gallon drum)	\$870.00 (per 30 gallon drum)	\$1680.00	\$1740.00
*Low bidder stopped honoring bid price early in bid period. **State contract pricing was used for duration of bid period.	830 gallons (Tote size)	*\$21.00 per gallon **\$33.75 per gallon	\$29.00 per gallon	\$28,012.50	\$24,070.00
MSMA 6.6 (or equivalent)	625 gallons	\$13.44 per gallon	\$17.00 per gallon	\$8,400.00	\$10,625.00
Surfactant 820	26 cases	\$30.75 per case	\$47.50 per case	\$799.50	\$1,235.00
Trimec 992	72 cases	\$86.76 per case	\$108.75 per case	\$6,246.72	\$7,830.00
Simazine 4L	144 cases	\$59.00 per case	\$109.50 per case	\$8,496.00	\$15,768.00
Garlon 3A (or equivalent)	None	0	\$231.25 per case	0	0
Outrider (or equivalent)	None	0	\$12.90 per ounce	0	0

<b>TOTAL</b>				\$48,774.72	\$61,268.00
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25.6% increase if awarded to multiple bidder  
30.74% increase if awarded to overall lowest bidder

The motion passed by a vote as follows:

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

**See Exhibit I.9**

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to recess the meeting until December 15, 2008, at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 3rd day of December 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Allen Latimer, President  
DeSoto County Board of Supervisors