

**DESOTO COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING MINUTES**

**DISTRICT ONE MARK GARDNER, PRESIDING**

**January 7, 2013**

**A. CALL TO ORDER**

The January 7, 2013 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, 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**

Deputy Carl Hurt presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. APPROVAL OF DECEMBER MINUTES**

The Board of Supervisors considered the minutes for December as presented.

The official minutes of the Board of Supervisors were read for the month of December 2012.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to accept the minutes of the Board of Supervisors for December, 2012, as presented this date with changes previously submitted pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated.

The motion passed by a vote as follows:

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

**See Exhibit D**

**E. APPROVAL OF AGENDA: ADDITIONS AND DELETIONS**

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

1.) Inventory Control Clerk Char McCool requested adding two dispositions for the Sheriff's

Department.

2.) Chief Financial Officer Tom Arnold requested adding a late bill for the Road Department for a tractor trailer truck tag.

3.) Road Manager Andy Swims said he would like to discuss the following:

a. Pricing for trucks from Crenshaw Auction

b. Swinnea Road Project MOU with City of Southaven

4.) Environmental Services Manager Ray Laughter requested adding a request for approval to seek an Attorney General’s opinion regarding mulching and recycling operations.

5.) Supervisor Mark Gardner said he would like to update the Board on a discussion regarding the CVB debt service.

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

a. Board approval to rescind the Ambu Bus Agreement

b. Unclaimed Body: Mr. William Godwin

7.) Supervisor Harvey Lee said it had been brought to his attention that the yellow steps at the courthouse for handicap have faded and need to be repainted.

Chancery Clerk Sluggo Davis said there is also an issue with the steps inside the courthouse. The last step is wider and painting it a different color would help people notice it quicker.

Supervisor Lee suggested placing signs at the stairs as well.

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

The motion passed by a vote as follows:

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

**1.) Inventory Control Clerk Char McCool requested adding two dispositions for the Sheriff’s Department.**

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve preliminary dispositions for the Sheriff’s Department as follows:

ASSET #	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	YR ACQ	COST	LOCATION AT PRELIMINARY
39799	FORD 2005 CROWN VIC	2FAHP71W75X156769	AUCTION - HIGH MILEAGE - NON-REPAIRABLE DUE TO COST / NRC	09	11K	SO - CENTRAL MTNC

ASSET #	GRANT	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	YR ACQ	COST	LOCATION AT PRELIMINARY
40829		VIEWSONIC 19" MONITOR	QC60739702505	POWER SUPPLY IS BAD / NR	10	1H	SHERIFF DEPT

The motion passed by a vote as follows:

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

Supervisor Lee Caldwell, Fourth District YES  
Supervisor Harvey Lee, Fifth District YES

**See Exhibit E.1**

**2.) Chief Financial Officer Tom Arnold requested adding a late bill for the Road Department for a tractor trailer truck tag.**

Mr. Arnold said the Road Department purchased a tractor trailer truck previously approved by the Board and requested payment of \$12.00 for the tag.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve paying \$12.00 for a tag for a tractor trailer truck, title number G404529, VIN 1M1AN014892.

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 E.2**

**3.) Road Manager Andy Swims said he would like to discuss the following:**

**a. Pricing for trucks from Crenshaw Auction**

Mr. Swims said previously the Board approved selling eight trucks through Crenshaw Auction. He said it has been nine months since they presented this to the Board and the mileage has changed. Mr. Swims said the original price was \$50,000 and the current guaranteed minimum price is \$36,839.00. Mr. Swims said they will look at the mileage again when the trucks go to auction.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the changes to mileage and to guarantee minimum auction sales price for the vehicles previously approved by the Board for sale by Crenshaw Auction.

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 E.3.a**

**b. Swinnea Road Project MOU with City of Southaven**

Road Manager Andy Swims said he attended the Southaven Board of Alderman's meeting to discuss an MOU on the Swinnea Road project. He said the county is taking the lead on the project. Mr. Swims said Neel Schaffer has done the environmental and survey work. He said the Aldermen are supporting the county on this project.

Supervisor Mark Gardner introduced Alderman Ronnie Hale in the audience. Supervisor Gardner said there was a real spirit of cooperation in working on the project. He said the city and county would split the cost of the project.

Supervisor Gardner said there is one other thing that needs to be looked at. He said there needs to be improvements on Nail Road so that Fire and Police can respond quicker in that area. He said

there would be right of way acquisitions so the Board Attorney would need to work with Southaven Attorney Nick Manley.

County Board Attorney Tony Nowak said the memorandum of understanding with Southaven would be finalized Friday. Mr. Nowak said under the proposed agreement with Southaven Neel Schaffer all invoices are submitted to the county. The county would then invoice the city for their portion. If there are any potential cost overruns, Neel Schaffer will notify the city and county and obtain approval of the work before proceeding. Supervisor Gardner said the engineering costs is \$192,000 and initial construction project costs range from \$1.8 million to \$2.4 million. The county has budgeted \$1.2 million for the project.

Mr. Hale said the city of Southaven is very thankful to DeSoto County for their participation and they are very eager to start the project.

Mr. Nowak said he would have the agreement with the city, and the agreement with Neel Schaffer, at the next Board of Supervisors meeting.

Supervisor Harvey Lee asked if work would be done all the way to the end of the road. Mr. Swims said there needs to be a third lane.

Supervisor Gardner said there are five or six subdivisions on Goodman Road South and this will open the area for new development.

Mr. Swims said he attended the Southaven Alderman meeting along with the County Administrator and the Assistant County Engineer and he has a copy of the MOU and the mayor is ready to move forward.

No action was necessary on this item.

**4.) Environmental Services Manager Ray Laughter requested adding a request for approval to seek an Attorney General's opinion regarding mulching and recycling operations.**

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to seek an Attorney General's opinion regarding various mulching and recycling operations in DeSoto 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>

**5.) Supervisor Mark Gardner said he would like to update the Board on a discussion regarding the CVB debt service.**

Supervisor Mark Gardner said he had spoken with Charles Tackett, Chairman of the CVB, and they are eager to work with the county on reducing the debt. Supervisor Gardner said Mr. Tackett told him there is a formal agreement in place but there are no formal terms regarding paying the debt. It says they will pay it back when they can. The debt is over \$7 million.

County Administrator Vanessa Lynchard said she has spoken to the county financial consultant, Demery Grubbs and he will look into this matter. She said she has a meeting scheduled with Todd Mastery of the CVB.

Supervisor Gardner reminded the Board that this includes the Tourism Center as well. He said there is a desire on their part to address the debt and a good spirit of cooperation with the CVB. Supervisor Jessie Medlin said the bond is in the Board's name and if the CVB defaults, the debt will be the Board's responsibility.

Supervisor Lee Caldwell said she was glad this was brought to the Board's attention and that there is a good spirit of cooperation.

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

**a. Board approval to rescind the Ambu Bus Agreement**

County Administrator Vanessa Lynchard requested rescinding a previous Board approval on December 17, 2012, for an Ambu Bus agreement with DHS.

Supervisor Lee Caldwell said the schools already have an Ambu Bus allotted to them.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve rescinding the agreement with DHS for an Ambu Bus stretcher kit, which the Board had voted to approve on December 17, 2012.

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

**b. Unclaimed Body: Mr. William Godwin**

County Administrator Vanessa Lynchard said County Coroner Jeffrey Pounders notified her regarding an unclaimed body. Mr. William Godwin passed away on December 28, 2012 and his family cannot be located.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to cremate the unclaimed body of Mr. William Godwin who passed away on December 28, 2012.

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>

**7.) Supervisor Harvey Lee said it had been brought to his attention that the yellow steps at the courthouse for handicap have faded and need to be repainted.**

Chancery Clerk Sluggo Davis said there is also an issue with the steps inside the courthouse. The last step is wider and painting it a different color would help people notice it quicker.

Supervisor Lee suggested placing signs at the stairs as well.

Tony Nowak Martin will look at this situation.

**F. CITIZENS REMARKS & PRESENTATION**

Environmental Services Manager Ray Laughter introduced Mr. Carey Redding from Ingrams Mill as the new Environmental Specialist.

**G. ORGANIZATION OF THE BOARD & APPOINTMENTS**

**1. Organization of the 2013 Board of Supervisors**

Supervisor Jessie Medlin opened the floor for nominations to serve as Board President and Vice President.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to nominate Supervisor Mark Gardner to serve as Board President for the 2013 term.

Supervisor Medlin then closed nominations and opened for a motion.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to appoint Supervisor Mark Gardner to serve as Board President for the 2013 term.

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 Lee Caldwell thanked Supervisor Medlin for all he has done and said he served them well. Supervisor Caldwell said Supervisor Medlin was patient with the new members and gave them confidence.

Supervisor Medlin acknowledged the thanks and stated he appreciated the confidence the Board had in him serving as President.

Supervisor Mark Gardner thanked the Board for having confidence in him to serve as President of the Board of Supervisors. Supervisor Gardner asked for nominations to serve as Vice President.

Supervisor Jessie Medlin nominated Supervisor Lee Caldwell to serve as Vice President for the 2013 term on the Board of Supervisors. Supervisor Harvey Lee seconded the motion.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to appoint Supervisor Lee Caldwell as Board Vice President for the 2013 term.

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. Board of Supervisors Appointments**

### **a. North Delta Planning and Development District, Inc.**

County Administrator Vanessa Lynchard said the qualifications have changed over the years for the North Delta Planning and Development Board. Mrs. Lynchard said that she and the former County Administrator was on it as well.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to appoint Supervisor Lee Caldwell to the North Delta Planning and Development District, Inc. Board.

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 Caldwell said she would like for the new Director of Administrative Services Pat

McLeod to be involved as well and that Mrs. Lynchard would remain on the Board.

**See Exhibit G.2.a**

**b. Board of Supervisors Appointments**

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to reappoint all appointees for District One as listed below and to appoint Milton Nichols for the Port Commission and to appoint DeSoto County Board President, Supervisor Mark Gardner to the Mid-State Opportunity Board for the open position vacated by Supervisor Jessie Medlin as follows:

D-1

Board of Adjustment	Mike Duncan	1	1 yr	
Handicap Compliance Grievance Committee	Jackie Hannaman	1	1 yr	
Library DeSoto County Library Board	Patricia Hefley	1	5 yr	
Library City of Olive Branch - Library Board	Lelia Payne	1	1 yr	
Library City of Olive Branch - Library Board	Betty Collins	1	1 yr	
Library City of Olive Branch - Library Board	Daphine Craig	1	1 yr	
Library City of Southaven - Library Board	Peggy Hall	1	1 yr	
Mid State Opportunity Board of Directors	Jessie Medlin	1	1yr	
Park Commission(Replaced with Recreational District)	Ray Laughter	1	1yr	appointed 8/20/12
Planning Commission	Len Lawhon	1	1yr	
Planning Commission	Julius Cowan Jr.	1	1yr	
Planning Commission	Pat Hefley	1	1yr	
Port Commission	Milton Nichols	1	5yr	expired 7/1/12

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

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to reappoint all appointees for District Two as listed below with the exception of Charles McNemar for the Planning Commission who is no longer in District Two and is not being reappointed:

D-2

Board of Adjustment	Billy G. Smith	2	1 yr	
Handicap Compliance Grievance Committee	Pat Sylvester	2	1 yr	
Library City of Southaven - Library Board	Donna Bouchillon	2	1 yr	
Park Commission(Replaced with Recreational District)	Peggy Linton	2	1yr	appointed 8/20/12
Planning Commission	Charles W. McNemar	2	1yr	
Planning Commission	Bill Sexton	2	1yr	
Planning Commission	Randy Jones	2	1yr	

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

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to reappoint the District Three appointees as listed below with the exception of Mrs. Bess Burges with the Horn Lake Library who is no longer in District Three and is not being reappointed:

D-3

Board of Adjustment	Rudy Davis	3	1 yr	
Handicap Compliance Grievance Committee	Sara Watkins	3	1 yr	
Library City of Horn Lake - Library Board	Bess Burgess	3	1 yr	
Library City of Southaven - Library Board	Betty Moore	3	1 yr	
Recreational District	Mike Duncan	3	1yr	appointed 8/20/12
Planning Commission	Wade Carter	3	1yr	
Planning Commission	Joe Forsythe	3	1yr	
Planning Commission	Joan Robertson	3	1yr	

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

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to appoint Mr. Earl Ward to replace Mr. D.W. Gilbert for the Board of Adjustments.

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

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to appoint Mr. Ben Skinner for the Planning Commission who is replacing Ms. Melissa Storey.

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

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to reappoint the District Four appointees with the exception of the appointees for the DeSoto County Library Board, who is not being reappointed, and the Handicap Compliance Grievance Committee as follows:

D-4

Board of Adjustment	D.W. Gilvert	4	1 yr	
Handicap Compliance Grievance Committee	Barry Carter	4	1 yr	
Library DeSoto County Library Board	Tim Ford	4	5 yr	
Library City of Horn Lake - Library Board	Anne Ashcraft	4	1 yr	
Library City of Horn Lake - Library Board	Carolyn Hobbs	4	1 yr	
Recreational District	Henry Lee Ashcraft	4	1yr	appointed 8/20/12
Planning Commission	David Arnett	4	1yr	
Planning Commission	Melissa Storey	4	1yr	
Planning Commission	Jeannie Shannon	4	1yr	
Port Commission	Tony Bishop	4	5yr	

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

Supervisor Harvey Lee made the motion and Supervisor Bill seconded the motion reappoint all appointees for District Five as follows and to add Lucy Bridgforth to the Library Board:

D-5

Board of Adjustment	Tom Williams	5	1 yr
Handicap Compliance Grievance Committee	Barbara Canterbury	5	1 yr
Recreational District	Danette Williams	5	1yr
Planning Commission	Steve Reeves	5	1yr
Planning Commission	Tom Hunt	5	1yr
Planning Commission	Greg Ryan	5	1yr

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

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to reappoint Tony Nowak as Board Attorney by statute for DeSoto County.

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

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to reappoint County Administrator, Vanessa Lynchard and Road Manager, Andy Swims.

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

Board Attorney Tony Nowak suggested making a general motion to reappoint anyone whose term is expiring January 1.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to reappoint all persons not specifically identified above, whose term is expiring January 1, 2013, and any other appointees remaining on the list as follows, unless the prior motions expressly noted that such person was not be reappointed and except for the E-911 Commission:

Recreational District	Chris Burnetti	At-Large	1yr	
Recreational District	Wayne Spell	At-Large	1yr	
Tax Advisory Committee	Jim Flanagan	BOS Rep	1yr	
<i>E-911 Commission</i>	Greg Phillips	City of OB	4 yr	
Tax Advisory Committee	Vanessa Lynchard	Cnty Admin	1yr	
Tax Advisory Committee	Open		1yr	
Port Commission	Kim McGinnis	Post 1	5yr	expired 7/6/10
Coldwater River Watershed Council	Robert Abbay, III		1 yr	
DeSoto County Deputy Medical Examiner Investigator	Billy Baldwin		1yr	
DeSoto County Deputy Medical Examiner Investigator	Damien Weaver		1yr	
Fire Protection District-Eudora	Debbie McGhee		5yr	
Fire Protection District- Lewisburg	Paul "Andy" Allison		5yr	
Jury Commissioners	Belinda Rines	BOS Rep	4 yr	expired 2/5/12
North Central MS Resource Conservation & Development	Bill Russell		1yr	
North Delta Planning & Development-Workforce Development or Post-Secondary Education			1yr.	
North Delta Planning & Development- Private Sector	Charlie Reese		1yr.	
North Delta Planning & Development- Government Employee			1yr.	
North Delta Planning & Development- Elected Official	Lorine Cady		1yr.	
Planning Commission	Smith, Phillips, Mitchell, Scott & Nowak		1yr	

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.b**

## H. CONSENT AGENDA

The Board of Supervisors considered the following items on the meeting's Consent Agenda.

Supervisor Jessie Medlin asked about the budget amendment for Facilities Management for tools in the amount of \$6,000. Chief Financial Officer Tom Arnold said one person retired and the current budget is already down to \$2,000 for the rest of the year.

County Administrator Vanessa Lynchard said the amount is actually \$4,000. Mrs. Lynchard said she would get more information for the Board.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve the Consent Agenda with the exception of the budget amendment for Facilities Management for employees' tools and sewer machine as follows:

### 1. Dept. of Human Resources: Monthly Health Claims

The following is a recap of all insurance claims funded for the month of December and paid to Humana:

<b>Funding Request</b>	<b>Date Paid</b>	<b>Amount</b>	<b>Claim Type</b>
<b>Date</b>			
12/1/12	12/3/12	\$84,266.22	Administration Fees
12/3/12	12/5/12	\$67,475.76	Medical
12/3/12	12/5/12	\$8,440.40	Dental
12/3/12	12/5/12	\$16,630.69	Pharmacy
12/10/12	12/11/12	\$22,168.67	Medical
12/10/12	12/11/12	\$2,701.80	Dental
12/10/12	12/11/12	\$12,567.75	Pharmacy
12/17/12	12/18/12	\$40,260.91	Medical
12/17/12	12/18/12	\$4,457.90	Dental
12/17/12	12/18/12	\$15,653.77	Pharmacy
12/24/12	12/26/12	\$49,560.84	Medical
12/24/12	12/26/12	\$6,295.15	Dental
12/24/12	12/26/12	\$12,790.10	Pharmacy
	<b>TOTAL</b>	<b>\$343,269.96</b>	

## 2. Justice Court Report

Criminal Cases Filed	98
Civil Cases Filed	581
Traffic Tickets Filed	1,148
Total Cases Filed	1,827

State Assessments	\$75,385.50
County General Fund	\$110,955.80
Total Collections	

## 3. Bailiff Pay

Bobby Holloway	\$340.00
Liz Medlin	\$190.00
Chris Plumlee	\$285.00
Brandon Hylander	\$410.00

## 4. Publication of Board Proceedings

## 5. Office of Finance & Accounting

a. Budget Amendments: Detailed in Exhibit H.5.a

### b. Quarterly Budget Allocations

January 7, 2013

## **QUARTERLY BUDGET ALLOCATIONS**

For Quarter Ending March 31, 2013

TAX ASSESSOR:

**Department 103.....\$323,560.75**

TAX COLLECTOR:

**Department 104.....\$322,227.50**

SHERIFF:

**Department 200 (Sheriff Administration).....\$ 275,664.58**

Department 201 (Aviation).....	\$ 55,254.25
Department 202 (Patrol/Law Enforcement).....	\$ 2,553,915.75
Department 214 (Highway Safety Grant).....	\$ 49,490.92
Department 215 (Occupant Protection Grant) ..	\$ 2,505.75
Department 220 (Custody of Prisoners).....	\$ 1,301,487.42
Department 222 (Prisoners' Medical Expense) \$	356,461.00
Department 223 (Juvenile Detention).....	\$ 265,059.92
<b>TOTAL.....</b>	<b><u>\$4,859,839.59</u></b>

**c. Inventory Control**

**1) Sheriff's Department: Declaration of Forfeiture**

AGENCY	CASE #		DATE DECLARED	MFGR	YEAR	DESCRIPTION	SERIAL #	VALUE
SWAT	2011-50290	LARRY WEAVER	08/12/12	VIZIO	N/A	55" VIZIO FLAT SCREEN TELEVISION	LAQKKICM3802952	800.00

**2) IT Department: Preliminary/Final**

ASSET #	GRANT	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	YR ACQ	COST	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE	DISPOSED OF BY	FINAL DISPOSAL LOCATION	DATE OF FINAL APPROVAL
42593		APPLE - IPHONE 5	99000223596434	TEST UNIT / RETURNED TO MFGR	12	1K	MFGR	01/07/13	JOHN MITCHELL	MFGR	01/07/13

**3) Sheriff's Department: Final**

ASSET #	GRANT	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	YR ACQ	COST	LOCATION AT PRELIMINARY
35098		DEWALT DRILL	551513	UNIT DOES NOT WORK PROPERLY - MOTOR BURNT UP & SMOKES / NR	07	2H	SHERIFF DEPT

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

**a. Tax Exemptions: Make Final Approval from the State Tax Commission Part of the minutes**

1) Kimberly Clark Global Sales, LLC

2) EXEL, Inc.

3) Ashland Oil

4) Gould's Pump's, Inc.

7. Department of Revenue – Expend the Avails of the one mill levy

8. Road Department

a. Road Report    b. Work Schedule    c. Road Bond Report

9. Approval of Legal Services Agreement with Smith, Phillips, Mitchell, Scott and Nowak Law Firm

10. Sheriff's Department: Authorize Board President to Sign State Inmate Housing Reimbursement

11. Chancery Clerk

a. Order Approving Mississippi Department of Revenue to Delete Taxpayers from the DeSoto County Homestead Roll

**b. Approve Bond for Robert Sayles for the Yazoo-Mississippi Delta Levee Board**

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>

Later in the meeting, Facilities Management Director Tony Martin explained the budget amendment for tools. Mr. Martin said the tools used by former employees are eight years old and in very bad condition. He said they have hired two new employees and each employee will get a set of new tools. In addition, there is not much money left in the budget for the remainder of the year and this is just January. They also need to purchase a new sewer machine for the Jail.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the budget amendment as presented for Facilities Management for tools for two new employees and sewer machine as detailed in Exhibit H.

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**

**I. OLD BUSINESS**

**1. Board Attorney**

**a. Consideration for Approval of a Local and Private Agreement for County Prosecutor**

Board Attorney Tony Nowak said this draft bill is for the authority for the Board to expand the County Prosecutor position from part time to full time. Mr. Nowak said the expanding position and the salaries to be paid are discretionary if the Board and the legislators approve the bill.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the proposed bill that would authorize expanding the County Prosecutor position from part time to full time and/or hiring part time assistants.

Supervisor Jessie Medlin asked if the prosecutor’s salary is 90% of a judge’s salary. Mr. Nowak said the bill is prepared in such a manner as to cap the salary of the judge’s salary. However, that was a maximum amount and the Board would have the authority to set the salary at a lessor amount. He said the Board has the option to make the position full time and/or to hire part assistants. All salaries would be set by the Board.

The Board of Supervisors discussed the Justice Court case load. They discussed the salary of the Youth Court Judge and said Mr. Sheley is paid between \$47,000 and \$48,000 annually.

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 I.1.a**

**b. Consideration for Approval of a Local and Private Agreement for Economic Development Authority**

Board Attorney Tony Nowak said the Board previously authorized him to draft a local and private agreement for the authority to establish an Economic Development Authority. Mr. Nowak presented the document and said it is not in final form but is a draft for discussion purposes. The current law limits the Board's authority to work with industrial projects only, and also limits the incentive the County can provide. Thus, it would be beneficial to have to the authority to work on industrial and commercial projects and other areas.

Mr. Nowak said a Board member could serve on the District or an individual from the public could serve in addition to an at-large person. Mr. Nowak strongly advised going with the option of appointing members of the public and not members of the Board. Mr. Nowak said the Board could look over the draft and discuss it again at the next Board meeting.

Supervisor Jessie Medlin asked if the District would have power to buy property and raise millage. Mr. Nowak said they would have authority to acquire property but not millage. The draft also includes provisions for issuing bonds upon the Board's approval. Supervisor Medlin said he wants to be cautious about how much authority is given to the committee.

Supervisor Mark Gardner said the CVB is a similar situation.

Mr. Nowak said the legal issues also need to be looked into.

Mr. Nowak was asked to refine the proposed bill based upon the Board's comments and bring it back for consideration. No motions were made nor votes taken on this item.

**See Exhibit I.1.b**

**c. Consideration for Approval Interlocal Agreement for Road Maintenance – Town of Walls**

Board Attorney said for the last several years the County has held an agreement with the Town of Walls to provide road maintenance and the County holds the road note. He said the Board has authorized him to renew the agreement the last several years and there have been no changes. He advised the draft being presented has a provision renewing the agreement annually but the County would have the right to terminate any time. This would alleviate the need to draft a new interlocal each year.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve an interlocal agreement with the Town of Walls for DeSoto County to provide road maintenance.

The motion passed by a vote as follows:

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

**See Exhibit I.1.c**

**d. Amendment to Communications Equipment Site Agreement Fairhaven Fire Department Cell Tower**

Board Attorney Tony Nowak said this agreement was approved by the Board in the last meeting with space for a 6' x 8' shed. Mr. Nowak said the shed the County needs to construct is larger than originally thought.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded to approve the amended agreement to the Communications Equipment Site Agreement Fairhaven Fire Department Cell Tower to allow the County to construct a shed on a 10' x 10' site.

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 I.1.d**

**2. Department of Human Resources – County Insurance: Board President to Sign Documents and Establish as Part of the Formal Record and Enter into the Board’s Minutes**

County Administrator Vanessa Lynchard said the committee went through a suite of county insurance and the documents have been reviewed by Board Attorney Tony Nowak.

Director of the Department of Human Resources Janna Rogers presented the various county insurance documents to be signed by the Board President and/or to be established as part of the formal record and enter into to the Board’s minutes as follows:

**a. Medical – Humana New Case Document (NCD) Addendum**

Supervisor Jessie Medlin asked for an explanation about this addendum.

Ms. Rogers said this is done annually when we make changes the first of the year. The document will update their system according to the changes requested and agreed upon by the county.

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to approve the Humana New Case Document (NCD) Addendum.

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 I.2.a**

**b. Life, AD&D, Short Term Disability (STD), Long Term Disability (LTD), Voluntary Life, AD&D, STD, LTD**

**1) Cigna Group Case Submission Application**

**2) ERISA Coverage Worksheet**

Ms. Rogers explained that some of these products are paid by the employer and some by the employee. She said that Board Attorney Jody Neyman had reviewed documents.

Supervisor Lee Caldwell made the motion and Supervisor Jessie seconded the motion to approve the Cigna Group Case Submission Application and the ERISA Coverage Worksheet.

The motion passed by a vote as follows:

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

**See Exhibit I.2.b**

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to hire Board Attorney, Tony Nowak of the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to review the Life & Disability Cover Sheet and Agreement for Life Assistance Program Services listed as item number I.2.f.

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 I.2.b.&f**

**c. Voluntary Supplemental**

**1) Humana Employer Master Application for Group Voluntary Products**

Ms. Rogers explained that certain voluntary supplemental products that are paid by the employee will no longer be payroll deductible such as AFLAC and Met Life. She said the employee can still keep the coverage but they will need to set up a draft or make arrangements to pay directly. Ms. Rogers said this would help competition in pricing.

Ms. Rogers said there would be communication and training provided to the employees so that no one loses coverage. She said a letter would be sent to the employee and there is also a newsletter that is very informative.

**2) Humana Workplace Voluntary Benefits Agreement**

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the master application for group voluntary products and the Humana Workplace Voluntary Benefits 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>

**See Exhibit I.2.c.1).2)**

**d. Employee Assistance Program (EAP) – Concern Employee Assistance Program Agreement**

Ms. Rogers said the current employee assistance program is with Humana. She said the recommended plan is Concern through Baptist, but the documents need to be reviewed by the Board Attorney.

Supervisor Mark Gardner asked how the county promotes the employee assistance program. Ms. Rogers said they refrain from paycheck inserts, but there is a monthly email. She said Baptist is in our own backyard and she thinks it will be more accessible. She said she thinks the program can

be utilized more. Ms. Rogers said Concern is \$1.10 per month less expensive.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to review the documents from Baptist Concern for the employee assistance program, and approve the documents with the Board Attorney's recommendations.

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 I.2.d**

**e. Worker's Compensation: Board documentation on Drug Free Workplace MPE**

Ms. Rogers said in the December 17<sup>th</sup> Board meeting, the Board approved MPE as the vendor for worker's compensation insurance. She presented the document and requested the Board President and Chancery Clerk's signature. Ms. Rogers said the county receives a 5% discount because of the drug free work place program.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the workers compensation insurance and authorize the Board President and the Chancery Clerk to sign the documentation on the Drug Free Workplace program.

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 I.2.e**

**f. Request Authorization for Board Attorney to review Life & Disability Cover Sheet and Agreement for Life Assistance Program Services**

This item was heard under item number I.2.b

County Administrator Vanessa Lynchard said they will conduct four employee meetings to inform employees of the insurance benefits and changes.

Supervisor Lee Caldwell introduced Ms. Sheila Riley with the School Board District. Ms. Caldwell thanked Ms. Riley for all the work she does and said she appreciated her attendance at the Board meeting.

**J. NEW BUSINESS**

**1. Office of Finance and Accounting**

**a. 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 Jessie Medlin asked if the claim on page 23 under IT for the Business Journal was for advertising for the open position in IT vacated by Pat McLeod. Mr. Arnold said it is for renewal

of the subscription.

Supervisor Medlin asked what the claim is on page 2 for reverse engraving. County Administrator Vanessa Lynchard said it is for name changes on signs outside the door.

Supervisor Mark Gardner said there is a claim on page 9 airfare for Matt Hanks and Scott Trapolino to attend a conference in San Diego.

Supervisor Gardner asked about the claim on page 18 to Affinity Lawnsapes in the amount of \$6,830 and asked if it is for services. Facilities Management Director Tony Martin said they had to add it for services for the new Jail.

Supervisor Gardner asked about the claim to Bluff City Electronics on page 19. Mr. Martin said it is for a new security camera at the Jail.

Supervisor Gardner said on page 21 the bottom line says taxes and asked for clarification. Mr. Arnold said when a part is picked up in Memphis they charge sales tax. If it is picked up in Mississippi, taxes are not charged.

Supervisor Gardner said on page 44 is a claim for Sportsman's Warehouse. Sheriff Bill Rasco said this is for clothing for several undercover agents & the SWAT team. Sheriff Rasco said they have several agents and the SWAT team to buy clothing for.

Supervisor Gardner asked about the claim on page 71 to Impact Missions for \$13,000. Mr. Arnold said he thought two thirds of the total had been paid. Ms. Lynchard said she thought there was a lump sum payment on the front end and then 10 months of payments.

Supervisor Gardner asked about the electronic rental equipment on page 95, and if it part of the JABG grant. Mr. Arnold said the grant was renewed and we can continue with using ankle bracelets.

Supervisor Gardner asked about the claim on page 101 to EAI/WEI, LLC for the Starlanding Road project. Road Manager Andy Swims said LLC is a corporation between Pickering and Waggoner Engineering.

Supervisor Gardner asked about the claim for Waggoner Engineering for bridge repair on page 103. He asked if it is for Fogg Road or Nesbit Road. Mr. Swims said there are several repairs going on right now and he is not sure which one this is for. Mr. Arnold said he thought it may be for Nesbit Road.

Supervisor Bill Russell said he has seen pictures before work and after the work was done on Johnson Road. He said it was very interesting to see all of the pictures and asked why concrete did not go to the top of the pilings. Mr. Swims said they concrete the areas that are mostly impacted by water.

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

**See Exhibit J.1.a**

**b. Inventory Dispositions: Sheriff's Department**

At the recommendation of Inventory Clerk Char McCool, Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the preliminary disposition for the Sheriff's Office as follows:

ASSET #	GRANT	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	Y R A C Q	C O S T	LOCATION AT PRELIMINARY
35098		DEWALT DRILL	551513	UNIT DOES NOT WORK PROPERLY - MOTOR BURNT UP & SMOKES / NR	07	2H	SHERIFF DEPT

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 Mark Gardner said there is a company in Memphis that can repair and rebuild DeWalt tools. He said it may be cheaper than purchasing a new one.

**See Exhibit J.1.b**

## 2. Recreational District

Greenways Director Larry Jarrett discussed the following:

### Proposed DeSoto County Parks Improvements DeSoto County Board of Supervisors Meeting January 7, 2013

The DeSoto County Recreation District Board of Commissioners is recommending improvements to all of the County Parks. Parks Landscaping is the first phase of those improvements.

- The attached drawings outline the improvements to each of the County Parks. (The Commissioners did not get a drawing for Hernando DeSoto River Park but included tree planting there also.)
- Time is of the essence with Winter Landscaping, so the Commissioners wanted to get this phase of the parks improvements on the board agenda early so that county procurement can get the bids out. The landscaping should begin in late Feb or early March at the latest to avoid hot weather.
- The estimate of \$6,000 was broken down between labor and cost of trees. The Commissioners plan to use volunteers as much as possible so that we can save the County money on the landscaping, however; the request is that the Board motion include the full cost of \$6,000 broken down between labor and cost of trees at each park just in case sufficient volunteers are not available.
- After checking with Tom Arnold, there remains \$24,000 in "Professional services and "other fees" that we can be allocated to the project.

Supervisor Mark Gardner asked if the trustees could help with some of the work. Mr. Jarrett said that would be fine, but the cost is already in the budget.

Mr. Jarrett said the Board of Commissioners is recommending moving forward with this phase of the landscaping.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve this phase of the project and to work with the Procurement Department to seek bids for the project.

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 J.2**

### **3. Facilities Management: Final Change Order for the Jail**

County Administrator Vanessa Lynchard said the jail contract has a contingency fund for unforeseen items and the completion date is mid-February. She said the inmates moved into the Jail on December 3<sup>rd</sup> which is well ahead of schedule. Ms. Lynchard said the change order of \$159,431.41 goes back to the county.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the final change order in the amount of \$159,431.41 and for the Board President to sign the final document.

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 J.3**

### **4. Office of Procurement: Purchase exceeding \$25,000: Sheriff's Department Vehicles**

Procurement Clerk Karen McNeil presented a purchase requisition for eight new vehicles totaling \$111,700 for the Sheriff's Department. Ms. McNeil said the Board of Supervisor's policy states their approval is required when a purchase exceeds \$25,000.

Supervisor Mark Gardner asked if these are replacement vehicles. Ms. McNeil said she did not know but they are all 2009 and 2010.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the purchase requisition for the Sheriff's Department for eight vehicles.

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 J.4**

### **5. Contracts Administration**

#### **a. Sheriff's Department: Termination of Interlocal Agreement with City of Olive Branch for use of Firing Range**

Supervisor Mark Gardner said the Sheriff had to leave the meeting. He said Sheriff Rasco is requesting to terminate the interlocal agreement with the City of Olive Branch for use of the firing range.

Board Attorney Tony Nowak said a sixty day notice is required.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve terminating the interlocal agreement with the City of Olive Branch for the shared use of the firing range after the sixty day notice requirement is met and to send notice of termination.

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 J.5.a**

**b. Consideration for a new Interlocal Agreement with the Town of Walls for Fire Inspection Services**

Chief Deputy Director of Emergency Services Chris Olson said the Town of Walls has no one qualified to perform commercial fire inspections. He said there are no fees involved.

Supervisor Bill Russell said he would like for the county to be reimbursed for doing the inspections.

Board Attorney Tony Nowak said the expiration date is April. Mr. Nowak said when Walls lost their inspector they felt there would be a replacement hired within one year. Since they have been unable to find a replacement the Town is requesting a new agreement be entered into for another year.

Mr. Olson said they inspect the day care centers and commercial entities.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to seek an Attorney General's opinion if needed, regarding the authority of charging the Town of Walls a fee for fire inspections and to work with Emergency Services on a fee schedule and to draft the interlocal agreement with the Town of Walls.

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 J.5.b**

**K. PLANNING COMMISSION AGENDA**

**1.) Public Hearing Continued by Board of Supervisors on Dec. 17, 2012 to the Planning Commission Agenda for January 7, 2013**

Supervisor Medlin made a Motion to open a Public Hearing for the rezoning application identified as Unified Waste Systems/Starlanding Landfill (720). 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>

**Unified Waste Systems/Starlanding Landfill Rezoning (720) – Application is for approval of Rezoning of property from Agricultural-Residential (A-R) to Agricultural (A), identified as 9353 Starlanding Road. Subject property is located on the south side of Starlanding Road and east side of Wilson Mill Road in Section 21, Township 2, Range 9 and is zoned Agricultural (A-R). (District 3)**

Mr. Garrod presented the application by Unified Waste Systems/Starlanding Landfill for approval of Rezoning of property from Agricultural-Residential (A-R) to Agricultural (A), identified as 9353 Starlanding Road. He stated the item was continued by the Board of Supervisors on December 17, 2012 until January 7, 2013. He then stated the burden of proof is on the applicant to prove that there has been a substantial change in the character of the neighborhood that would support the rezoning of the property along with a public need to rezone, or that a mistake was made in a previous rezoning of the property. Mr. Garrod stated the action by the Planning Commission was to approve Unified Waste Systems/Starlanding Landfill Rezoning (720) by a vote 7-4.

Supervisor Russell asked for clarification of the original footprint of the rubbish pit compared to the expanded footprint the applicant would later be seeking if the rezoning were to be approved. Mr. Garrod presented the documentation provided by the applicant that demonstrated the two footprints.

Supervisor Russell asked if the request is to rezone only the 21.43 acre strip around the east and south borders of the rubbish pit footprint. Mr. Garrod clarified that rezoning request is only for the 21.43 acre strip around the east and south borders of the rubbish pit footprint. Supervisor Russell asked if the rezoning is approved the land could only be used for a landfill if the expansion of the Conditional Use is approved by the Board of Adjustment. Mr. Garrod stated that the two strips of land the rezoning request is for will be used as a buffer for the rubbish pit. He then stated the engineer for the applicant may be able to answer this question better.

Mr. Jim Becher, United Waste Systems, came forward and stated the current area is a 55 acre footprint that was approved by the State; the County approved a 28 acre disposal area within the 55 acre footprint by way of a Conditional Use (1204) in April of 2005. He then stated in order to utilize the entire 55 acre footprint that was approved by the State as a rubbish pit, the 200 foot buffer totaling 21.43 acres would need to be rezoned to be the same zoning as the footprint of the rubbish pit. Mr. Becher stated this is the reason he is requesting to rezone the 21.43 acres from A-R to A.

Supervisor Medlin asked for clarification that the State approved the 55 acre footprint, but that the Conditional Use approved by the Board of Adjustment only allowed the disposal area to be 28 acres. Mr. Becher confirmed that was correct. A conditional use would still have to be obtained as to the additional 21.43 acres.

Supervisor Medlin asked if there are any trees that will need to be removed in order for the applicant to put the buffer in place.

Supervisor Russell stated he has heard that Mr. Becher was going to build a berm and plant trees at the rubbish pit; he then asked where the berm would be located. Mr. Becher stated he is in the process of building a berm along the western boundary of the rubbish pit.

Supervisor Medlin asked what is in the Solid Waste Plan for the County now. Mr. Laughter stated only the 28 acres approved by the Board of Adjustment are in the Solid Waste Plan at this time. He then stated if the expansion to the Conditional Use is approved the Plan will need to be amended.

Supervisor Gardner asked how much traffic is there to the rubbish pit on an average day. Mr. Becher stated it varies but approximately 40-50 come to the rubbish pit a day on average. Supervisor Gardner asked if the rezoning is approved what would the truck traffic count look like in a year. Mr. Becher stated there would be no effect on the average number of trucks coming to the rubbish pit if the rezoning is approved. Supervisor Russell asked how many trucks pass by the schools on average a day. Mr. Becher stated that on the high side an average of 35-40 trucks pass the school each day. Supervisor Russell asked Mr. Becher if he expects the truck traffic passing the school to increase if he increases the footprint of the rubbish pit. Mr. Becher stated he does not anticipate an increase in the truck traffic passing the school with an increase in the footprint of the rubbish pit.

Supervisor Medlin asked of the 28 acres currently approved for disposal, how much is being utilized at this time. Mr. Becher stated at this time 8-10 acres of the approved 28 acres have been consumed. Supervisor Russell asked for clarification that the reason for the expansion of the rubbish pit footprint is to increase capacity not to increase the number of trucks coming to and from the rubbish pit a day. Mr. Becher confirmed the expansion of the rubbish pit is to increase capacity.

There was discussion of the contract with the County for solid waste disposal and the conditions of the current approved Conditional Use for the rubbish pit that is in effect until March of 2015. Mr. Garrod stated the applicant currently has a pending Conditional Use application to increase the footprint of the rubbish pit but must have the area containing the proposed buffer of the expanded footprint rezoned before the item can be considered by the Board of Adjustment.

Supervisor Gardner stated when the item went before the Planning Commission there was opposition by Ms. Rhonda Guice, the principal of Lake Cormorant High School as well as a letter of opposition from the Town of Walls.

Mr. Tony Nowak, Board Attorney, advised that some of the issues being brought up for consideration for the rezoning application would be better discussed during the hearing for the Conditional Use application.

Supervisor Medlin asked whether there was a hole dug within the approximately 14 acres not being utilized in the existing approved pit at this time. Mr. Becher stated there is a hole dug on most the 14 acres as the area was formerly a gravel pit.

Supervisor Lee asked for clarification that 55 acres are currently approved by the State for the footprint of the rubbish pit. Mr. Becher stated that was correct. Supervisor Lee asked if the applicant is asking to rezone 21.43 acres to use for a buffer around the 55 acre footprint. Mr. Becher stated that was correct.

Supervisor Lee asked if the rubbish pit was on this site prior to the schools being built in the area. Mr. Becher confirmed that the rubbish pit was on the site prior to the schools being built.

Supervisor Lee asked if the Town of Walls uses the pit for disposal purposes. Mr. Becher stated the citizens of the Town of Walls are able to use the pit for disposal.

Supervisor Russell stated there is a road south of the rubbish pit named Brantley Road that goes to Highway 61. He then stated he spoke with Mr. Becher and Mr. Becher stated he has a R.O.W. to Brantley Road which is south of the school. He then asked if the applicant could improve the access to that road to and thereafter utilize that route to decrease truck traffic passing the schools. Mr. Becher stated that would be a long road but it could be done. Supervisor Gardner asked if Mr. Becher would be willing to start working on improvement to the road if that would satisfy the oppositions' request to decrease truck traffic passing the school. Mr. Becher stated he would be willing to start work on the access and the road improvements but completion would take approximately 1 ½ to 2 years.

Supervisor Caldwell asked who owns the property to the north of the rubbish pit. Mr. Becher stated Dan Brown owns the property to the north of the rubbish pit.

Supervisor Gardner asked if there is anyone to speak for or against the application.

Mayor Linda Austin, Town of Walls, came forward and stated she feels this is a very complicated issue. She then stated it appears the applicant needs a rezoning to increase operations at the rubbish pit. She then stated she understands that the State approved the 55 acre footprint for the rubbish pit, but those approving do not have to live with a rubbish pit in their backyard. She then stated that the Town of Walls is trying to increase and improve their area and that there is nowhere to expand but to the south. Mayor Austin stated with the rubbish pit to the south it will make expansion difficult. She then stated that there are plans for Starlanding to be a beautiful boulevard and does not feel that a rubbish pit aesthetically fits into this plan.

Supervisor Gardner asked if Mayor Austin feels the traffic count of 30-40 a day to the pit is accurate. Mayor Austin stated she does not have knowledge of the number of trucks going to and from the rubbish pit a day. Supervisor Gardner asked if there are any issues with trash along the sides of the road near the rubbish pit. Mayor Austin stated she has to commend Mr. Becher and his company because there is not an issue with trash along the road near the pit. Supervisor Russell stated when the rubbish pit first opened there was a problem with trash along Starlanding Road near the pit, but that since Mr. Becher and his company have bought the land there has not been a problem with trash along the road.

Sturgis Montieth- 8284 Starlanding Road- came forward and stated he runs daily along this road and everyday he is picking up trash. He then stated he has had a dog killed by one of the dump trucks and numerous trash containers destroyed by the trucks. He stated he is concerned with an increase in truck traffic and the impact that will have on the safety of students and other residents who drive along Starlanding Road. He asked that the Board please consider the safety of the students and the citizens who live in this area when making a decision about the rezoning. Mr. Montieth stated he feels more research needs to be done on the number of trucks coming to and from the pit. He also stated he does not see a buffer around the current footprint of the rubbish pit.

Supervisor Caldwell asked if there is any current vegetation that acts as a buffer around the rubbish pit. Mr. Montieth stated not that he can see.

Supervisor Caldwell asked if trucks are overfilled going to the rubbish pit. Mr. Monteith stated that yes, sometimes he has observed trucks that are overfilled going to the rubbish pit.

Supervisor Gardner asked if a tree-line along the boundaries of the rubbish pit would help. Mr. Monteith stated he didn't think so, as his main concern is the increase in truck traffic along Starlanding Road.

Joan Robertson-12911 Starlanding Road- stated she is a retired educator and her top priority has always been the safety of the children. She then stated there are 3000 children that must travel Starlanding Road to attend school. Ms. Robertson stated they did not choose to attend a school near a rubbish pit, but it is our duty to make sure they are safe traveling to school. She then stated trucks speed and run stop signs in this area, in fact last year a student was killed in a collision with a dump truck on the way to school.

Supervisor Caldwell asked if the Brantley Road is improved and utilize will that help with the traffic concerns. Ms. Robertson stated that would help with traffic from Highway 61, but will not help with traffic coming from the east.

Supervisor Gardner asked what the hours of operation of the rubbish pit are. Mr. Becher stated the hours of operation are 6:30 a.m. until 4:30 p.m. Monday through Friday and occasionally open on Saturdays.

Ms. Robertson stated the Board has approved one of the nicest subdivisions on the west side of DeSoto County just due east of the rubbish pit.

Bill Austin came forward and stated he doesn't feel comfortable opposing the rubbish pit, but that the applicant has already stated that he has not utilized even half of the footprint of the rubbish pit that has already been approved by the County. He then asked who would patrol and curtail the number of trucks going to and from the rubbish pit daily if the expansion is approved. He then stated he feels more research is needed about the truck traffic in this area before a decision is made to increase the size of the rubbish pit. Mr. Austin then stated he is not so much concerned with

when the road improvements to Brantley road will start but more concerned with when they will be completed. He then stated he is also concerned with what could address the traffic concerns coming from the east side of the rubbish pit. He went on to state he does not feel the truck count is accurate as presented. He stated he feels this application would be spot zoning. Mr. Austin stated that the original footprint was granted for 55 acres to include the buffer area and if allowed the applicant will continue to just inch out on to the adjacent acreage. He stated he is also concerned with how the expansion will affect the "Bluff" and that the rubbish pit does nothing to enhance the community to help promote the west side of DeSoto County. Mr. Austin stated he does believe they have demonstrated a need for a larger footprint as they have not utilized even half of the current footprint for rubbish disposal. He stated his main concern is the safety of all the drivers on Starlanding Road.

Supervisor Caldwell asked if Mr. Austin could revisit his comment concerning spot zoning. Mr. Austin stated the vast majority of the land around the rubbish pit is zoned "A-R" and that it is unusual to change zoning from "A-R" back to "A". He then stated when you want to change the zoning of a small area within a vast amount land zoning something different is considered spot zoning.

Mr. Nowak advised the burden of proof is on the applicant to prove that there has been a substantial change in the character of the neighborhood that would support the rezoning of the property along with a public need to rezone, or that a mistake was made in a previous rezoning of the property. Mr. Nowak stated that "spot zoning" generally occurs when property is rezoned in a manner which is not in character with the zoning of the surrounding properties, or in a manner which was previously prohibited. In this instance approximately 1/2 the surrounding area is agricultural and the requested rezoning would be consistent with, and in conformity with, the surrounding properties.

Supervisor Gardner asked Mr. Andy Swims, Road Manager, if the County has the ability to do traffic count of only large vehicles traveling in the area of the rubbish pit. Mr. Swims stated the Road Department does have a traffic counter that can distinguish between a truck and car. Supervisor Caldwell asked if the County has received the requested traffic study from MDOT. Mr. Swims stated it has not been received at this time.

Supervisor Medlin asked if it was a State law that the buffer be the zoning as the actual rubbish pit. Mr. Nowak advised that the buffer requirement is a requirement of MDEQ and not the County.

Shelley Riley, member of the DeSoto County School Board, came forward and stated her main concern is the safety of the children. She then stated not only do the trucks travel on Starlanding road, they also travel on Wilson-Mill Road. She then asked if the hours of operation could be changed to beginning later in the morning to allow students time to get to school.

Supervisor Lee asked Mr. Becher if would be willing to change his hours of operation to later in the morning. Mr. Becher confirmed that he could change is hours to later in the morning. Mr. Becher went on to state he spoke with the school concerning bus traffic and was told full buses are in route to the school until 8:30 a.m. and leave the school after 3:30 p.m. daily. He then stated he would be willing to limit truck traffic on the west side of the rubbish pit before 8:30 a.m. and after 3:30 p.m.

There was discussion concerning the build out plan of a rubbish pit.

Supervisor Russell stated he feels there has been a demonstrated change in the character of the neighborhood and that there is a public need for a rubbish pit and the expense to transport rubbish from the Walls area to Olive Branch would be too expensive. He noted that since the property was last rezoned the rubbish pit footprint was granted a conditional use as solid waste site, that MDEQ approved the site as a solid waste site, and the remaining life of the existing rubbish pit has decreased. Mr. Russell also noted that the manner in which the land site itself is being used since the last rezoning has changed and that the rezoning request is consistent with current land use in the area and he is very knowledgeable of the area. Mr. Russell next noted that The cities or Horn Lake and Southaven dispose of waste at the site, residents of the Town of Walls make use of the site, that there is no other solid waste disposal site on the west side and the sites on the east side are getting full.

Mr. Russell went on to note that he sees this application as an opportunity to gain safety in the area. He stated at this time the Board cannot force Mr. Becher to decrease traffic to and from the rubbish pit. He went on to state there is no guarantee a time extension will be granted into 2015 when this application to extend the Conditional Use comes before the Board of Adjustment again.

Supervisor Russell made the Motion to approve the application by Unified Waste Systems/Starlanding Landfill for the Rezoning of property from Agricultural-Residential (A-R) to Agricultural (A), identified as 9353 Starlanding Road, subject to the following conditions:

1. There shall be limited operation from the east side of the site until after 8:30 a.m. and no trucks shall be no trucks operating to or from the site after 3:30 p.m.;
2. There shall be a limit of 30 trucks a day coming east bound from Highway 61. Mr. Becher will need to provide a weekly report of a truck count of traffic from Highway 61;
3. Mr. Becher will build a road from Wilson-Mill Road to Brantley Road and put in to use this road prior to returning to the Board of Adjustment in March of 2015 to request an extension of the current Conditional Use; and
4. If permitted by law, that there shall be signage posted on the property reading "No Heavy trucks to Rubbish Pit before 8:30 a.m. and after 3:30 while school is in session" with a fine listed if new supporting Ordinance is approved.

Supervisor Lee seconded the Motion.

Supervisor Russell discussed with Mr. Nowak whether the Board could adopt an Ordinance that would allow the County to fine any trucks operating on Starlanding Road in the area of the R\rubbish pit prior to 8:30 a.m. and after 3:30 p.m. Mr. Nowak stated he would look into this matter.

Mr. Garrod asked if the Board could legally apply conditions to a rezoning approval. Mr. Nowak advised that conditional zoning is allowed in the State of Mississippi.

Supervisor Gardner thanked the citizens who came out to speak in opposition of this item and asked if they were satisfied with conditions applied within the Motion. Mr. Montieth stated he was not satisfied with the conditions, he feels more research on this matter is needed.

Supervisor Gardner stated he feels the Board could slow down and study this matter a little more, possibly do a traffic count of the trucks operating on Starlanding Road in the area of the rubbish pit.

Supervisor Russell asked Mr. Becher why he is looking to expand the footprint of the rubbish pit at this time if he is not hoping to increase the business at the rubbish pit. Mr. Becher stated doing business requires financing and in order to receive that financing he has to be able to ensure the finance company that the rubbish pit and his company will be there for more than a couple of years. Supervisor Russell asked how Mr. Becher can prove he will still be in business there after 2015 since that is the deadline of the current Conditional Use. Mr. Becher stated the bank is aware of the 2015 Conditional Use deadline. He then stated the bank is also looking at his build out plan for the rubbish pit.

Mr. Becher stated there will have to be a disposal area and that he hopes to run a reputable disposal site so that he will be allowed to continue his operation at this site.

Supervisor Lee stated he seconded the Motion because he feels this approval is not only supported by the facts but also provides a way to address some of the safety concerns with the conditions applied to the Motion.

Supervisor Caldwell stated she feels new issues have come up today such as is Starlanding Road capable of handling this type of truck traffic. She then stated the County does need a rubbish pit but questioned whether the area was conducive to providing the rubbish pit. She stated she would like to take more time to look into this matter.

Mr. Garrod suggested making a Motion to take the matter under advisement and require the applicant to meet with the citizens of the area prior to applying for the Conditional Use would be appropriate.

Supervisor Medlin asked if the entire 55 acres was the old gravel pit. Mr. Becher stated that a majority of the 55 acres was disturbed by the gravel pit.

Supervisor Medlin stated he is struggling with knowing the County needs a rubbish pit but that it was unusual to him to change zoning from "A-R" back to "A". Supervisor Gardner stated there has been a substantial change in the neighborhood with the building of the new schools, but feels this change would be more conducive to "A-R" zoning than "A" zoning.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>NO</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>NO</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>NO</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Supervisor Russell stated if the Board is going to put off making a decision on this matter in order to do a study, he would like to know when the study will be done.

Both Supervisor Russell and Supervisor Lee stated they feel the Board is missing an opportunity to help with the safety concerns by not approving this Motion.

Mr. Montieth asked why the Board cannot just ask Mr. Becher to decrease traffic to and from the rubbish pit. Mr. Nowak stated the Board cannot legally ask Mr. Becher to decrease traffic to and from the rubbish pit as no limitations were imposed at the time the Conditional Use was granted.

Mr. Montieth asked why the applicant can't decrease the traffic on his own to show how the traffic conditions will improve. Supervisor Russell suggested Mr. Becher should consider instituting decreasing truck traffic prior to applying for the Conditional Use extension.

Supervisor Caldwell made a Motion to close the public hearing. There was no second to the Motion.

Supervisor Russell made a Motion to perform a traffic study in the area of the rubbish pit. There was no second to the Motion.

Mr. Garrod suggested the Board could table this item to allow the applicant to consider requesting a rezoning to Planned Commercial and have the applicant perform the traffic study to support his application.

Supervisor Gardner stated he liked Mr. Garrod's suggestion of the applicant meeting with the neighbors to discuss their concerns.

Supervisor Gardner stated he feels items need to be looked into:

1. A traffic count;
2. Solid waste needs of the County;
3. MDOT Traffic Safety study for the area surrounding the rubbish pit; and
4. The feasibility of utilizing Brantley Road as an alternative route from the Highway 61 to the rubbish pit.

There was discussion of what would happen to the application if the public hearing is closed prior to an Approval or Denial being made. Mr. Nowak advised the board could close the public hearing and take the matter under advisement or close the public hearing and make another motion to deny or approve the request. Mr. Nowak noted that technically the matter was still pending as the Board had not taken any action on the request.

Supervisor Caldwell made a Motion to close the public hearing. Supervisor Medlin seconded the Motion. Mr. Nowak as if the motion was to close the public hearing and deny the request. Supervisor Caldwell stated yes, that was 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>NO</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>NO</u>

**2.) Request to have Board Attorney review Transportation Conformity State Implementation Plan for The Ozone Non-Attainment Area of DeSoto County, Mississippi**

Mr. Ted Garrod presented the Transportation Conformity State Implementation Plan for The Ozone Non-Attainment Area of DeSoto County, Mississippi and asked the Board to allow Tony Nowak, Board attorney to review this draft document.

Supervisor Medlin asked what the document is. Mr. Garrod explained what a State Implementation Plan (SIP) is.

Supervisor Medlin made a Motion to allow Tony Nowak to review the Transportation Conformity State Implementation Plan for The Ozone Non-Attainment Area of DeSoto County, Mississippi. 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>

**L. EXECUTIVE SESSION**

**M. OTHER ITEMS**

**1. Authorization for Board Attorney to cut checks for right of way acquisition on Fogg Road**

Board Attorney Tony Nowak requested authorization to cut checks for right of way acquisition for two estates for the Sparks family on Fogg Road.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to cut a check for the estate of M.C. Sparks, Jr. in the amount of \$1,500.00 and a check for the estate of Cornelia Sparks in the amount of \$1,500.00, for right of way acquisition on Fogg Road.

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. Copier for County Court**

County Administrator Vanessa Lynchard said that County Court has no copy machine and requested adding one to the existing contract with RJ Young at an estimated cost of \$278.75 until the lease expires May 20, 2013.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve adding a copier to the RJ Young lease until the expiration of the lease which is May 20, 2013 and to approve a budget amendment for \$278.75.

The motion passed by a vote as follows:

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

### 3. Blue Ribbon Trip

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve travel for the following county personnel to attend the Blue Ribbon Trip if they so elect: Board of Supervisors, County Administrator, Board Attorney and the Chancery Clerk.

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. Solid Waste Committee

Environmental Services Director Ray Laughter said they have been overhauling the Solid Waste Plan and need to add GIS Director Matt Hanks to the committee.

Supervisor Bill Russell asked Mr. Laughter to do a study regarding recycling in the county. He said there may be a way to make recycling mandatory for the entire county. It could reduce waste at the landfill. Supervisor Russell said the Board Attorney has looked into it. Mr. Nowak said as long as the property owner pays for it, either by fee or tax, the county can do it.

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

Supervisor Jessie Medlin made the motion to recess the Board meeting until January 14, 2013 at 8:30 a.m. The motion was seconded by Supervisor Harvey Lee.

The motion passed by a vote as follows:

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

THIS the 7<sup>th</sup> day of January, 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