

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**MARK GARDNER, PRESIDENT PRESIDING**

**December 16, 2013**

**A. CALL TO ORDER**

The December 16, 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 Lee Caldwell presented the Invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CITIZENS REMARKS & PRESENTATIONS**

**1. DeSoto County Literacy Council, Mr. John Harrison**

Supervisor Mark Gardner introduced Mr. John Harrison with the DeSoto County Literacy Council (DCLC), who had sent a letter to the Board of Supervisors regarding their appreciation of funds budgeted to the DCLC.

Mr. Harrison read the letter to the board regarding the accomplishments of the program attributable to the donation of funds by the Board. He stated they were the only organization that offers GED's education for free to help people be able to obtain jobs. He stated the age group of people they work with ranges from 17 to 70 and they have helped 77 people get their GED this year.

Supervisor Gardner said he wanted to thank Mr. Harrison and his group for their work and asked how long the Literacy Council had been in existence.

Mr. Harrison said since 1981 and they are now located in the Gale Center in Hernando. They work about 600 student hours per month. He stated they could use additional volunteers to help.

Supervisor Lee Caldwell said she also wanted to thank Mr. Harrison and Ms. Little for their compassion for this project. She asked how people volunteer for program, because she would like to take this project to the retired teachers group.

Mr. Harrison said people could call and set up an appointment to come in and see if they wanted to volunteer. The office is open from 8am to 12pm, then reopened at 1:30pm to 6pm.

Supervisor Jessie Medlin said they have done a good job for DeSoto County with the budget they have been allotted.

## **2. James Weifenbach – Equal taxation of property in DeSoto County**

Mr. Weifenbach addressed the Board of Supervisors regarding tax assessments in the housing market. He stated that the Tax Assessor should set a threshold value on homes. He stated that supply and demand sometimes drives prices but in the housing market this is not the case. The price of homes should not be hyper inflated. He expressed his opinion that homeowners have taken a permanent damage on loans and mortgages due to the value of homes being over inflated. He stated that the governments cannot direct the value of anything. If reassessments are left unattended, he will turn it over to the Department of Justice and State Auditor.

No action was taken on this matter.

## **E. APPROVAL OF AGENDA: ADDITIONS & DELETIONS**

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

The following requested changes were made to the Agenda:

### **1. County Administrator Vanessa Lynchard requested to remove item H.2 for MDEQ**

### **2. Director of Administrative Services, Pat McLeod requested to add two possible executive session discussion items in the personnel as follows:**

**a. Administration** - This item was later determined to qualify for executive session

**b. DHS** - This item was later determined to qualify for executive session

### **3. Chief Financial Officer, Tom Arnold requested to add four items open session as follows:**

**a. Debt Service Payment for the G/O Ref 2012** \$195,675.00

**b. Debt Service Payment for the G/O Bonds 2004** \$342,012.50

**c. Reimbursement of Tuition Cost for Andy Alberson** \$ 950.00

### **d. Approval for Interfund Transfer**

From:	2004 Public Improvement Bond I&S	222-900-951	\$100,000.00
To:	2012 G.O Refunding Bonds I&S	229-000-387	\$100,000.00

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve payment of the above items requested by Chief Financial Tom Arnold.

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. Supervisor Bill Russell asked to discuss item Mid-Winter Conference Travel**

Supervisor Russell asked the Board if they were planning to have any meetings on Monday when they attended the MAS Mid-Winter Conference, which is scheduled for January 6-8, 2014.

Supervisor Mark Gardner said travel has been approved.

Supervisor Lee Caldwell said that there have been discussion about a meeting with the

Legislative group for Monday, but there has not been any final decision.

**5. Supervisor Jessie Medlin asked to discuss item MAS request on Section 42 Housing**

Supervisor Medlin asked the County Administrator if a letter had been sent to MAS regarding DeSoto County’s position on the Section 42 Housing Bill.

County Administrator Vanessa Lynchard said that there have been meetings held to discuss the effect that Section 42 Housing has on different counties. Ms. Lynchard said the Board Attorney has arranged to update MAS on the effects for DeSoto County.

Tony Nowak said that MAS voted to initiate a media campaign regarding the impact that Section 42 Housing has on the various counties. Humphreys County has submitted an appeal of the decision rendered as part of its litigation over section 42 taxes, and several counties, including DeSoto, have joined in the appeal. He stated he needed to know to what extent the Board wanted to be involved with the media campaign.

Vanessa Lynchard said that at the recent meeting that some counties have assessed property correctly and they have not been affected by the litigation. She stated that DeSoto County Tax Assessor has always assessed county property according to the law.

**6. Board Attorney Tony Nowak requested to add two possible executive session items in potential litigation; two possible property acquisitions for a possible executive discussion; and one open session item as follows:**

**a. Potential Litigation – Two Tort Claims – Executive Session.** These items were later determined to qualify for executive session

**b. Property Acquisition – Two Claims for Fogg Road Bridge – Executive Session.** These items were later determined to qualify for executive session.

**c. Cooperative Agreement for Parks & Recreation and Economic Council - Open Session.** This item is already on the Agenda under New Business item H.3.b

**7. Supervisor Bill Russell informed the Board of the recent death of Ms. Betty Scott, former Supervisor L. A. Scott’s wife.**

**8. Supervisor Mark Gardner asked to discuss item Blue Ribbon Trip and NACO Convention schedule for travel.**

Supervisor Gardner stated the Board had previously approved travel for the Blue Ribbon Trip to Washington, but since that time he has been notified that the NACO Conference also begins during the same time frame. He asked the Board to approve travel for an additional night so that they could attend the NACO meeting.

County Administrator Vanessa Lynchard stated this item was on the Agenda under New Business item H.8.b.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee 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>

**F. CONSENT AGENDA**

The Board of Supervisors considered the following items on the meeting's Consent Agenda as follows:

**1. Office of Finance & Accounting**

**a. Budget Amendments**

**b. Inventory Dispositions: Final**

**1) Facility Management**

**2) Road Department**

**c. Inventory Dispositions: Preliminary – Final**

**1) Road Department**

**2) Sheriff's Department**

**2. Establish as Part of the Formal Record and Enter into the Board's Minutes:**

**a. Resolution Requesting Legislation to Allow the Transfer Of Surplus County Road Department Equipment To The Inventory Of The County Governing Authority Or County Sheriff Department**

**b. Board of Trustees of PERS Announced the Selection of Great-West Financial as Third-Party Administrator for MS Government Employees' Deferred Compensation Plan and Trust (MDC) Scheduled for Transition for January 17, 2014**

**c. Request to Make Updated DeSoto County Road Map Part of Permanent Minutes Approval of County Court Judges' Salaries**

**3. Accept and Approve Bid Specifications and Solicit Annual Bids for Inmate Supplies for DeSoto County Jail**

**4. Contracts Administration-Renewal: Animal Shelter - Amended Veterinary Services Agreement**

**5. EMS - Safety Officer's Report – October & November, 2013**

**6. Road Department: Safety Officer's Report**

**7. Chancery Clerk Allowance (1) \$1,916.74**

Supervisor Jessie Medlin asked about the inventory disposition for the pickup that was wrecked and if the insurance check had been received. Comptroller Tom Arnold said yes. Sheriff Rasco said this was a truck that was bought with forfeiture funds and the insurance money would go back into the forfeiture account.

Board Attorney Tony Nowak said that item F.2.d should be County Court Judges Salaries. Chief Financial Officer Tom Arnold said the County is reimbursed by the State for this expense and that the State increased the cost of fines and this money goes to pay the salaries.

Supervisor Jessie Medlin asked about item F.2.b, PERS Third Party Administrator change. Human Resource Director Janna Rogers said that the Deferred Comp is the one that is being changed, not the regular PERS retirement.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the actions set forth in Consent Agenda.

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 F**

**G. OLD BUSINESS**

**1. Public Hearing: Code Enforcement: Carried over from November 18, 2013 Board of Supervisors meeting 2819 Woodland Lake Rd., Hernando, MS 38632 Parcel#3 09 4 18 03 0 Lot#00056 00 Mississippi Code Section 19-5-105 Litter Ordinance Violation Hearing**

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to open the Public Hearing.

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>

Environmental Director Ray Laughter said he is working with the property owner, someone who is interested in the property and the homeowner association.

Supervisor Lee Caldwell said Ray has been working on this property diligently and she is requesting to continue this public hearing until January 21, 2014.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to continue this Public Hearing for property located at 2819 Woodland Lake Rd., Hernando, MS until the Board of Supervisors meeting on January 21, 2014.

The motion passed by a vote as follows:

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

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to close the Public Hearing.

The motion passed by a vote as follows:

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

**2. Human Resources: Benefits Discussion on Hours of Eligibility**

Human Resource Director Janna Rogers said she is bringing to the Board the recommendations for benefit changes on hours of eligibility based on compliance with the health care mandates.

Ms. Rogers presented the Board the following document on Benefit Eligibility:

**Background**

Due to impending health care reform mandates effective January 1, 2014, the Board of Supervisors reduced the number of hours required for health benefit eligibility from 35 hours to 30 hours. The Board requested additional data in order to determine whether the hours requirement should also be changed to 30 hours for other benefit programs including dental, vision, short term disability and life insurance programs.

**Findings**

We analyzed payroll data to determine if we had employees who are borderline 25 hours to 35 hours per week. Our findings indicate we have a very clear delineation between our part time and full time employee status. Since PERS requires employee and employer contributions for any one working greater than 19.5 hours per week, we have a very distinctive classification of full time/part time employees.

According to legal review of health care reform mandates, we may be subject to providing certain dental benefits to dependent children. This is still in review by employment attorneys analyzing the health care mandates.

Although Humana, our health plan administrator, indicated they could administer medical, dental and vision plans with differing eligibility requirements, our payroll system does not currently have an indicator for the number of hours an individual works. Our only data field is Full time or Part time. We have no electronic means of administering different eligibility for each plan.

**Recommendation**

We recommend the benefit eligibility definition be 30 hours for all benefit plans (medical, dental, vision, short term disability, life insurance).

Ms. Rogers said they came up with a listing of individuals that work to get potential individuals that would need to be changed to the 30 hour status. We have the Seasonal employees that work at the Road Department that are not eligible for coverage and there are certain EMS personnel that would meet the 30 hour criteria.

Board Attorney Tony Nowak stated that he found that the 30 hour full time status requirement appears to apply in regards to coverage dental and vision for juveniles.

At the recommendation of Human Resources Director Janna Rogers, Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to accept the recommendations and exhibits presented to the Board on December 2<sup>nd</sup> 2013, and to establish the definition of full time employment status for benefit eligibility as 30 hours per week for all plans including medical, dental, vision, short term disability, life insurance as set forth in the Affordable Care Act and to make exhibits part of the minutes.

**\*\*\* See minutes of January 6, 2014 wherein the Board motioned to clarify this portion of the minutes.**

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.2**

**3. Town of Byhalia Vehicle Purchase Agreement**

Board Attorney Tony Nowak presented to the Board the final Agreement for the Purchase of Equipment by the Town of Byhalia, MS for a 2005 International 4300 bearing VIN#

1HTMMAAR36H182153. He asked for authorization for the Board President to sign the agreement.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve, and authorize the Board President to sign, the Agreement for the Purchase of Equipment by the Town of Byhalia, MS.

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.3**

**H. NEW BUSINESS**

**1. 10:00 a.m. Tax Exemptions**

Jim Flanagan, President and CEO of the DeSoto County Economic Development Council said there are four requests for tax exemptions and introduced Jamie Steen and Jim Garrard representing Shamrock Wood Industries Inc., a subsidiary of J. T. Shannon Lumber Co.

**a. Shamrock Wood Industries DBA-Shamrock Plant Flooring- Freeport Tax Exemption**

Representative Jamie Steen, Chief Financial Officer, appeared before the Board regarding Freeport tax exemption for Shamrock Wood Industries. Ms. Steen said they are located at 398 Hwy 51 S. Hernando next to Magnolia Lighting. She stated they make wood flooring. They have 50 employees and 75% of them are DeSoto County residents. She said they would be coming back to the Board next year to apply for real and personal property tax exemption. They are requesting today just Freeport Tax Exemption.

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to approve Freeport Tax Exemption to Shamrock Wood Industries, Inc., located at 398 Hwy 51 S., Hernando, MS, 38632.

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.1.a**

**b. Global GmbH; Terex USA, LLC; & Genie Industries – Freeport Tax Exemption(3)**

Representative Frank Howell, Controller, appeared before the Board regarding Freeport tax exemptions for three different companies located in the Terex Distribution Warehouses. He said that Southaven has a vast distribution facility location that is convenient for the type of equipment companies they have. He said that various entities own the equipment that is in the distribution center. They have 52 employees at this time and when they subcontract for people they have 116 employees.

Mr. Howell said they are requesting Freeport Tax Exemption for three different companies. They are Terex Global GmbH, Terex USA, LLC and Genie Industries.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve Freeport Tax Exemptions for Terex Global GmbH, Terex USA, LLC. and Genie Industries.

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>

#### **Exhibit H.1.b**

#### **c. RockTenn Converting Co. – Freeport Tax Exemption**

Representative Shelby Haywood from RockTenn Converting Company appeared before the Board regarding Freeport tax exemption for RockTenn. Ms. Haywood said they are located at 10333 High Point Road in Olive Branch, which was a vacant building formerly used by Mid-South Packaging. They utilize temp agencies and the Win Job Center for employees.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve Freeport Tax Exemption to RockTenn Converting Company, located at 10333 High Point Road, Olive Branch, MS 38654.

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>

#### **Exhibit H.1.c**

#### **d. Teleflex – Real & Personal Tax Exemption (Fee in Lieu)**

Jim Flanagan, President and CEO of the DeSoto County Economic Development Council said this company is applying for Tax Exemption under the new Healthcare Zone Act and is requesting a 10 year Fee in Lieu of Taxes status.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to grant Teleflex a 10 year Fee in Lieu of Taxes status based on the new Healthcare Zone Act, to approve the Fee In Lieu agreement presented by the Board Attorney, and to authority the Board President to sign the Fee In Lieu agreement.

The motion passed by a vote as follows:

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

#### **Exhibit H.1.d**

#### **2. MDEQ**

This item was requested to be deleted by the County Administrator.

#### **3. Greenways and Parks Update**

**a. DeSoto County Greenways and Parks Land Acquisition Criteria**

Greenways Coordinator Larry Jarrett presented the land acquisition evaluation worksheet. Mr. Jarrett said that homeowners associations are considering turning over open areas to subdivisions and he needs to know how the Board wants to prioritize the worksheet list. Mr. Jarrett said that the public must have access. Mr. Jarrett asked if the Board still has the right to take property if the threshold is met.

Supervisor Bill Russell said this is excellent. This is a good listing for the Board of Supervisors. Supervisor Jessie Medlin asked what happens if the homeowners are paying dues; would dues be a part of the evaluation process. He said he is very concerned about the Board taking over public parks.

Supervisor Russell said that the Board could accept a park that was inside the homeowners association, but the county would have to maintain the park. At that point, dues would no longer be paid.

Board Attorney Tony Nowak said title work would have to be done before the Board could accept the dedication of any property for park purposes. Mr. Nowak also said there may be some that have restrictive covenants that may prevent a donation to the county, and others and may not want the county to donate once they find out the property must be open to the public at large.

Supervisor Russell said the Board of Supervisors does not have to approve the document; this is just information.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to establish the DeSoto Greenways Park and Open Space Land Evaluation Worksheet as part of the formal record and enter into the Board’s minutes as fully detailed in Exhibit H.3.a.

The motion passed by a vote as follows:

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

**Exhibit H.3.a**

**b. Board Authorization for Amended Management Agreement for County Greenways and Parks & for Board Attorney to Work on the Park Use and Maintenance Policies**

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve hiring the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to prepare a contract to authorize the DeSoto Economic Council to hire subcontractors when necessary to do work on parks.

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>

**Exhibit H.3.b**

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve hiring the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work on the Amended Management Agreement for County Greenways and Parks and to work on the Park Use and Maintenance Policies.

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>

**c. Board Authority to Accept the Transportation Alternative (TAP) Grant**

Grants Administrator Melissa Zizmann said this grant is to improve 7 community intersections and several trails and overlooks.

Supervisor Jessie Medlin asked if this grant requires a match and from whom. Ms. Zizmann said there are matching funds required, but not from DeSoto County. The matching funds will come from Greenways and Parks and Mississippi State University.

Greenways Coordinator Larry Jarrett said no additional funds are required by the County and maintenance will be done by MDOT for the 7 interchanges.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to accept funds from the Transportation Alternative (TAP) Grant and to authorize the Board President to sign the documents.

The motion passed by a vote as follows:

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

**See Exhibit H.3.c**

Supervisor Bill Russell asked about the Home Grant.

Ms. Zizmann said the Home Grant is a program to refurbish homes. There is a workshop held that will provide information on how to apply and get funding. Ms. Zizmann said North Delta also has the information and will handle this for the County. She said there is a change in how the funds are administered. Ms. Zizmann said there is a need in DeSoto County for home repairs that could qualify for this grant.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve travel for Melissa Zizmann to attend the Home Grant Seminar.

Supervisor Jessie Medlin said DeSoto County has never qualified for this grant. He said they will say the median county income is too high.

County Administrator Vanessa Lynchard said it would be in the County's best interest to have a representative at the Seminar. Ms. Zizmann can present maps and charts of certain areas as examples of where the County could use help. She said they need to know where the low income areas are in the county.

The motion passed by a vote as follows:

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

Supervisor Bill Russell asked if GIS can do an overlay map. Ms. Lynchard said yes.

**d. Tree Planting in the County**

Greenways and Parks Coordinator Larry Jarrett said they received a donation for tree planting from Michael Hatcher in the amount of \$250. Mr. Jarrett said that Wayne Averett of Modern Woodmen of America donated \$250 towards trees and \$500 toward landscaping. He said they also received a grant from the Woodmen of America.

Mr. Jarrett said they also want to establish a committee to work on a landscape plan with Tony Martin, DeSoto County Facilities Management Director, Doug Thornton and Cap Johnson of AERC with the Historical Commission, Mike Davis, Landscape Architect and Mayor Chip Johnson of Hernando. Supervisor Caldwell said she appreciated their expertise.

Mr. Jarrett said there is electrical equipment on the west side of the courthouse that could be covered with the proper landscaping. Mr. Jarrett said they could also consider using benches and planting trees to cover the electrical equipment.

County Administrator Vanessa Lynchard said a magnolia tree was donated to the county and it needs to be planted today.

Supervisor Harvey Lee thanked everyone working on this project and said they are working to keep the courthouse looking nice.

Mr. Hatcher said it was an honor and a privilege to work on this project.

Supervisor Bill Russell thanked the Woodmen of America Chapter based in Tupelo. Supervisor Russell said they also have a Chapter in Hernando. Supervisor Russell said he knew that Mr. Jarrett worked with them before and he is excited to work with them again.

Mr. Jarrett said Woodmen of America have many programs they could offer to DeSoto County.

Supervisor Jessie Medlin said Mr. Hatcher has always worked on community projects and he appreciates everything he does.

The Board of Supervisors dismissed the meeting to attend the Magnolia Tree planting at the courthouse.

After the tree planting at the courthouse, the Board of Supervisors returned to the Board Meeting room to continue the Board Meeting.

**4. Office of Procurement: Bids Under Advisement**

**a. Road Dept. – Utility Sign Truck (Bid 14-156-021)**

Procurement Clerk Karen McNeil presented the bids for the Road Department for one utility sign truck. Ms. McNeil said there were five bids received, but two of the bids did not meet specifications.

Road Manager Andy Swims said this truck is used for carrying various county road signs and hydraulic equipment used to install the signs.

Supervisor Jessie Medlin asked if the current truck is 4-wheel drive. Mr. Swims said yes; they do have to get off the road at times.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve Aerial Truck as the lowest and best bid to purchase one truck detailed in Exhibit H.4.a

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>

**Exhibit H.4.a**

**b. E-Waste Removal and Disposition of Surplus Electronic Equipment (Bid 14-340-001)**

Environmental Services Manager Ray Laughter said it is very costly to use the current company, Creative Recycling which is based in Florida. Mr. Laughter said that E-Coverly is going to charge the county \$600 for each additional pick up if a pick up is more than every two months i.e. 6 pickups times \$600 equals \$3,600.

County Administrator Vanessa Lynchard said they became more aware of the state programs when they attended the class. Ms. Lynchard said that MDEQ was very impressed with the DeSoto County programs because the county was able to make money on some of our programs. She said we are able to enjoy being located to a major market in Memphis that gives us more options.

Supervisor Jessie Medlin asked where the new company is located. Mr. Laughter said it is located in Jackson, MS. He said they load their trucks out of the Olive Branch Maintenance shop at 10414 Old Hwy 178 in Olive Branch.

Mr. Laughter said the new company they are recommending is Magnolia Data Solutions.

At the recommendation of Environmental Services Manager, Ray Laughter, Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the lowest and best bid of Magnolia Data Solutions as described in Exhibit H.4.b and contract for their 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>

**Exhibit H.4.b**

**5. Office of Finance and Accounting: Supplemental 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.

Supervisor Bill Russell asked if all printer cartridges are ordered through the IT Department. County Administrator Vanessa Lynchard said most departments do order through IT. DHS does not order their cartridges through IT because they are a reimbursed account. Chief Financial Officer Tom Arnold said most cartridges are centralized through IT now.

Supervisor Mark Gardner if the costs are decreasing because of more use of network printers. Ms. Lynchard said there is no way of knowing because how the purchasing software and accounting software works. There is no way to track.

Supervisor Gardner asked about the claim to Comcast on page 13 for telephone lines. He asked if the county has transitioned to C Spire. Ms. Lynchard said that has just recently occurred so we may have Comcast charges.

Supervisor Gardner asked about page 27 for WestHues Trucking. Sheriff Bill Rasco said that is

for hauling eight cars that were purchased from the State of Missouri.

Supervisor Gardner asked about page 56 to Courtesy Bail Bonds. Mr. Arnold said they were entitled to a refund on a forfeited bail bond once they turned in the bond jumper.

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>

## **6. Environmental Services**

### **a. Proposed Holiday Schedule and Proposed New Saturday hours of operation for DeSoto County Rubbish Pit on Sandidge Road**

Environmental Services Manager Ray Laughter introduced Mr. Daniel Watkins with Waste Connections. Mr. Laughter said the past two years, the Sandidge Road Rubbish Pit has been closed on Christmas Eve and they are requesting to close this year, same as in the past.

In addition, Mr. Laughter said, after meeting with the Solid Waste Committee, they are proposing winter hours for the rubbish pit beginning December 21, 2013, to operate from 7:00 a.m. to 12:00 noon through March 1, 2014. Mr. Laughter said he could put the revisions on the web site and also get with the newspapers.

Supervisor Mark Gardner said he would like the date to be effective December 28, 2013.

Supervisor Jessie Medlin asked how many people use the rubbish pit on Saturday. Mr. Watkins said they had 17 visits last Saturday.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve closing the Sandidge Road Rubbish Pit on Christmas Eve as done in the past.

The motion passed by a vote as follows:

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

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve to start winter hours for the rubbish pit on Sandidge Road for Saturday use by the public being the from 7:00 a.m. to 12:00 noon effective December 28, 2013 and continuing through March 1, 2014, as recommended by the Solid Waste Committee.

The motion passed by a vote as follows:

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

Supervisor Medlin said it may have to open after storm events. Mr. Watkins state they would

work with the County to accommodate special needs after storm events.

**See Exhibit H.6.a**

**b. Public Hearing Code Enforcement: 2400 Jay Bird Road, Hernando, MS 38632, Parcel #3 07 05 16 00 0, Lot #00018 06, Mississippi Code Section 19-5-105 Litter Ordinance Violation Hearing**

Supervisor Bill made the motion and Supervisor Lee Caldwell seconded the motion to approve opening the Public Hearing in the matter of Code Enforcement: 2400 Jay Bird Road, Hernando, MS 38632.

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>

Environmental Services Manager Ray Laughter said the property owner is Mr. James Bell. A public notice has been posted on the property and needs to be made part of the minutes.

Mr. Laughter said the property burned two years ago and the cost to clean it is approximately \$7,650 which includes cleaning and hauling of the debris.

Board Attorney Tony Nowak said he would check the legality of allowing the Fire Department to burn the structure property for practice.

Mr. Laughter said the Department of Environmental Services has determined this property in its present condition is in such a state of uncleanliness to be a menace to the public health and safety of the community. He said the structure will be torn down, derelict property would be hauled off and the grass would be cut.

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion, after determining this property in its present condition is in such a state of uncleanliness to be a menace to the public health and safety of the community to allow spending up to \$7,650 to remediate the property; and allow the Fire Department to use the property as a burn practice if legally permissible, which would result in a reduction of cost to the county.

The motion passed by a vote as follows:

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

Supervisor Jessie Medlin asked if the Road Department could do it cheaper.

Mr. Laughter said the slab will also have to be destroyed.

Mr. Nowak said the Road Department could use their labor and equipment but will need to record their time and equipment usage in order to calculate the costs incurred.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to end the Public Hearing.

The motion passed by a vote as follows:

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

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

**See Exhibit H.6.b**

## **7. Road Department: Road Condition List**

Road Manager presented affidavits to the Board of Supervisors for their signature to be submitted with the 4 Year Road Plan which is due January 1, 2014 which needs to be signed no later than December 31, 2013.

In accordance with Section 65-7-117 Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve the Road Condition List as presented by Road Manager Andy Swims for Fiscal Year 2013 and for each Board member to sign the affidavits.

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.b**

Mr. Swims said there has been an unexpected change in the Road Department. Mr. Swims said Jimmy Cox is leaving the county and Keith Pearson will fill the position on an interim basis. Mr. Pearson needs to be approved to sign purchase requisitions.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve Mr. Keith Pearson to sign purchase requisitions and remove Jimmy Cox from signing purchase requisitions.

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. Approval of Travel**

### **a. Jackson Capitol Breakfast Feb. 5 & 6**

### **b. Approval for NACO Trip**

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve travel and related travel expenses for any members of the Board of Supervisors, County Administrator Vanessa Lynchard, Road Manager Andy Swims, Board Attorney Tony Nowak and others who have an interest to attend the NACO trip and the Capitol Breakfast.

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

## **I. PLANNING COMMISSION AGENDA**

**DeSoto County Board of Supervisors  
Planning Agenda  
December 16, 2013 11:00 a.m.**

**I. NEW BUSINESS**

**CONSENT (Minor Lot Subdivisions):**

- 1. Arnold Minor Lot (6906) – Application is for final subdivision approval of one (1) lot of 2.5 acres and one (1) lot of 7.5 acres, identified as Parcel #4-08-5-15-00-0-00013-00. Subject property is located on the east side of Tulane Road and south of Wheeler Road in Section 15, Township 4, Range 8 and is zoned Agricultural (A). (District 5)**
- 2. Kermit Gaddy Minor Lot (6910) – Application is for final subdivision approval of one (1) lot of 1.5 acres, identified as Parcel #3-06-1-01-00-0-00015-00. Subject property is located on the south side of McBride Road and west of Lee Road in Section 1, Township 3, Range 6 and is zoned Agricultural (A). (District 1)**
- 3. Ritchey Tract, Revision of Lot 7 Minor Lot (6911) – Application is for final subdivision approval of one (1) lot of 1.5 acres, identified as Parcel #2-08-5-22-00-0-00005-05. Subject property is located on the north side of Nesbit Road and east of Tulane Road in Section 22, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)**
- 4. J.A. Pierson Minor Lot (6912) – Application is for final subdivision approval of one (1) lot of 1.8 acres and one (1) lot of 2.29 acres, identified as Parcel #2-05-4-18-00-0-00004-00. Subject property is located on the east side of Morris Road and north of Center Hill Road in Section 18, Township 2, Range 5 and is Agricultural-Residential (A-R). (District 1)**

Mr. Haysley presented the Consent agenda and stated approval was recommended by the Planning Commission for all consent items.

There was discussion of where the Arnold Minor Lot was located.

Supervisor Medlin also stated the owner of the Pierson Minor Lot understands mobile homes are not permitted on the lot, and will also need to make sure the existing home on the property is torn down before permits can be issued for a new home on the lot.

Supervisor Lee made a Motion to approve the Consent Agenda, with approval of item 4 subject to the condition that the existing house is torn down before a building permit is issued for a new house on Lot 1 of Pierson Minor Lot. 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>

**NEW BUSINESS (Minor Lot Subdivision):**

**Michael Clark Minor Lot (6905) – Application is for final subdivision approval of one (1) lot of 3.0 acres and one (1) lot of 7.10 acres, identified as Parcel #3-05- 9-29-00-0-00008-00. Subject property is located on the north side of Abernathy Road and east of Red Banks Road in Section 29, Township 3, Range 5 and is zoned Agricultural (A). (District 1)**

Mr. Haysley presented the application for Michael Clark Minor Lot; he stated the subdivision will also require a waiver of the width to depth ratio of one of the lots being created. He then stated approval was recommended by the Planning Commission.

There was discussion of the width to depth ratio of the lots.

Supervisor Medlin made a Motion to approve the Michael Clark Minor Lot and include a waiver of the width to depth ratio of the lots. Supervisor Lee 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>

**OTHER ITEMS**

**1. Request to vacate Lake Forest Business Center Sections A and B.**

Mr. Haysley presented the request to vacate Lake Forest Business Center Sections A and B. He stated the applicant is asking to vacate because he feels the property cannot be developed at this time as it is currently divided.

Mr. W.E. Davis stated a Board of Supervisors Order would need to be signed and have the plat stamped before the end of the year.

Supervisor Russell made a Motion to approve the request to vacate Lake Forest Business Center Sections A and B and enter a Board order to that effect. Supervisor Lee 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>

See Exhibit I.1.

Mr. Garrod announced that the Memphis MPO has invited Supervisor Gardner to be the Vice-Chairman of the committee working on rewriting the MPO bylaws.

**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 December 21, 2013 at 10:00 a.m. The motion was seconded by Supervisor Jessie Medlin.

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>ABSENT</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

THIS the 16<sup>TH</sup> day of December, 2013, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Mark Gardner, President  
DeSoto County Board of Supervisors