

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**TOMMY LEWIS, PRESIDENT 2009 PRESIDING**

**July 20, 2009**

**A. CALL TO ORDER**

The July 20, 2009, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

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

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

**B. INVOCATION**

Supervisor Allen Latimer presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. PUBLIC HEARING**

**1. Planning Commission-Clearing of Property (6271 Liberty Point Cove, Walls)**

Supervisor Tommy Lewis explained that this item had been incorrectly designated on the Agenda for Executive Session. Supervisor Lewis said this is a Public Hearing for the purpose of cleaning property.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion open the Public Hearing regarding cleaning the property located at 6271 Liberty Point Cove in Walls, Ms. The motion passed by a vote as follows:

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

Planning Director Jim McDougal said the lawn needs to be cut and originally they gave the owner a notice regarding the issue but there has been no response. He said they have made many attempts to contact the owner.

Mr. McDougal said the Planning Commission has two bids for cutting the grass on the property. Both bids are in the amount of \$400 as follows:

Callahan Lawns \$400  
Burnham Lawns \$400

Mr. McDougal said it appears Callahan Lawns may be more thorough so they recommend awarding the work to Callahan Lawns.

Supervisor Bill Russell asked if there is any way to have the grass on this property cut monthly under a directive from the Board of Supervisors without appearing before the Board each time. Board Attorney Jody Neyman said the County will have to file a notice of Public Hearing each time the grass is going to be cut in order to assess the cost of cutting the grass back to the property. Mr. Neyman clarified that a Public Hearing must be called each time the County cuts the grass and assesses the property for the cost of the cutting.

Supervisor Tommy Lewis asked if there was anyone present in the audience to speak on this Public Hearing. No one came forward.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to close the Public Hearing. The motion passed by a vote as follows:

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

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Planning Commission to contract with Callahan Lawns to cut the grass located at 6271 Liberty Point Cove in Walls, MS and instructed that the cost of the cutting be assessed to the taxes on the property. 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

## **E. CONSENT**

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

Supervisor Allen Latimer asked why there are objections to homestead disallowances. Chancery Clerk Sluggo Davis said when the property owner proves they have paid their taxes or that they still live in DeSoto County, the County objects to the disallowance of their homestead exemption.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda and the reports and actions set forth therein as follows:

### **1. Chancery Clerk**

#### **a. Order Accepting Disallowances on Homesteads**

##### **ORDER ACCEPTING DISALLOWANCES ON HOMESTEADS BY MISSISSIPPI STATE TAX COMMISSION**

10593208000345.00 ABNEY, MICHAEL JOE  
10893101000041.00 AIELLO, MARK  
10882709000014.00 ANDRESS, CARL J.  
10741905000786.00 BAILEY, ELLA L  
10883301000670.00 BALDERAS, LAZARO  
20893200000002.00 BARNES, ANNIE L. PRUITT  
10652217000379.00 BARNES, SANDRA L  
10852208001930.00 BASS, HUBBARD E

20611110000061.00 BEAN, TABITHA  
 20530600000050.00 BEASLEY, ROBERT W  
 10683400200088.00 BEENE, SCOTT  
 10972501000381.00 BELL, MARK A  
 10882704002468.00 BENNETTE, REBECCA S SCHRADE  
 20810215000001.00 BIGHAM, DAVID G  
 10792902000027.00 BIRMINGHAM, MAURICE E  
 20720303000108.00 BLANKENSHIP, JEFFREY H  
 2076230100125.00 BOLAND, HUBERT S. III  
 10883400000048.00 BOLDEN, DANIEL  
 20610203000008.00 BROOKS, PHILLIP D  
 20810108000280.00 BROWN, A NICOLE HARRIS  
 10693202000008.00 BROWN, DAVID  
 10973504000003.00 BROWN, FINELY GILDER  
 10893217000071.00 BROWN, JASON  
 10741904000584.00 BROWN, ROBERT KEITH  
 10862314002133.00 BUCHANAN, JOEL W  
 30861301100015.00 BUECHELE, LINDA ZEMAN  
 10883302001215.00 BURCHFIELD, DEBRA G  
 20792900000052.00 BURKLEY, LEE ANDREW  
 10793103000143.00 BURROUGHS, BONNIE S  
 20811207000085.00 BUTLER, BRADLEY S  
 10861403000079.00 CAMP, RICKY  
 20620904000075.00 CANNON, PAULA M  
 10883310000028.00 CAREY, SHAWN L  
 30730717000150.00 CHANDLER, RONNIE R  
 10793024000021.00 CHAPEL, ELIZABETH M  
 10793024000021.00 CHAPEL, ELIZABETH M  
 10893009000029.00 CLARK, JAMES M  
 20621008000103.00 CLARK, NORRIS J  
 20611107000096.00 CLAYTON, ANGELA  
 30630800000033.01 COLE, KEITH B  
 10883302001026.00 COLVIN, BOBBIE JO  
 20762302000248.00 COOPER, LEE ANN  
 30782802000023.00 CROWELL, BILLY JOE  
 10673530000129.00 CURLE, WILLIAM E  
 20810103000265.00 CURRY, CHARLES RICHARD JR  
 20730607000221.00 DAVIS, MELISSA P  
 10692905000074.00 DELASHMIT, RICKEY  
 10872602002874.00 DELEON, ORALIA  
 10872601003013.00 DE LEON YEIMI BARRON  
 10862406000708.00 DELGADILLO, BACHILIO  
 10862304000079.00 DEMPSEY, LARRY  
 20810215000005.00 DEW, BENJAMIN P  
 30710200000027.00 DONALDSON, DAVID R  
 10782700000014.01 EDWARDS, LUCIUS  
 20610214000263.00 ELKINS, MICHAEL W  
 20620317000088.00 ELSDEN, R PETER  
 20620317000088.00 ELSDEN, R PETER  
 207209090000510.00 ELLER, RYAN MICHAEL  
 10673525000608.00 FABRO, LIWAYWAY D  
 10652110000072.00 FARMER, DERRICK EARL  
 10793207000003.00 FENNELL, FLORENCE L  
 10793207000003.00 FENNELL, FLORENCE L  
 10672621000007.00 FIFER, TOMMY L  
 10861404000267.00 FISCHER, JAMES A  
 10742008000421.00 FISHER, MICHELLE R  
 20762301000060.00 FLAHERTY, JAMES H  
 10672616000079.00 FLATLEY, CHRISTOPHER  
 20762302000176.00 FOUST, DARRELL W  
 20741705000023.00 FRAYSER, CHARLES B  
 20730703000003.00 FRENCH, RICHARD T  
 10793002001625.00 FRYE, MICHAEL K  
 10893002000178.00 GARDNER, ROBERT ARTHUR  
 10792905000026.00 GARY, AMANDA E  
 30810106000081.00 GASPARD, JAMES A  
 10883305002017.00 GILES, TIMMY R  
 20762304000646.00 GILMORE, STEVEN D  
 10883301000704.00 GLISSON, JOSEPH A  
 10862310000823.00 GOBER, WILLIAM D  
 20752103000038.00 GOING, JAMES P JR  
 20730500000029.00 GRAFE, LYDIA J  
 21062400000009.00 GRAVES, JOHN A  
 10782800000018.00 GREENE, RICHARD H  
 10862320000075.00 HALL, RODNEY LAWELL

40851602000017.00 HALL, WAYNE  
10652217000371.00 HAMMONS, KEVIN S  
10882715000244.00 HANKINS, LARRY W  
20541800000009.00 HANNA, DENNIS  
10972517000083.00 HAWKS, HOWARD T  
10652226000187.00 HAWTHORNE, HEATHER  
20810212000074.00 HELTON, DAVID K  
20810212000074.00 HELTON, DAVID K  
10692906000317.00 HERTL, JUSTIN G  
10873504000037.00 HESS, ELIZABETH O  
10673535000230.00 HILL, JASON H  
20830605000549.00 HINCKLEY, CHRISTOPHER D  
20610100000032.00 HOING, MARK H  
20762301000090.00 HOLLOWELL, TERESA S  
20542000000008.05 HOPKINS, BRUCE M  
10882703002251.00 HOUCK, JOSEPH T  
30673600000002.05 HUDSON, RUTH GRADY  
20720908000623.00 HUGHES, JEREMY  
30720401000032.00 HULL, JAMES H III  
30593201000010.00 HUNSUCKER, MARK A  
20792900000023.00 JACKSON, HAROLD  
30930704000272.00 JAMES, JEFFREY SCOTT  
30730805000005.00 JOHNSON, ROGER A  
10883305002249.00 JOHNSON, RUSSELL G  
20830605000583.00 JONES, KENNETH R  
20651602000049.00 JONES, MICHAEL J  
20841900000023.01 JONES STERLING  
40730501000001.00 JONES, WILLIE L  
20630802000005.00 JOYNER, KATHLEEN  
20810114000516.00 KING, AMANDA D  
20830501000004.00 KIRKPATRICK, DONALD G  
10693107000051.00 KOHLHOF, RICK A  
30742008000031.00 LAMNEY, DAVIN H  
10792928000355.00 LANE, FRED  
10792928000355.00 LANE, FRED  
10883401000066.00 LAWSON, L P  
10652223000171.00 LAZO, TITO A  
20782800000017.04 LEE, ERIC W  
30730722000046.00 LEIGHTON, DONALD R  
30861327200003.00 LESLIE, MARY JO M  
20730601000015.00 LINDOU, CARL  
20851001400004.00 LIPSEY, HAL ALAN  
20821001000004.00 LIPSEY, HAL ALAN  
20820301000110.00 LOGAN, THOMAS H  
10652222000111.00 LONG, SHERRY L  
10782818000124.00 LORIO, SETH G  
30673502000003.00 LUTRICK, PETER GLENN  
10841704000106.00 MAGGIORE, RUSSELL A  
10882704002491.00 MALONE, GREGORY A  
30741800200009.01 MANNING, MARCUS E  
10862407000391.00 MARTINEZ, FILEMON  
10882802000078.00 MARTIN, SCOTT D  
10883305002116.00 MARTIN, SHERRY S OTTS  
20752209000010.00 MAYERS, URURA  
10641701000031.00 MARTIN, TIMOTHY R  
20830601000047.00 MATTINGLY, DEBORAH L TUBBS  
20793003000006.00 MAY, PAMELA D  
10793021000042.00 MCCARTY, ERROL O  
10793021000042.00 MCCARTY, ERROL O  
10683412100077.00 MCCOY, ALAINE M  
30662301000014.00 MCFARLIN, HOWARD A JR  
10793020000172.00 MCKENZIE, MARK E  
10693214000056.00 MCKINNEY, CHARLES SCOTT  
30861400000016.07 MCKISSICK, JERRY C  
20820306000068.00 MEDINA, GUILLERMO  
10682700400004.00 MEGGS, JAMES W  
10682710040004.00 MEGGS, JAMES W  
10652201000103.00 MILEV, TZONKO V  
10683456300032.00 MILLER, CHARLES H JR  
10673517000066.00 MILLER, DONALD A JR  
30861300400062.00 MILLER, WILEY J  
20551603000027.00 MILLS, DENNIS  
20551603000026.00 MILLS, DENNIS  
20630701000013.00 MONTGOMERY, MARTY  
20730604000215.00 MOORE, BRADY E

20730602000030.00 MOORE, JAMES T  
 30730608000181.00 MOORMAN, MITCHELL L  
 10692906000343.00 MORELLI, STEPHEN J  
 10593209000385.00 MORGAN, GAYLE  
 20830604000576.00 MORGAN, KERRY B  
 10882811000178.00 MOSKOP, MICHAEL S  
 20773500000005.00 MOYERS, JAY C  
 20810102000253.00 NEEDHAM, PHILLIP M  
 20810113000456.00 NEELY, SHANA H  
 10883401000275.00 NELSON, DEANA R  
 20810204000145.00 NEWBY, WILLIAM LARRY  
 20810204000145.00 NEWBY, WILLIAM LARRY  
 10972501000455.00 NEVILL, WILLIAM S  
 10682801000010.00 NEWSON, DIANE  
 30861401000002.00 NICHOLS, JACKIE  
 10741907001201.00 NICKLES, STEVE LANE  
 10792908000049.00 OGBUEHI, KATRINA  
 10672613000063.00 OLDHAM, DONALD D  
 10883302001527.00 ORDUNO, ROBERTO M  
 10873501000007.00 PANNELL, PENNY ADAMS  
 10741906000964.00 PARBS, BRIAN E  
 10773519000075.00 PAYNE, LEIGH R  
 10672621000021.00 PEETE, KIMBERLY  
 30730700000016.01 PENNY, MURIEL L  
 30730700000016.01 PENNY, MURIEL L  
 20593200000005.01 PETTIT, DHARMISHTA  
 20820317000346.00 PHILLIPS, DONALD RAY  
 20820315000202.00 PHILLIPS, NELSON H  
 20810217000186.00 PIPPIN, VINCENT  
 10672624000141.00 RAGLAND, REX  
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 20741802000037.00 REESE, JOHN M  
 20810110000266.00 RICHARDSON, BRIAN TODD  
 10772602000008.00 RODDY, NORMA A  
 10862306000367.00 RICHMOND, IRVIN W SR  
 20762304000661.00 RUBY, DENNIS M  
 10862409000039.00 RUSSOM, ROBERT  
 30730707000051.00 RUTHERFORD, DANNY S  
 30730722000031.00 RYAN, LARRY G  
 10741905000746.00 SCHEHR, SUSAN A  
 10793002001505.00 SCHUETZ, CARL E JR  
 10883311000076.00 SCRUGGS, CURTIS N  
 10683409100083.00 SEALE, MICHAEL J  
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 10883302001574.00 SIMMONS, JERLEAN  
 10883305002360.00 SIMMONS, MICHAEL R  
 10852207001789.00 SIMPSON, DAVID M  
 10792928000362.00 SMITH, DARRYL T  
 10862304000002.00 SMITH, GARY L  
 10862304000002.00 SMITH, GARY L  
 20893000000011.01 SMITH, LARRY D  
 10883401000303.00 SMITH, ROBERT E II  
 10883305002038.00 SPENCER, JAMES S  
 30941903000515.00 SPOONER, MARK E  
 10741908002073.00 STACKS, MAJOR E  
 40730701000026.00 STALLINGS, JAMES MARVIN  
 20993202000042.00 STALLINGS, WALLACE DAN  
 10882814000222.00 STAMPS, MARGARET D  
 30941906000417.00 STATLER, JERRY W  
 20720414000165.00 STEVENS, JEREMY  
 30730604000074.00 SWINDLE, BRINE S  
 10883302001013.00 TAYLOR, J P  
 10792909000025.00 TEEL, PATRICK C  
 10861403000208.00 THIBODEAUX, RALPH J JR  
 30811204000007.00 THOMAS, DAVID C  
 10652111000049.00 THOMAS, RANDY  
 20983402000001.00 THOMAS, RODNEY D  
 20830601000056.00 THOMPSON, RANDAL L  
 10683402100038.00 TROUTT, BILLY D  
 10792921000017.00 TIDWELL, JAMIE R TAYLOR  
 10593203000118.00 TUBBS, BRADFORD D  
 30930704000296.00 TUNE, WILLIAM S  
 10672620000084.00 VERNON, DANIEL L  
 10883305002056.00 VERNON, DAVID W  
 10741916000053.00 VINCENT, MARY R

10741916000053.00 VINCENT, MARY R  
 10673523000006.00 WALDRIP, SANDRA  
 20652202000015.00 WALLACE, LARRY C  
 10793110000205.00 WARD, XAVIER  
 20610214000277.00 WARREN, GWENDOLYN  
 10862406000696.00 WATSON, ROBBIE W  
 20721011000047.00 WEST, JEFFREY B  
 10692906000373.00 WHEAT, JAMES D  
 10893101000020.00 WHEELER, ANGELLA  
 10693001000001.01 WHITE, MINDY ACREE  
 20710100000006.03 WIGGINS, ANNETTE W  
 20730600000008.01 WILLIAMS, IOLA B  
 20730600000008.01 WILLIAMS, IOLA B  
 10841702000045.00 WILLIAMS, JEROME  
 20611101000006.00 WILLIAMS, JIMMIE O  
 20611101000006.00 WILLIAMS, JIMMIE O  
 10792923000185.00 WILLIAMS, STEPHEN  
 10683411100135.00 WILSON, IDA J  
 20793004000009.00 WOOD, NATHAN  
 30741828200008.00 WRIGHT, IRMA D  
 30741828200008.00 WRIGHT, IRMA D  
 10741905000829.00 WRIGHT, THOMAS T  
 10741905000829.00 WRIGHT, THOMAS T  
 10883305001953.00 YOUNG, CASEY W  
 10773522000057.00 YOUNG, MICHAEL L  
 10673512000240.00 YOUNG MELISSA  
 10782813000192.00 ZABORSKI, MIKLOS  
 10883305002281.00 ZACHARY, SHEILA

**b. Order Objecting Disallowances on Homesteads**

ORDER OBJECTING DISALLOWANCES ON HOMESTEADS  
BY MISSISSIPPI STATE TAX COMMISSION

30730707000020.00 BURNS, KEVIN P.  
 30673504000051.00 DAVIS, VERBAL  
 10772609000065.00 GAFFORD, LEE ANNE  
 20711102000086.00 HALL, DAVID CHADWICK II  
 108623090000511.00 HESS, NICHOLAS A.  
 10862315002032.00 MCCUTHEON, JOYCE H.  
 10693016000252.00 MONTGOMERY, CLEMENTINE  
 20773500000024.00 POWERS, WILLIAM A. III  
 10893221000249.00 SEAWRIGHT, MARION T.  
 30730722000062.00 WARKOSKI, FRANK  
 30730722000031.00 RYAN, LARRY G.

**2. Chancery Clerk Allowance - \$1,766.66**

**3. Circuit Court Clerk Allowance - \$4,400.00**

**4. Safety Officer's Report (2)**

**5. Sheriff's Dept – Transfer Narcotics Seized Funds**

Case #	Defendant	Date Seized	Receipt#	Amount	Date of Forfeiture
DC-08-0177	Christopher Kelley	8/5/08	21013	\$1,967.00	6/29/09
DC-07-0107	Melvin Malone	6/15/07	19598	\$1,041.00	6/29/09
DC-07-0001	Kevin D. Dowell	1/8/07	19071	<u>\$ 311.00</u>	1/8/07
			<b>TOTAL</b>	<b>\$3,319.00</b>	

Transfer from Sheriff-Narcotics Seized Fund (123-000-139) \$3,319.00  
 Transfer to Sheriff-Narcotics Forfeiture Fund (120-000-238) \$3,319.00

**6. Grants – Acceptance of 2009 Edward Byrne Memorial Justice Assistance Grant (JAG)**

**7. State Tax Commission Acknowledgement – Receipt of Tax Rolls**

**8. Dept. of Road Management**

**a. Adopt-a-Road/OB Seventh Day Adventist Church-10469 College Road** – College Road, .8 of a mile west from Bethel Road

**b. Additions to Official Road Map and Register**

<u>Road</u>	<u>Location</u>	<u>Length</u>	<u>Width</u>
Miller Station Lane	Center Hill Road-End	22240 feet	24 feet
Chessie Drive	Chappel Ridge Subdivision-End	1178 feet	24 feet
Santa Fe Drive	Burlington Lane-Miller Station B	1310 feet	24 feet
Burlington Lane	Miller Station Lane-Miller Station B	628 feet	24 feet
Union Lane	Miller Station Lane-End	429 feet	24 feet

**c. Deletion of Slurry Seal Projects List** - Mosby Lane (Allen Road-End)

**9. Make Part of Minutes – Ordinance for Disposition of Lost, Abandoned or Misplaced Personal Property**

**10. Sheriff’s Dept.** – Accept Restricted Donation from the American Body Armor County.

**11. Tax Levy Request 2010 – Horn Lake Creek Drainage District**

The motion passed by a vote as follows:

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

See Exhibit E

**F. OLD BUSINESS**

**G. NEW BUSINESS**

**1. Inventory Dispositions – Preliminary – Circuit Clerk’s Office**

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the inventory dispositions as follows:

<b>Asset #</b>	<b>Serial #</b>	<b>Description</b>	<b>Reason for Disposal</b>	<b>Location at Preliminary</b>	<b>Preliminary Approval Date</b>
31444	89089Y1	Lexmark Printer	Broken	Inv. Control	7/7/2009
31374	8903YLT	Lexmark Printer	Broken	Inv. Control	7/7/2009

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. Accounting – Supplemental Claims Docket**

Comptroller Tom Arnold presented a late bill in the amount of \$490 for registration to the NACo convention for Vanessa Lynchard.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the clerk to write the check for registration for the NACo convention in the amount of \$490. 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

Stephanie Hanks read the Supplemental Claims Docket.

Supervisor Jessie Medlin confirmed that the county is paying Benefit Management Systems for the inmate claims. Ms. Hanks said yes.

Supervisor Allen Latimer said at the last Board Meeting, the Board voted to pay \$5,000 to the parks department in Southaven. Comptroller Tom Arnold said he will write the check for that expenditure.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller and instruct the County Administrator’s office verify that the dues for MAS for Supervisor Jessie Medlin have been paid and if they have not been paid, authorize the clerk to write the check for those dues. 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. 10:30 Tax Exemptions - Clark Beverage Group/Capital Investment**

President and CEO of DeSoto County Economic Development Council Jim Flanagan introduced representatives of Clark Beverage and Capital Investment. Mr. Flanagan said Clark Beverage moved from the Hernando Industrial Park to the previously occupied by Hallmark at I-55 in Southaven.

Jeff Brasher General Manager of Clark Beverage Group said he was preciously employed by Great River Beverage. When that company sold he started working for Clark Beverage Group.

Michael Taylor of Capital Properties said he was appearing before the Board to apply for tax exemption for the real property for this business. Mr. Flanagan said that Clark Beverage had applied for a personal property exemption but did not meet the threshold to qualify for it.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the ten year real property tax exemption for Capital Properties on behalf of the jobs created by the Clark Beverage Group. 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**

**4. Board Attorney - Craft Road MOU**

Board Attorney Jody Neyman asked for approval of the Board of Supervisors for the Smith, Phillips, Mitchell, Scott and Nowak Law Firm negotiate on the behalf of the Board of Supervisors on the Craft Road project with the City of Olive Branch.

Supervisor Bill Russell asked, if the City of Olive Branch had paid their obligation on the previous MOU would the County have to spend money on this MOU. County Administrator Michael Garriga said no, this money would not have been spent if the City of Olive Branch had paid their obligation.

Supervisor Russell asked if we can recover the money for attorney fees and other expenses incurred from this additional MOU. Supervisor Russell asked if the attorney can make it part of the agreement for the City of Olive Branch to pay these expenses. Mr. Neyman said it probably will not take much work to accomplish the MOU.

Supervisor Allen Latimer asked if there will be a deadline for repayment included in this MOU. Mr. Neyman said yes.

Mr. Garriga said the way the originally MOU is crafted, all associated costs of the project including right of way, construction and other costs were shared. He said these attorney fees should fall into that category.

Supervisor Jessie Medlin made and Supervisor Bill Russell seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to amend the MOU and to represent the County to negotiate a new MOU with the City of Olive Branch for payment for the Craft Road project and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to engage in negotiations on behalf of the County in any manner necessary to bring this matter to a legal conclusion. 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

**5. Purchasing – Bids Under Advisement**

**a. EMS – Portable Generators**

Vanessa Lynchard presented bids for generators for EMA as follows:

	Category A: 175 kw Generators - 3		Category B: 150 kw Portable Generators - 4		Category C: 125kw Portable Generators		TOTAL	Warranty (months)
	(per generator)	Total Category A	(per generator)	Total Category B	(per generator)	Total Category C		
<b>Thompson Power Memphis, TN</b>	\$ 49,840.00	\$ 149,670.00	\$ 38,489.00	\$ 153,956.00	\$ 34,722.00	\$ 34,722.00	\$338,348.00	24
<b>Manufacturer</b>	CATERPILLAR		CATERPILLAR		CATERPILLAR			
<b>Thompson Power Memphis, TN ALTERNATE BID</b>	\$ 38,489.00	\$ 115,467.00	\$ 35,130.00	\$ 141,240.00	\$ 31,273.00	\$ 31,273.00	\$287,980.00	24
<b>Manufacturer</b>	CATERPILLAR (STANDBY)		CATERPILLAR (STANDBY)		CATERPILLAR (STANDBY)			
<b>Engine Parts &amp; Service Nesbit, MS</b>	\$ 39,167.00	\$ 117,501.00	\$ 38,229.00	\$ 152,916.00	\$ 37,500.00	\$ 37,500.00	\$307,917.00	24
<b>Manufacturer</b>	TAYLOR TM175		TAYLOR TM150		TAYLOR TM125			
<b>4D Solutions, Inc. Ellisville, MS</b>	\$ 58,051.25	\$ 174,153.75	\$ 49,999.00	\$ 199,996.00	\$ 38,791.50	\$ 38,791.50	412,941.25	24
<b>Manufacturer</b>	MAGNUM MMG170		MAGNUM MMG235		MAGNUM MMG150			
<b>Power Line Industries Riverton, UT</b>	\$ 49,800.00	\$ 348,600.00	175kw generators were bid for both Category A and B		\$ 44,516.00	\$ 44,516.00	\$393,116.00	24
<b>Manufacturer</b>	WINPOWER DRI75I4 175kw		WINPOWER DRI75I4 175kw		WINPOWER DRI30I4 130kw			
<b>Power Systems of MS, LLC Biloxi, MS</b>	\$ 52,080.00	\$ 156,240.00	\$ 42,640.00	\$ 170,560.00	\$ 39,711.00	\$ 39,711.00	\$366,511.00	24
<b>Manufacturer</b>	STATELINE		STATELINE		STATELINE			
<b>Reagan Equipment Company Heidelberg, MS</b>	\$ 51,145.00	\$ 153,435.00	\$ 51,145.00	\$ 204,580.00	\$ 37,832.00	\$ 37,832.00	\$395,847.00	24
<b>Manufacturer</b>	BALDOR TS250 180kw		BALDOR TS250 180kw		BALDOR TS175 125kw			
<b>Multiquip, Inc. Lewisville, TX</b>	\$ 59,250.73	\$ 177,752.19	\$ 53,475.86	\$ 213,903.44	\$ 44,053.73	\$ 44,053.73	\$435,709.36	24
<b>Manufacturer</b>	MQP DCA22OSSJ 176kw		MQP DCA18OSSJ 144kw		MQP DCA15OSSJ 120kw			

<b>Millenium Products, Inc. Naples, FL</b>	\$ 51,200.00	\$ 153,600.00	\$ 51,200.00	\$ 204,800.00	\$ 45,600.00	\$ 45,600.00	\$404,000.00	24
<b>Manufacturer</b>	WINPOWER DR17514-X		WINPOWER DR17514-X		WINPOWER DR13014-X			
<b>Energy Systems Southeast, LLC Vestavia Hills, AL</b>	\$ 52,300.00	\$ 156,900.00	\$ 51,000.00	\$ 204,000.00	\$ 44,900.00	\$ 44,900.00	\$405,800.00	24
<b>Manufacturer</b>	GENERAC SDO200		GENERAC SDO180		GENERAC SDO125			
<b>Clarke Power Services, Inc. Memphis, TN</b>	\$ 55,145.00	\$ 165,435.00	\$ 53,118.00	\$ 212,472.00	\$ 51,253.00	\$ 51,253.00	\$429,160.00	24
<b>Manufacturer</b>	JOHN DEERE 200PJC6DT3 180kw		JOHN DEERE 180PJC6DT3 160kw		JOHN DEERE 150PJC6DT3 135kw			
<b>RP Power North Little Rock, AR</b>	\$ 46,416.67	\$ 139,250.00	\$ 40,517.50	\$ 162,070.00	\$ 47,310.00	\$ 47,310.00	\$348,630.00	24
<b>Manufacturer</b>	KOHLER 200REOZJD 180kw		KOHLER 180REOZJD 165kw		KOHLER 150REOZJD 140kw			
RECOMMENDATION: Bobby Storey recommends we accept Thompson Power.								

Vanessa said the lowest bid received did not meet the bids specs. In addition, some vendors submitted alternate bids that did not meet the bid specifications. The lowest bid that met the bid specs is Thompson Power at \$338,348.

At the recommendation of the Purchase Clerk, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the low bid for generators of Thompson Power in the amount of \$338,348. 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.5.a**

**b. Dept. of Road Management – Rubber Tire Backhoe**

Purchase Clerk Vanessa Lynchard presented bids for rubber tire backhoes as follows:

<b>Thompson Machinery</b>	Cat 420 E	\$ 82,445.00	\$ 47,000.00	\$ 37,000.00	\$ 33,000.00	
Cost after bonded buy back			Note: 2400 hrs or less	Note: 3200 hrs or less	Note: 4000 hrs or less	
			\$ 35,445.00	\$ 80,890.00	\$ 49,445.00	
<b>Power Equipment</b>	Komatsu WB146-5	\$ 82,980.00	\$ 30,000.00	\$ 25,000.00	\$ 20,000.00	
Cost after bonded buy back			Note: 3000 hrs or less	Note: 4000 hrs or less	Note: 5000 hrs or less	
			\$ 52,980.00	\$ 57,980.00	\$ 62,980.00	
<b>Scott Equipment</b>	Volvo BL 70D	\$ 74,561.00	\$ 38,000.00	\$ 32,000.00	\$ 26,000.00	
Cost after bonded buy back			Note: 3000 hrs or less	Note: 4000 hrs or less	Note: 5000 hrs or less	
			\$ 36,561.00	\$ 42,561.00	\$ 48,561.00	
<b>Stribling Equipment LLC</b>	John Deere 310 SJ	\$ 82,440.00	\$ 50,000.00	\$ 41,500.00	\$ 36,500.00	
Cost after bonded buy back						
			\$ 32,440.00	\$ 40,940.00	\$ 45,940.00	
RECOMMENDATION: SCOTT EQUIPMENT PER RUSSELL DORRIS						

At the recommendation of the Purchase Clerk, Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve Scott Equipment as the lowest and best bid for the purchase of five rubber tire backhoes for the Department of Road Management at \$26,000 each. 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.5.b**

**c. Sheriff’s Dept. – Aviation – Sale of One Helicopter**

Purchase Clerk Vanessa Lynchard presented the bids for the sale of a helicopter used by the Sheriff’s Department Aviation Unit described as follows:

1967 Hughes 369A/OHA  
 N9BC

Serial #67-16214

**Equipment:** Sale of One Used Helicopter

**Bid File Number:** 09-201-003

**Bid opening:** 2:00 P.M.

**Bid Opening Date:** July 17, 2009

<b>VENDOR</b>	<b>BID AMOUNT</b>
Mid-America Turbine	\$244,000.00
Dakota Air Parts International, Inc.	\$191,111.00
Specialty Aviation Services, LLC	No Bid
Trafficopters, Inc.	No Bid
Helicopter Corporation of America DBA Helicorp	No Bid
CSI Aviation Services, Inc.	No Bid

At the recommendation of the Purchase Clerk, Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to declare a used 1967 Hughes 369A/OHA N9BC, Serial #67-16214 helicopter in the DeSoto County Sheriff’s Department as surplus and to accept the high bid and approve the sale of the helicopter to Mid-America Turbine in the amount of \$244,000. 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.5.c**

**d. Sheriff’s Dept. – Aviation – Purchase of One Helicopter**

Purchase Clerk Vanessa Lynchard presented bids for the purchase of a helicopter as follows:

Equipment: Re-Bid Purchase of One Helicopter, Bid File Number: 09-201-002 New or Used

Bid Opening: 2:00 p.m. Bid Date: July 16, 2009

<b>OPTION 1: NEW HELICOPTER</b>			
Vendor	CSI Aviation Services, Inc.	Sky Helicopters, Inc.	Air Flite, Inc.

Model	Robinson R44 Raven II	No Bid	Sikorsky 300C
Engine	IO-540 Lycoming		HIO-360D1A
Delivery	60 days		120 Days
Price	\$657,845.00		\$456,760.00
Exceptions			

<b>OPTION 2: USED HELICOPTER</b>			
Vendor	CSI Aviation Services, Inc.	Sky Helicopters, Inc.	Air Flite, Inc.
Model	2004 Robinson R44 Raven II	2003 Robinson R44 II Police Helicopter	No Bid
Engine	IO-540 Lycoming	IO-540-AE1A5 Lycoming	
Delivery	60 days	One week after receipt of funds	
Flight Time	210 hours	991.2 hours	
Price	\$587,329.00	<b>\$350,000.00</b>	
Exceptions			

Supervisor Allen Latimer asked if the money is in the budget for the purchase of the helicopter. Sheriff Bill Rasco said yes. Sheriff Rasco reminded the Board of Supervisors that previously they sold another helicopter and put the money from that sale into escrow. That money will be used along with the proceeds from the sale of this helicopter to purchase a newer helicopter for the Sheriff's Aviation Department.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to to approve the low bid of Sky Helicopters for the purchase of one 2003 Robinson R44II Police Helicopter in the amount of \$350,000. 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.5.d**

**e. Dept. of Road Management – Large Motor Grader**

Vanessa Lynchard presented bids for the purchase of four large motor graders in the Department of Road Management as follows:

Cost after bonded buy back							Note: 3000 hrs or less	Note: 4000 hrs or less	Note: 5000 hrs or less	
							\$ 81,345.00	\$ 101,345.00	\$ 116,345.00	
<b>Power Equipment</b>	Komatsu GD655-3EO	\$ 190,515.00	60-90 days	\$95.00	\$ 2.95	20 miles	\$ 120,000.00	\$ 90,000.00	\$ 70,000.00	
Cost after bonded buy back							Note: 3000 hrs or less	Note: 4000 hrs or less	Note: 5000 hrs or less	
							\$ 70,515.00	\$ 100,515.00	\$ 120,515.00	
<b>Scott Equipment</b>		NO BID								
<b>Stribling Equipment LLC</b>	John Deere 770G	\$ 207,300.00	30-45 days	\$85.00 (shop) \$90.00 (field)	\$2.00	14 miles	\$ 101,000.00	\$ 98,000.00	\$ 84,000.00	
Cost after bonded buy back							\$ 106,300.00	\$ 109,300.00	\$ 123,300.00	
	RECOMMENDATION: THOMPSON MACHINERY PER RUSSELL DORRIS									

Vanessa said the Board Attorney has investigated the bids to make sure there were no issues with the specifications of the bid not being in compliance with state law.

Supervisor Jessie Medlin asked if the existing motor graders will be traded. Road Manager Russell Dorris said yes, they will be traded to be used toward the purchase of this equipment.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve the purchase of four large motor graders from the lowest bidder who met the bid specifications, Thompson Machinery Company in the amount of \$213,845. 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

Mr. Dorris said he will negotiate with an auction company for the sale of the equipment. The Board of Supervisors agreed.

**See Exhibit G.5.e**

## **6. Sheriff's Department – Mobile Data Plan**

County Administrator Michael Garriga said he and the Sheriff looked at various plans to pay for the mobile data system for the Sheriff's Department. Mr. Garriga said the Sheriff had a couple of ideas and added funding sources. Mr. Garriga presented funding options as follows:

\$100,000	Sales income from surplus helicopter (estimated)
\$ 48,000	E-ticket revenue from Justice Court
\$160,000	FY 2010 Budget for computer Equipment
\$191,000	Board's original pledge for local match on COPS Grant (unbudgeted)
<u>\$ 26,000</u>	Additional funds needed from Board
\$525,000	Total for purchase of Mobile Data and Hardware

Mr. Garriga said there is a surplus in the 002 fund. He said we can come up with \$217,000 from the 002 fund without using the ending cash balance in the general fund.

Supervisor Allen Latimer asked if this will adversely affect the County bond rating. Mr. Garriga said he does not think it will adversely affect the budget. He said, in time, the ending cash should grow along with the budget. Now the County is better off than in the past because of the unparalleled growth in the County.

Sheriff Bill Rasco said the Board previously committed \$191,000 toward this purchase. He said that commitment was made three years ago and the price increased by \$26,000, but there is nothing the Sheriff's Department did to cause the increase.

Supervisor Bill Russell suggested that the Sheriff's Department use the excess funds from the sale of the helicopter to pay for the unfunded portion for the equipment. Sheriff Rasco said we need to make this happen. He said he feared the County would need most of the excess funds to assist in running the aviation unit.

Supervisor Eugene Thach asked the County Administrator if he was comfortable with the funding. Mr. Garriga said the revenue will not be what it has been in the past for the FY 2010 budget. The budget is getting tighter. He said we are asking for the expenditures to be flat in each department's budget. That should not cut our services.

Supervisor Russell said the Board is committed to law enforcement. If something happens, the Sheriff should know the Board will support the Sheriff's Department. Sheriff Rasco wants to keep taxes low but wants to provide the best protection as possible.

Supervisor Thach if this can be accomplished without a tax increase. Mr. Garriga said yes.

Supervisor Jessie Medlin made the motion to approve the plan as presented except to appropriate \$200,000 from general funds and the other \$17,000 from the excess proceeds from the sale of the helicopter. The motion failed for lack of a second.

After discussing the issue, Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to approve the expenditure as follows:

\$117,000	Excess from sale of surplus helicopter
\$ 48,000	E-ticket from Justice Court
\$160,000	FY 2010 Budget for Computer Equipment Reduction
<u>\$200,000</u>	Board of Supervisors Contribution
\$525,000	Total

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.6**

#### **7. Home Buyer Assistance Grant – Additional Funding Opportunity**

Supervisor Tommy Lewis said last week he spoke with Fred Griffin and Steve Hardin about the Home Buyer Assistance Grant. He said that Mr. Hardin thinks it is a good possibility that DeSoto County can receive an additional \$500,000 for the program.

Supervisor Allen Latimer said he wants to do everything he can to help people but this is a case where you are taking money from taxpayers and helping others. It is income redistribution. Supervisor Latimer said he was against it originally and he is against it now.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to make application for the additional \$500,000 for the Home Buyer Assistance Grant program. The motion passed by a vote as follows:

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

#### **8. Dept of Road Management - Waggoner Engineer Contract for Special Services**

Road Manager Russell Dorris said they have some ongoing projects that need some help. He said that Holly Springs Road is one of those projects. The railroad closing at Church and Nail Road will need consideration for funding from the federal government. The railroad closing may decrease the need for that project. Mr. Dorris said they have a contract with Waggoner Engineering that lists these and other speculative items that need to be accomplished. He said, through this, they are asking the Board to give authority over the period of time to work with Waggoner up to \$50,000.

Supervisor Tommy Lewis said he is very aware of what is going on with this. Supervisor Lewis said he would like to go to Washington this week to meet with our delegation to discuss these needs. He said he thinks it will be in the best interest of the County to find funding for the projects.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to travel to Washington to seek funding for DeSoto County on various issues. The motion passed by a vote as follows:

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

## H. EXECUTIVE SESSION

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

## I. OTHER ISSUES

### 1. Chancery Clerk Filings

Chancery Clerk Sluggo Davis made the Board aware of the statistics of the activity in filings in his office from December 2005 through June 2009 which indicates the number of filings has substantially decreased each year.

See Exhibit I.1

### 2. Ordinances – Sex Offenders

Supervisor Allen Latimer asked if there is anything the County can do to control sex offenders. Board Attorney Jody Neyman said the Board can pass such an ordinance but the limits on the ordinance cannot exceed the limits set by the legislature. Therefore, the Board cannot pass an ordinance that exceeds the controls of state law and the Board cannot pass an ordinance that decreases the strength of state law.

Supervisor Latimer said he appreciates the Board's support and concern in trying to increase the supervision of sex offenders in the County to better protect the citizens.

### 3. Citizen Concerns - Mr. Rateri

Mr. Tony Rateri said he is asking for influence from the Board of Supervisors with the gas company to add natural gas on Fogg Road.

Supervisor Jessie Medlin asked whose area this is franchised to for natural gas. Mr. Garriga said he thinks it is Atmos.

Supervisor Allen Latimer asked what the Board of Supervisors can do to help. Mr. Nowak said the County has no oversight over the gas companies. He said, other than making a phone call to the Public Service Commission, there is nothing the County can do.

Supervisor Bill Russell said Mr. Rateri's best bet would be to meet with the Public Service Commission.

### 4. Legislation – Donation – Health and Wellness Center

Chancery Clerk Sluggo Davis presented legislative approval for the County to donate money to the DeSoto Health and Wellness Center. See Exhibit I.4

### 5. Railroads – Starlanding Road

Supervisor Allen Latimer asked that the right of way acquisition for Starlanding Road on the Langston property be added to the August 3<sup>rd</sup> Agenda.

Supervisor Bill Russell asked the standard slope according to engineering practices. Mr. Dorris said it is relative to the right of way.

Supervisor Russell said the driveway slope is sometimes different on a driveway but generally, they go with the contour of the land. Supervisor Russell suggested the County ask for right of way to be donated to extend the slope of the property and reduce the slope.

No action was taken on this issue.

**6. Adopt-A-Road**

Road Manager Russell notified the Board of Supervisors that the Seventh Day Adventist Church located at 10469 College Road, Olive Branch, MS, adopted a section of roadway from .8 of a mile west from Bethel Road. The Board of Supervisors expressed appreciation for the work of the Seventh Day Adventist Church on this roadway.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to adjourn the meeting until July 7, 2009, at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 20<sup>th</sup> day of July, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Tommy Lewis, President  
DeSoto County Board of Supervisors