

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**TOMMY LEWIS, PRESIDENT 2009 PRESIDING**

**February 4, 2009**

**A. CALL TO ORDER**

The February 4, 2009 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

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

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

**B. INVOCATION**

Supervisor Eugene Thach presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. PLANNING COMMISSION AGENDA**

**PUBLIC HEARINGS**

*Appeal*

**Lewisburg Tower, LLC (1391) -The DeSoto County Board of Supervisors will consider an appeal by Richard & Sue Thomas, Jeff & Christine York and Lane & Patricia Cross to overturn the action of the Board of Adjustment and deny approval of a Conditional Use to allow construction of a 192-foot communications tower at 161 Highway 305 North, on the west side of Highway 305 and north of Byhalia Road in Section 33, Township 2, Range 6 and zoned Agricultural (A). (District 5)**

Supervisor Latimer 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. Jim McDougal, Director of the DeSoto County Planning Commission, reviewed the appeal letter received from Richard & Sue Thomas, Jeff & Christine York and Lane & Patricia Cross, who are neighbors north of the project site, and reviewed the application for Conditional Use by Lewisburg Tower, LLC. He explained that the Board of Adjustment voted unanimously to approve the application after carrying it over once to allow an opportunity for the applicant to meet with the neighbors and members of the Board of Adjustment on the site. Mr. McDougal went on to explain that the applicant

proposed to move the tower 100 feet to the west after meeting with the Chairman of the Board of Adjustment on the site to try to mitigate perceived visual impacts to the neighbors. The applicant had also agreed to several conditions of approval including planting additional trees along the northern property line and other improvements that would benefit the neighbors as part of the project.

Supervisor Thach asked for clarification on the vote of the Board of Adjustment. Mr. McDougal responded that the motion to approve the application, with the conditions reflected in the file, was approved on a vote of 4-0 with one member of the Board of Adjustment absent.

Supervisor Russell confirmed that the applicant's proposal to move the tower 100 feet to the west occurred as a result of the meeting between the applicant and the Mr. Michael Hatcher, Chairman of the Board of Adjustment. Supervisor Lewis confirmed the approved tower location on the map with staff.

Supervisor Medlin requested clarification on the location of the existing and proposed access easements. Mr. McDougal identified the existing easement extending west from Highway 305, across site owner Mr. Jeff Newton's property, that provides access to the residential lots to the north of his property, which are owned by the appellants. Mr. McDougal explained that the new access easement that was proposed for maintenance of the tower would be solely on Mr. Newton's property and would be accessible from the existing ingress/egress easement that begins at Highway 305.

Supervisor Thach confirmed with staff that the tower use proposed would be for cell phone service.

Supervisor Lewis asked if there was anyone present to speak on this item.

Ms. Patricia Cross came forward and identified herself as one of the appellants and stated that she lives in the last house, at the end of the easement road, north of the proposed tower site owned by Mr. Newton. Ms. Cross stated that the tower would be 230 feet from her front door. She said that she does not wish to see the 192-foot tower from her front yard and stated that the tower would diminish the property value of her home and the adjacent homes.

Supervisor Latimer asked Ms. Cross if a row of trees along the access road currently exists. Ms. Cross replied, yes, there are mature trees along the road between her property and the project site but they provide only limited seasonal screening. She went on to say that she can currently view Byhalia Road from her front porch by way of demonstrating that the screening from existing trees is minimal.

Supervisor Thach asked if the Board of Adjustment voted on this application at the meeting on December 12, 2008. Mr. McDougal replied no, the item was carried over to the meeting on January 12, 2009 and that is when the Board voted to approve the application. He noted that this was after the applicant had moved the tower location as requested by Mr. Hatcher based on his site visit with the applicant.

Ms. Cross said she had not seen the revised plan to include the approved location of the tower. She stated that behind the Lewisburg Water Association's water tower on Highway 305, north of her property, there is a vacant 50-acre parcel. Ms. Cross asked why that location had not been considered by the applicant.

Mr. McDougal addressed the Board and stated that for the appeal the applicants must show that no other location is reasonably available. He invited the applicant to come forward to respond to the appeal. Mr. McDougal then introduced Mr. Lou Katzerman of Lewisburg Tower, LLC and Mr. Barry Bridgeforth, Jr., attorney for the applicant.

Mr. Katzerman reviewed the details of the project site to include a discussion of the changes in elevation, topography, existing landscaping and also the location of a creek on the site, which presented challenges for finding an appropriate location for the tower. He said evergreen trees will be planted along the northern property line of the project site in quantities large enough to mask views of the tower from Ms. Cross's property. Mr. Katzerman said that in addition trees, other landscaping and 6-foot fencing at the tower site itself will be installed to meet all ordinance requirements. Mr. Bridgeforth added that moving the tower to the west was at the request of Mr. Hatcher to provide a natural shield of trees on the site.

Mr. Katzerman reviewed efforts made to evaluate other sites in the area as part of due diligence and noted that AT&T has specifically requested that the site be as close as possible to the intersection of Highway 305 and Byhalia Road to meet coverage needs. He stated that all application requirements had been met and that all recommendations made by Board of Adjustment Chairman Mr. Hatcher at the site had been agreed to to reduce impacts upon the neighbors.

Mr. Katzerman presented coverage maps to the Board to identify where cell phone service improvements are currently needed. The maps showed very limited coverage to no coverage, in the area of the site. Supervisor Russell confirmed the location of the Lewisburg water tower on the coverage maps with the applicant.

Mr. Katzerman addressed the basis of the appeal, which indicates that installation of a 192-foot monopole communications tower would diminish the property value of adjacent homes. Mr. Katzerman presented to the Board appraisal documents and discussed details of a recent lawsuit regarding property value and communication towers in Florence, Alabama. He said the judge ruled there was no relationship between the cellular towers and the level of a property's appreciation in value. Mr. Katzerman also noted that it was his personal experience, with his own residential property that is approximately

450 to 500 feet from a 199-foot tower near Sanger Road in Cordova, Tennessee, that a tower being located nearby did not result in devaluation of the property. Mr. Katzerman provided photos taken from his front door to the Board to illustrate the view of the tower from his own home and noted that as residents approach the tower, getting closer to the tower, views of the monopole become more limited.

Supervisor Medlin asked if there was adequate land at the Lewisburg Water Association water tower site to install the proposed tower on that property. Mr. Katzerman responded that he was unsure as the water tower site had not been evaluated as part of this application as it is further north from the intersection of Byhalia Road and Highway 305 than was desired by AT&T. Supervisor Russell confirmed with Mr. Katzerman that no discussion with Lewisburg Water Association had occurred regarding placement of the proposed communications tower on their property.

Supervisor Lewis asked for clarification on the proposed easement. Mr. Katzerman responded. Mr. Bridgeforth stated that there would be very little traffic impact as a result of maintaining the tower and confirmed that all conditions of approval identified by the Board of Adjustment and all County ordinance requirements and other regulations would be met.

Supervisor Lewis asked if the applicant reviewed options to add towers to existing tower sites to improve coverage in this location. Mr. Katzerman responded yes, co-location onto existing towers is always the first option reviewed in evaluating service upgrades, but co-location would not sufficiently fill the coverage needs.

Supervisor Latimer confirmed with the applicants that this would be a self-collapsing monopole and asked about wind load requirements. Mr. Katzerman replied that the monopoles are designed to withstand sustained 100 mile per hour winds and if a failure of a tower occurred, it would collapse in sections rather than in the full height of the tower.

Supervisor Russell expressed concern that the water tower site was not evaluated as part of the site selection and asked if the applicant could explore the matter and obtain a letter from AT&T to explain why it is or is not a feasible site. He said he understood that there may be factors that would prevent them from using the water tower site for this project, but he felt it was important to demonstrate feasibility to accommodate the service upgrade to the Board and neighbors before a decision is made. Supervisor Russell said he would like to see coverage maps to identify the difference in service from a tower installed at the water tower site. Supervisor Lewis asked if this type of document could be secured and discussed at a future meeting. Mr. Bridgeforth responded that they would be willing to secure more information on the water tower site and obtain a letter from AT&T, and from the Lewisburg Water Association as needed, for discussion at a future meeting.

Board Attorney Tony Nowak stated that the Board is obligated to determine if there is a gap in service coverage and that they do not have the authority to deny an application if it would meet all ordinance requirements and there is a demonstrated service gap. He explained that even if there is no gap in coverage there is a burden on the Board to show substantial reason to deny the application. He went on to say that asking for a determination of whether moving the proposed tower to the water tower site would impact coverage is a reasonable request by the Board of Supervisors as it is relevant to the findings the Board must make.

Supervisor Russell made a Motion to carry over the discussion of the appeal to the meeting on Tuesday, March 3, 2009 to allow the applicant to review the Lewisburg Water Associations' water tower site on Highway 305 as a potential location for the proposed 192-foot monopole communications tower to address service coverage. 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

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

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN 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

***Ordinance Amendments***

**2009 Zoning Map Update** - The Board of Supervisors will consider adopting an update to the DeSoto County Zoning Map to include all rezonings approved by the Board of Supervisors in the year 2008.

**Zoning Ordinance Amendment** – The DeSoto County Board of Supervisors will consider amending Article 2, Paragraph C, Sections 11 & 12 of the DeSoto County Zoning Regulations to change the dates to read December 31, 2009.

Supervisor Lewis asked the Board Attorney if both of the proposed amendments to the County Zoning Ordinance on the agenda could be reviewed as part of the public hearing. Board Attorney Tony Nowak said they may, if that was the Board's pleasure.

Supervisor Thach made a Motion to open the public hearing to address proposed ordinance amendments and make the hearing notice part of the minutes. 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

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, reviewed the proposed update to the DeSoto County Zoning Map to include all rezonings approved by the Board of Supervisors in the year 2008. He noted that the Planning Commission had voted unanimously to recommend approval of the update as proposed.

Supervisor Lewis asked if there was anyone present to speak on this item. There was no one.

Supervisor Medlin made a Motion to update to the DeSoto County Zoning Map to include all rezonings approved by the Board of Supervisors in the year 2008. 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. Jim McDougal reviewed the proposed amendments to Article 2, Paragraph C, Sections 11 & 12 of the DeSoto County Zoning Regulations to change the dates to read December 31, 2009 allowing an extension of mobile homes and gravel pits as appropriate Conditional Uses in the Agricultural-Residential (A-R) zoning district.

Supervisor Lewis asked if there was anyone present to speak on this item. There was no one.

Supervisor Thach made a Motion to approve the amendments to Article 2, Paragraph C, Sections 11 & 12 of the DeSoto County Zoning Regulations to change the dates to read December 31, 2009. 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

Supervisor Russell made a Motion to close the public hearing. Supervisor Latimer 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 LOTS**

### **District 1**

**Spur Cove Gate Station (City of Olive Branch) Minor Lot (6749)** - Application is for final subdivision approval of one (1) lot of 0.57 acres and one (1) lot of 5.73 acres out of 6.3 acres. Subject property is on the south side of Spur Cove and northeast of U.S. Highway 78 in Section 21, Township 2, Range 5 and zoned Agricultural (A). (District 1)

### **District 4**

**Brooks Minor Lot (6748)** - Application is for final subdivision approval of one (1) lot of 3 acres and one (1) lot of 6.51 acres out of 9.51 acres. Subject property is on the north side of Highway 304 and east of Bluff Road in Section 17, Township 3, Range 9 and is zoned Agricultural (A). (District 4)

Mr. McDougal presented the applications above and stated the applications appear to be in compliance with the County's Zoning and Subdivision Ordinances. He noted that the Spur Cove Gate Station Minor Lot was proposed by the City of Olive Branch, who owns the parcel, and will be used by them as a pump station.

Supervisor Medlin made a Motion to approve the applications subject to staff recommendations and required dedication of public road right-of-way and Health Department approvals. Supervisor Latimer 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

**Other Items:**

**1. Request to waive permit fees by City of Horn Lake**

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, presented a request by the City of Horn Lake to waive permit fees for construction of a new Fire Station on Highway 301.

Supervisor Russell confirmed with staff and the County Attorney that it is customary for the Board of Supervisors to waive permit fees for other jurisdictions.

Supervisor Thach made a Motion to approve waiving permit fees for the City of Horn Lake Fire Station on Highway 301. 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

**2. Clarification on Motion for Miller Farms Subdivision**

Mr. Jim McDougal explained that the applicant for Miller Farms Subdivision had requested permission to reduce the house sizes for Phase A, including 66 lots, from the Planning Commission on October 2, 2008 and from the Board of Supervisors on October 8, 2008. This request was granted, however, in subsequent review of the meeting minutes it was brought to staff's attention that the Board may wish to clarify the Order to more clearly designate the approved house sizes for each lot. Mr. McDougal said staff has reviewed the application with County Attorney Tony Nowak to clarify this matter and as a result had drafted a Motion intended to clarify the Board's intent in adopting this revision to the approval of Miller Farms Subdivision Phase A.

Supervisor Medlin asked for clarification regarding one identified property owner in the subdivision. Mr. McDougal confirmed that the property owner, Mr. Andrews, had agreed to a land swap with the developer as part of the subdivision and was currently the only individual property owner in the subdivision. Ms. Gina Tynan confirmed that a letter from Mr. Andrews stating he has no opposition to the reductions in house sizes proposed had been received by the Planning Commission office.

Supervisor Medlin made a Motion to approve changes to the required minimum house sizes in Miller Farms Subdivision, Phase A. On the condition that all staff comments, including prior comments which have not been amended, are satisfied the following size requirements are set:

1. Of the 66 lots in the subdivision, there shall be 28 lots, including those lots at the subdivision entrance and lots on the lake front, that will have homes no less than 3,000 square feet in heated area; no more than 18 of the lots will be no less than 2,200 square feet; and the remaining 20 lots will have homes constructed to range in size from 2,400 to 2,800 square feet, according to the following table:

Lots 1, 12-27, 44-50, 56, 57, 65, 66		Remaining Lots*	
1 <sup>st</sup> Floor Min. SF	TOTAL Min. SF	1 <sup>st</sup> Floor Min. SF	TOTAL Min. SF
1 Story 3,000	3,000	1 Story 2,200	2,200
1 ½ Story 1,800	3,000	1 ½ Story 1,600	2,400
2 Story 1,500	3,000	2 Story 1,400	2,800

\*Of all the remaining lots, no more than 18 shall have homes constructed on them which are constructed with less than 2,400 square feet of heated area and these 18 shall still be subject to 2,200 square foot minimums.

2. The recorded covenants of the subdivision shall be revised to reflect the changes in minimum house size; and
3. The new minimum house sizes shall be stamped/revised/noted on the recorded subdivision maps.
4. The developer will obtain a letter of approval of house size reductions from the one existing property owner, Mr. Andrews, owner of Lot 24, and shall submit it to the Planning Commission.

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 ABSENT

**3. Update on International Trade Corridor**

Mr. Jim McDougal informed the Board that staff is working to present a series of presentations to the Planning Commission to provide information on topics related to the I-69/I-269 International Trade Corridor. He said at the January 29, 2009 meeting of the Planning Commission, staff from Kimley-Horn and Associates gave a presentation to identify the role of the Memphis Metropolitan Planning Organization (MPO) and the planning documents they produce including the Long Range Transportation Plan and the Major Road Plan. Mr. McDougal said the presentation was well received. He then listed potential topics for other presentations staff anticipates giving in the coming months.

Mr. McDougal stated that he met with the city mayors within DeSoto County and received valuable input on their thoughts and concerns related to the I-69/I-269 International Trade Corridor and assured them that they and other stakeholders will be kept informed of future planning efforts toward developing a Corridor Study. Supervisor Russell asked if they had discussed opportunities for the cities to share in the cost of the Corridor Study. Mr. McDougal responded no, that he is currently researching funding options, prior to addressing cost sharing with the cities, in order to have a more accurate measure of the anticipated cost and scope of a Corridor Study.

Mr. McDougal inquired if there was potential for appointing a subcommittee of Board of Supervisors members to keep abreast of Corridor Study matters in the future. After discussion with the Board, it was determined that the Supervisors would make themselves available to discuss Corridor Study matters with staff and others as needed, but a subcommittee would not be appointed at this time.

Supervisor Russell stated that it would be beneficial to consider a tie-in between the I-69/I-269 corridor and the existing Free Enterprise Zone as part of the Corridor Study.

**4. Reminder: “Strategic Conservation Planning Using a Green Infrastructure Approach” – March 11-13, 2009 at the DeSoto Civic Center**

Mr. Jim McDougal provided invitations to the Board of Supervisors for the upcoming planning workshop “Strategic Conservation Planning Using a Green Infrastructure Approach” scheduled on March 11-13, 2009 at the DeSoto Civic Center. Ms. Tynan noted that she’d had the opportunity to attend this workshop in West Virginia last year and felt it would be beneficial for elected officials, County staff and other community members involved in development to attend as this workshop will have a local focus to include hands-on class projects related to the Coldwater River Watershed area. Mr. McDougal stated that this workshop was coordinated by Greenways Coordinator Larry Jarrett and would be free to attendees through a grant received by the greenways program.

**See Exhibit D**

**E. CONSENT**

The Board of Supervisors considered the items presented on the Consent Agenda. Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the Consent Agenda and the reports and actions set forth therein as follows:

- 1. Safety Officer’s Report**
- 2. Amend Solid Waste Recycle Grant**

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. Bel Mor Lakes – Consideration of Finding of Fact Regarding Drainage

Road Manager Russell Dorris said the County has researched options to fix the drainage issues in Bel Mor Lakes Subdivision. He reminded the Board of Supervisors that the County did an extensive study which resulted in several recommendations.

Mr. Dorris said that one recommendation is to enlarge, add or increase the size of the pipe under College Road. Mr. Dorris said he feels that will take care of 80% of the problem but it will not resolve the silting of the ditch. He said he recommends putting in an additional pipe as well and place head walls on the pipe inlet. He said the estimate for that work is \$27,000. He said that does not include the engineer's recommendations for the work that would be the responsibility of the Plitt family. He said the entire cost estimate from the engineer who studied the project was \$150,000.

Supervisor Tommy Lewis asked if anyone knows the size of the ditch in the beginning. County Engineer Andy Swims said certain areas probably have not silted in very much. He said, in areas, the banks are pretty steep.

Mr. Dorris said the direction of the stream has been changed through the course of the building of various subdivisions.

Supervisor Lewis asked who owns the property where the ditch has silted in. Mr. Swims said it is silted in on both sides and there are areas throughout the stream that have silted in.

Supervisor Lewis said we talked to NRCS about this issue. He asked what it would take to convince them to help with this situation. Mr. Dorris said there is a new delta and headwater program. He said that, generally, all of the NRCS projects have a connection to public road or public property. Mr. Dorris said he will contact NRCS about that issue. He said, initially, NRCS said there was nothing they could do to help in this situation.

Supervisor Allen Latimer asked if Mr. Dorris is satisfied that the proposed work will protect the road. Mr. Dorris said yes, that is the County's intention. He said, as a by-product, he thinks it will help the landowner too. He said the County may need temporary work easements to do the work.

Landowner, Kaby Plitt, thanked the Board of Supervisors for listening to the residents of Bel Mor Lakes. She said the landowners appreciate the improvement that will affect them. Ms. Plitt said, when they moved in, the ditch was three to four feet deep. She said, since other developments have been approved, the ditch is silted in. She said, as residents, they cannot do anything to the stream because it is a blue line stream. Mr. Dorris agreed and said anything done on a blue line stream must be approved.

Ms. Plitt suggested the County apply for a permit to improve the stream and assess the cost of the improvements to the developer.

Board Attorney Tony Nowak said you would have to prove they caused the damage before the developers could be assessed. He said doing so could be very difficult as many factors now play into the flooding of the Plitt property..

Ms. Plitt said the Board is not protecting the landowners.

Mr. Swims said the Estates of Southern Trails has done what the County required them to do. Mitchell's Corner is putting in protective measures.

A landowner, Mr. Swatek, said on the front Mitchell's Corner, they have silt fences. He said the silt fence protects the road but not the stream.

Stormwater Enforcement Officer, Ray Laughter, said the Mitchell's Corner development is under litigation with DEQ.

Mr. Dorris said we will be out there to do the work as soon as possible. Mr. Swatek asked if rezoning will help get the stream under the County's control. Mr. Nowak said that rezoning would not change the County's authority to work on the ditch. He explained that the County is very limited in authority to work on ditches and streams.

Ms. Plitt asked if the County has authority to ask Mitchell’s Corner to fix the damage that has been done. Mr. Nowak said, the County can enforce its ordinances and that it sounds like DEQ is already involved in enforcing stormwater issues within the development of Mitchell’s Corner. He said he is not sure that would totally fix the problem.

Ms. Plitt asked the remedy for the landowners.

Supervisor Latimer said the families could take the developers to court.

Mr. Laughter said we can only force a person to do something by going to court as well. He said all we can do is ask the person causing the problem to implement some remedy.

**2. Walls – Cost for Animal Services**

Director of Administrative Services, Vanessa Lynchard, presented an estimate for the cost of providing Animal Services for the Town of Walls. She said the daily cost is estimated at eighty two cents per square mile based on 11.88 square miles which comes to a total of \$9.74 per day to provide Animal Control. Vanessa said, the cost per animal to provide Animal Shelter services, is an additional \$49.72 per animal.

Supervisor Bill Russell asked Vanessa if the County can offer per occurrence or per hour rate. Vanessa said, yes, we can handle it any way the Board wants it handled. She said that Walls does have an ordinance that authorizes their police to enforce. The Board Attorney, Tony Nowak, said he would have to check on the County’s options.

Vanessa said she did not know if Walls wanted to utilize the County’s Animal Control as well as the Animal Shelter. Therefore, the costs presented were separated. She said the costs are a moving target and will change with every budget. She said their attorney has contacted Mr. Nowak regarding an interlocal agreement. Supervisor Russell said he would like for the Town of Walls to initiate the interlocal for the services.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the County to present the estimated cost for providing Animal Services to the Town of Walls so they can pick an option for the County to provide Animal Services, and the appropriate agreements can be worked out to accomplish that. 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. Group Health Insurance**

Human Resources Director Janna Rogers presented the planned medical expenses for 2007 through 2009 in detail with the year end results as follows:

	Health	Dental	RX	Administration
Total 09	\$214,932.75	\$19,559.71	\$69,176.17	\$57,687.19
Total 08	\$2,719,704.39	\$234,442.86	\$855,775.93	\$691,653.18
Total 07	\$2,402,155.82	\$224,324.05	\$635,379.17	\$819,674.14

Supervisor Jessie Medlin asked if we decreased the contribution to the program in 06. County Administrator Michael Garriga said the contributions were decreased in 2005 and 2006. Supervisor Medlin asked how many claims went over \$100,000. Ms. Rogers said two claims went over \$100,000. Supervisor Medlin asked how much the County pays for re-insurance. The Board discussed the re-insurance feature of the program.

Mr. Garriga said the key factor to remember is the fund balance has slightly declined. Mr. Garriga said the County employees are extremely grateful for the benefit provided by the

County. He said DeSoto County benefits are higher than many other counties and cities provide. He said, if we do not make changes now, in the next few years it could jeopardize the fund. He said we are not in a crisis now but we do need to make changes that will prevent the significant changes later. Mr. Garriga said we submitted suggestions for changes to the Board on Monday. He asked the Board to consider the recommended pharmacy program changes in particular. They discussed the three tier program that was recommended for pharmacy products. Rex Haynes of South Group Insurance explained the three tier program is based on costs and not brand.

Mr. Garriga said the following are the changes that are being recommended:

Plan	Current Design	Proposed Design	%Overall Cost	Est.Savings
1) Pharmacy	2 tier (\$10/\$20)	3 tier (\$10/\$25/\$35)	2.3	\$ 89,000
2) Medical	Deductible \$300	Deductible \$400 (increase \$100)	1.27	\$ 49,000
<b>OR</b>				<b>OR</b>
3) Medical	Deductible \$300	Deductible \$500 (increase \$200)	1.85	\$ 71,000
4) Medical	Out of pocket maximum \$1000/\$3000	Out of pocket maximum \$1500 /\$3500	0.77	\$ 29,813
5) Medical	Office visit co-pay \$15/\$25	Office deductible \$25/\$35 (increase \$10)	0.54	\$ 20,900
6) Medical	Emergency room paid under deductible/co-insurance	Emergency co-pay \$100 (new) plus deductible/co-insurance		
7) Vision	Current vendor VSP (see detailed analysis)	Transition to Humana VCP		\$ 14,092
8) Medical	Wellness maximum \$400	Remove \$ cap and cover standard AMA Preventive procedures (increases benefit for colonoscopy, diagnostic mammogram)		Long term
9) Dental	1st level handled by Humana, 2 <sup>nd</sup> level by employer	All levels of reconsiderations and appeals handled by Humana		NA

Sheriff Bill Rasco asked if the Board is taking into account that some employees make \$25,000 to \$35,000 a year and how the changes can adversely affect them.

Supervisor Russell said the Board is trying to look down the road to protect all of the employees. He said the County has a rich medical program and some employees go to the emergency room instead of their family doctor. He said he would like for the Human Resources Department to educate the employees on how to better manage the program. Mr. Garriga said that is one of our missions with the Human Resources Department. He said he guarantees the Human Resources Department will start a program for in-house employee relations. Supervisor Russell said we can always revisit the program later to see if the numbers have decreased and reverse the changes.

Ms. Rogers said the estimated savings for implementing the changes for the emergency room deductible is \$8,500 per year. She said the total estimated savings for these changes is \$202,805 plus the \$8,500 for emergency room savings.

Supervisor Medlin asked when deductibles would be paid versus co-pays. Ms. Rogers explained that procedural costs are not included in co-pays.

Supervisor Medlin said he hates that we are penalizing people who try to do the right thing by increasing the co-pay.

Supervisor Latimer said he understands the changes regarding items three and four:

3.) Medical	Deductible \$300	Deductible \$500 (increase \$200)
4.) Medical	Out of pocket maximum \$1000/\$3000	Out of pocket maximum \$1500 /\$3500

He said he understands why they are not included in the motion if we take the recommendation of the Human Resources Department. He said regarding item one, we have a lot of people making \$25,000 to \$35,000. He said an employee may see one doctor and receive multiple prescriptions. They would have to pay an increase in the co-pay on all of them. He said he wished we could do something to help lighten the burden for some people. Supervisor Latimer asked if it would be better to increase the current co-pays to \$15 and \$25. Ms. Rogers said this is the County plan and you can do that. By doing so you would not achieve the same level of savings.

Supervisor Latimer said he knows the County has better coverage than the cities. He said his only issue is with the pharmacy change in the program because it will burden some employees.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to adopt the recommendations of the Human Resources Department with the changes to be made implemented shown under "Design Amendment", with the changes to be implemented as soon as all necessary paper work can be executed, required notices given, and policy requirements met as follows:

Plan	Current Design	Design Amendment	%Overall Cost	Est. Savings
Pharmacy	2 tier (\$10/\$20)	3 tier (\$10/\$25/\$35)	2.3	\$ 89,000
Medical	Deductible \$300	Deductible \$400 (increase \$100)	1.27	\$ 49,000
Medical	Office visit co-pay \$15/\$25	Office deductible \$25/\$35 (increase \$10)	0.54	\$ 20,900
Medical	Emergency room paid under deductible/co-insurance	Emergency co-pay \$100 (new) plus deductible/co-insurance		
Vision	Current vendor VSP (see detailed analysis)	Transition to Humana VCP		\$ 14,092
Medical	Wellness maximum \$400	Remove \$ cap and cover standard AMA Preventive Procedures (increases benefit for colonoscopy, diagnostic mammogram)		Long term
Dental	1st level handled by Humana, 2 <sup>nd</sup> level by employer	All levels of reconsiderations and appeals handled by Humana		

Also, have the Human Resources Department develop an employee education program and to report back to the Board after meeting with County employees. The motion passed by a vote as follows:

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

**See Exhibit F.3**

**G. NEW BUSINESS**

**1. Authorization for County Engineer to Sign NRCS Reimbursement Requests**

County Engineer Andy Swims said that NRCS requires the Board authorize someone to sign for reimbursements the County receives from them.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to authorize County Engineer Andy Swims to sign as authorized certifying official for the following NRCS projects:

1.) Contracting Local Agreement number 68-4423-8-1793-DeSoto County EWP, road and bank stabilization, Craft Road, Dean Road, Holly Springs Road, Nail Road and Watson-DeSoto Road, DeSoto County, Ms.

2.) Contracting Local Agreement Number 68-4423-8-1792, DeSoto County EWP, road and bank stabilization, Fir Drive and Evergreen Drive, DeSoto County, Ms. 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**

**I. OTHER ISSUES**

**1. Bond Resolution**

Board Attorney Tony Nowak said that Butler Snow contacted his office regarding a form that was originally approved for a bond up to \$13,600,401 as the ceiling amount. He said the issuance fees fluctuate and they have asked to adjust the not to exceed amount to \$14,100,000. They think the amount issued will not be that high, but they need this authority due to the fluctuating market.

Supervisor Allen Latimer asked what justified the increase. Mr. Nowak said the bond limit is a moving target. Apparently these agents are having problems selling the bond. The rates are higher than expected and the bond costs are higher as well.

County Financial Advisor Demery Grubbs joined the meeting by teleconference. Mr. Grubbs said the additional authority is needed for two reasons. 1.) The initial resolution was for \$13.6 million when it should have put \$14.1 million in the bond. 2.) The market moved a little and we are putting in a premium to make sure we sell the bonds. Mr. Grubbs said it will not affect savings or change anything for the County.

Supervisor Jessie Medlin asked how long it will take to recoup the additional amount of the bond. Mr. Grubbs said there is not anything the County has to recoup. He said the County will not be paying more, but paying less. This will not be changing the County money in any way. Mr. Grubbs said the County is actually purchasing \$13.6 million bonds and will be paying less than they are currently paying. He said the ceiling should have been \$14.1 million to start with.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve signing the bond documents to increase the not to exceed amount from \$13.6 million to \$14.1 million. 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. District 3 Park Funds**

Supervisor Bill Russell said that people at Lake Cormorant have built two baseball fields. He said they have suggested capping the top of some of the fences as a safety measure for an estimated cost of \$1,015.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve spending up to \$1,015 at the Lake Cormorant Park for improvements to the fences at the ball field from the District 3 Park Fund. 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

### 3. Bel Mor Lakes Subdivision

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to ask NRCS to help on the Bel Mor Lakes Subdivision drainage issues by issuing a resolution or letter. 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 Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to recess the meeting until February 17, 2009, 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 4<sup>th</sup> day of February, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Tommy Lewis, President  
DeSoto County Board of Supervisors