

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**ALLEN LATIMER, PRESIDENT 2011 PRESIDING**

**January 5, 2011**

**A. CALL TO ORDER**

The January 5, 2011 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President.

Deputy Carl Hurt 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. CITIZEN COMMENTS**

Supervisor Allen Latimer asked if there were any citizens present to address the Board. No one came forward.

**E. PLANNING COMMISSION**

DeSoto County Board of Supervisors  
Planning Agenda  
**January 5, 2010**

**CONSENT AGENDA**

**Minor Lots**

*District 1*

**John M. Hudspeth Minor Lot (6804) – Application is for final subdivision approval of one (1) lot of 1.5 acres out of 127.8 acres. Subject property is located on the south side of Cathy Road and west of Watson-DeSoto Road in Section 21, Township 3, Range 5 and is zoned Agricultural (A).**

*District 4*

**Dwight Wilkins Minor Lot (6806) – Application is for final subdivision approval of one (1) lot of**

**7.54 acres. Subject property is located on the east side of Tulane Road and south of Pine Tree Loop Road in Section 3, Township 3, Range 8 and is zoned Agricultural (A).**

***District 5***

**M. C. Elliott, Jr. Minor Lot (6805) – Application is for final subdivision approval of one (1) lot of 5.12 acres out of 27.9 acres. Subject property is located on the south side of Alphaba Road and east of Smith Road in Section 32, Township 3, Range 6 and is zoned Agricultural (A).**

Mr. McDougal presented the applications above and stated the applications appear to be in compliance with the County’s Zoning and Subdivision Ordinances.

Supervisor Lewis asked how many total acres the 7.54 acres of the Dwight Wilkins Minor Lot will be cut out of. Mr. McDougal clarified the Dwight Wilkins Minor Lot application is for a lot approval, the parcel was created by a deed, so the approval of the Minor Lot application is merely a formality.

Supervisor Medlin made a Motion to approve the above applications, subject to and conditioned upon staff recommendations and required dedication of public road right-of-way and Health Department approvals. Supervisor Thach seconded the Motion.

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

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

Mr. McDougal gave the Year End Review for the Planning Department.

**Other Items:**

**1. I-69/I-269 International Trade Corridor Study – Request for Steering Committee to hold a Special Meeting on January 20, 2011**

Mr. McDougal stated the consultants for the I-69/I-269 International Trade Corridor Study were in DeSoto County on December 16 and 17, 2010 to meet with the members of the Board of Supervisors, and were also able to meet with the Planning Commission and various members of the community throughout the County. He then stated the consultants will be back in DeSoto County on January 20, 2011. Mr. McDougal stated the Planning Commission has asked to hold a special meeting on January 20, 2011 to meet with the consultants to discuss I-69/I-269 International Trade Corridor Study issues only.

Supervisor Russell asked if it would be beneficial for members of the Board of Supervisors to attend this meeting as well. Mr. McDougal stated it maybe helpful to the Board with understanding the process of the corridor study and Board members are welcome to attend.

Supervisor Russell made a Motion to approve a special meeting of the Planning Commission as the Steering Committee for the I-69/I-269 International Trade Corridor Study on January 20, 2011. Supervisor Thach seconded the Motion.

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

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

There was an inquiry made by Supervisor Medlin concerning the new regulations by the State Fire Marshal for the transport and installation of mobile homes. Mr. McDougal commented on his understanding of the new regulations. It was decided the Planning Commission office and the County Fire Marshal office should hold a meeting to coordinate on the new requirements by the State Fire Marshal for the transport and installation of mobile homes as it relates to permitting and inspections.

**F. CONSENT**

The Board of Supervisors considered the items on the Consent Agenda.

Director of Administrative Services Vanessa Lynchard said that Days Water is the only water association that submits a surety bond to the county. She said the Board can consider accepting the bond and the authorizing Board President to sign the documents.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the Consent Agenda as follows:

**1. Days Water Association Surety Bond-Renewal of Bonds #400BZ3633-Term 11/27/2010 to 11/27/11**

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.1**

**G. OLD BUSINESS**

**1. Addendum to Rubbish Pit Operations Agreement**

Board Attorney Tony Nowak said at the prior Board meeting, he presented an addendum to the agreement for rubbish and landfill operations services with BFI Waste Services. He said the addendum has the changes that were previously discussed in the Board meeting.

County Administrator Michael Garriga said for whatever reason, one contract was for five years and the other was for six years. Mr. Garriga said the contract for collections is set to expire September 30, 2011, and the request for pricing needs to start soon so it can be effective October 1, 2011.

Supervisor Allen Latimer asked if the agreement is renewed every year, can they go up on the price every year. Mr. Nowak said the increases are covered under the original agreement. The addendum only changes the term expiration and provides for extending the agreement one year at a time instead of a term of five years. He said it also authorizes use of an alternate site at South Shelby landfill.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the addendum to the agreement for residential waste collection and rubbish landfill operations services with BFI Waste Services, LLC and as detailed in Exhibit G.1. 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. 2011 Board Appointments**

The Board of Supervisors considered appointments that are expiring for boards and commissions throughout the county. They discussed any appointments for boards and commissions that were recommended for change by the appropriate party.

Sheriff Bill Rasco said Fred Perez needs to be changed to Allen Thompson for requisition clerk in the DeSoto County Sheriff’s Department.

Sheriff Rasco said on the E-911 Commission previously, Kinsey Wilhite who passed away

earlier this year was replaced by Jerry McCarson.

Sheriff Rasco said on E-911 County Dispatch he wants to replace Fred Leviton with Sherry Herndon as the Sheriff's Department appointee to the E-911 County Dispatch Commission.

Supervisor Jessie Medlin said there has been a vacancy in the District One Port Commission appointments. Supervisor Medlin said he wished to appoint Milton Nichols to complete the unexpired term.

Supervisor Jessie Medlin said on the Olive Branch Library Board, he wished to remove Gail Massey and appoint Dafene Craig.

The Board of Supervisors discussed the other appointments.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve appointments as described in the attached appointment book and the additional appointments to Boards and Commissions as follows:

**Board of Adjustment:**

Mr. Michael Hatcher Mr. Billy G. Smith Mr. Rudy Davis Mr. James McKell Mr. Bennie Norwood

**Coldwater River Watershed:** Mr. Robert Abbay, III

**E-911 Commission:** Mr. Mike Riley Mr. Jerry McCarson

**Eudora Fire Protection District:** Melissa Storey

**Lewisburg Fire Protection District:** Mr. Gerald C. Rikard

**Summers Hill Fire Protection District:** Mr. Herbert D. Hunt

**Walls Fire Protection District:** Ronald W. James expires January, 3, 2016

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.2

**3. DC State Aid Engineer-Request for Qualifications**

Board Attorney Tony Nowak presented a recommended posting for the request for qualifications for the State Aid Engineer.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the request for qualifications for the State Aid Engineer position in the DeSoto County and to authorization the publication of same. 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.3

**H. NEW BUSINESS**

**1. Memphis Child Advocacy Center**

County Administrator Michael Garriga said due to a substantial increase in case referrals, the Memphis Child Advocacy Center has discontinued serving DeSoto County. Mr. Garriga introduced Nancy Williams, Executive Director of the Memphis Child Advocacy Center and Fred Ashwell, Vice President Public Policy/Community Development of United Way.

Ms. Williams said they do site review for children who have been abused. She said their case load in Shelby County has increased and it is now hard to serve DeSoto County. Ms. Williams said they have a good working relationship with the DeSoto County Sheriff's Department and really want to be able to continue to help the county. Ms. Williams said they have talked to the mayors of the cities in DeSoto County and they would like to share the cost. She said they would like to add another staff position to provide service to the county.

Ms. Williams described the interview process when a child has been sexually abused. She said they conducted approximately 1,200 interviews last year. The interviews are recorded and observed and then information is offered to the family, DHS and law enforcement. Ms. Williams said the services provided to DeSoto County are paid by Tennessee and never by Mississippi.

Mr. Ashwell said he has been a DeSoto County resident for 33 years. They propose that DeSoto County be a satellite office of the Child Advocacy Center. Mr. Ashwell said he has been working with John Champion, District Attorney for DeSoto County. He said Mr. Champion planned to appear before the Board as well, but had an urgent matter that took precedence. He said Mr. Champion understands the importance of the interview process in these cases.

Ms. Williams explained the relationship with LeBonheur Hospital in Memphis and said the state pays the hospital for medical exams. Last year LeBonheur set up a satellite at their center. So counseling, medical and interviews could be done at that one center. That service is such a child friendly environment which is so important to a child who is traumatized.

Supervisor Eugene Thach asked if United Way was involved in this. Mr. Ashwell said yes.

Supervisor Thach asked Mr. Garriga his recommendation in this matter. Mr. Garriga said he feels strongly that DeSoto County needs to maintain a relationship with the Child Advocacy Center. Their service is very valuable to law enforcement and the District Attorney's office. Mr. Garriga said the county needs to do whatever it takes to use the Child Advocacy Center including exploring a long term relation and locating a center in DeSoto County.

Ms. Williams said the Child Advocacy Center is accredited. They give direct services to children offering counseling and all areas that support the counseling process. In addition, the center tracks cases through meetings, reviews and all other ways to make it successful for the children. Ms. Williams said their job is also to help and make officials find the truth relating to the children and help them do the best job for the children.

Supervisor Bill Russell asked if this is an issue that could involve help from Region IV. Mr. Garriga said yes. Mr. Garriga said the goal is to hire an additional interviewer for the increased load and pay half the salary.

Ms. Williams said including set up of the position, the fee would be approximately \$62,500. Then after set up, next year the fee would be \$59,000.

Mr. Garriga said they will also present this issue to the Council on Governments and see if the cities will share in the cost. They already know some of the cities are interested.

Board Attorney Tony Nowak said there is a local and private option to allow the county to make contributions. This may also qualify under the statute that allows contributions by the Board to domestic violence and rape crisis center and he can write for an Attorney General's opinion to see if the statute applies.

Supervisor Jessie Medlin asked if Region IV is involved, how much it will cost. Mr. Garriga said he knows there is a fee, but does not know the amount.

Supervisor Bill Russell asked if there is insurance available through Medicare or Medicaid. Ms. Williams said not for this service. She said counseling services are paid in various ways. They raise 60% of the budget and that is the best way to get funding. She said in Tennessee there were issues with TennCare because they cannot afford to hire someone.

Supervisor Russell said meeting with Region IV will be beneficial. Mr. Garriga agreed He said to secure funding through the community as a whole is also a benefit. Ms. Williams concurred and said private funding is the strength of the organization.

Sheriff Bill Rasco said taking the children to Memphis to the Child Advocacy Center is a better environment than taking them south.

Ms. Williams said the DC law enforcement is great to work with. Sheriff Rasco said Michael Pate of the Sheriff's Department does a good job handling these situations.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak LLP to draft a local and private granting the county the authority to contribute up to \$65,000 per year to the Memphis Child Advocacy Center, and to seek an Attorney General's opinion to clarify if the Memphis Child Advocacy Center qualifies under the statute as an entity the Board can contribute funds to as a center that supports abused children and County Administrator to meet with Region IV to discuss their level of participation in this matter. The motion passed by a vote as follows:

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

Supervisor Jessie Medlin said he voted no because he needs more information on the issue.

Supervisor Allen Latimer clarified that the services have currently stopped. Ms. Williams said yes. Sheriff Bill Rasco said they will have to use the facility at Tupelo.

Supervisor Latimer confirmed the fee of \$62,000 for the first year. Mr. Garriga said yes, but they will work with the cities to get their participation as well.

Supervisor Latimer said he knows that sometimes when a child is in jeopardy and the courts are involved, it can be timely. Supervisor asked the role of the CAC after that process. Ms. Williams said one role is a prevention service. She said communication helps the abused and others involved how to understand sexual abuse and how to identify it and help prevent it from happening.

Ms. Williams said they were devastated when they could no longer help the county.

Supervisor Allen Latimer asked if they should set the fee at \$75,000 in the local and private to make sure everything will be covered. Ms. Williams said she did not think so.

Supervisor Russell said he would like to let other counties know and invite them to participate as well. They could share in the cost. Ms. Williams said they are already looking into that and have a meeting set up with Tunica County.

Mr. Garriga said the District Attorney represents a lot of the surrounding counties and they will be supportive as well.

Supervisor Latimer thanked Ms. Williams and Mr. Ashwell for appearing before the Board and the assistance they have provided the abused children of DeSoto County. He said the Board looks forward to working with them in the future.

**See Exhibit H.1**

**I. EXECUTIVE SESSION**

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

**J. OTHER ISSUES**

**1. ICS Head Start**

Supervisor Allen Latimer said he read in the newspaper that Head Start did not recognize Santa Claus this Christmas.

Supervisor Bill Russell said he heard that Head Start referred to Christmas as Holidays and that they could not refer to Santa Claus or have anything referring to Christmas, Christ or Santa Claus.

Supervisor Jessie Medlin said he shares the Board members' disappointment in their philosophy but he thought the Board of Supervisors should not get involved in the issue since it is a federal program and it is not a local program

Supervisor Eugene Thach agreed with Supervisor Medlin.

Supervisor Russell said he would still like to have conversations and find out the details. He said if they did not have Santa for the kids and didn't refer to Christmas and just say Holiday season, he does not like it.

Supervisor Thach said the Board of Supervisors cannot do anything about it.

County Administrator Michael Garriga said Head Start has requested to appear before the Board on January 18<sup>th</sup> and it could be discussed during that meeting.

Supervisor Latimer said it just seems the American culture is slowly being chipped away.

Supervisor Medlin said Head Start does good work for the kids.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to recess the meeting until January 18, 2011 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 5th day of January, 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