

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**TOMMY LEWIS, PRESIDENT 2009 PRESIDING**

**July 8, 2009**

**A. CALL TO ORDER**

The July 8, 2009, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Deputy Carl Hurt of the DeSoto County Sheriff's Department, was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

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

**B. INVOCATION**

Supervisor Eugene Thach presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. PLANNING COMMISSION AGENDA**

**NEW BUSINESS**

**Final Subdivision**

**Gray's Creek 1<sup>st</sup> Revision (6758) – Application is for revisions to the final subdivision plat including 45 lots on 128 acres. Subject property is located west of Getwell Road and south of Slocum Road in Sections 33 & 34, Township 3, Range 7 and is zoned Agricultural. (District 5)**

Mr. McDougal presented the application to the Board, stating the Planning Commission recommended approval of the application. He then presented Mr. Joe Frank Lauderdale as being present to represent the application.

Mr. McDougal stated the application is to combine lots 44 and 45 to make one larger lot. Mr. McDougal stated that while revising the plat to reflect the requested lot change the applicant will also need to list the total number of lots and open space on the plat and correct the rear setback listed on the plat to read 40 feet instead of 35 feet. Mr. McDougal stated some of the lots in the subdivision have been sold so the applicant will need to include the signatures of the lot owners on the plat.

Supervisor Lewis made a Motion to approve the application for final subdivision plat of Gray's Creek 1<sup>st</sup> Revision subject to staff recommendations and the following conditions:

1. The applicant will obtain all necessary signatures of lot owners in Gray's Creek Subdivision on the face of the plat;
2. The total number of lots and open space shall be listed on the plat;
3. The rear setback listed on the plat will be corrected to read 40 feet instead of 35 feet; and
4. The plat must be recorded with the Chancery Clerk's Office.

Supervisor Thach seconded the Motion.

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

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN      YES

SECOND DISTRICT SUPERVISOR, EUGENE THACH YES  
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES  
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES  
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

**Minor Lot**

***District 4***

**O’Conner Minor Lot (6760) – Application is for final subdivision approval of one (1) lot of 2 acres and one (1) lot of three (3) acres out of 5 acres. Subject property is located on the south side of Days Road and east of Fogg Road in Section 17, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)**

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

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

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

**Other Items:**

**1. Update on I-69/I-269 International Trade Corridor**

Mr. McDougal presented a request by the Planning Commission to concentrate on the I-69/I-269 International Trade Corridor Study and at a later date review the Comprehensive Plan. Supervisor Russell asked if there is a legal requirement to review the Comprehensive Plan. Mr. McDougal clarified there is no statutory time line that he is aware of. Supervisor Lewis stated he attended a meeting with the Site Review Committee and would recommend if only going to do the Corridor Study that the study area be larger than 1000 feet to either side of the corridor. Supervisor Russell stated he was of the understanding that the Corridor Study would be undertaken first and there would be a subsequent review to consider the impact the Corridor Study would have relative to the Comprehensive Plan. Supervisor Russell then stated if the Corridor Study will limit uses of the land along the corridor then compensation will need to be given to the land owners. Mr. McDougal stated the County will need to be in direct communication with all land owners along the corridor so all understand how their property may be affected.

Supervisor Russell asked if the City of Hernando is going to participate financially with the study. Mr. McDougal stated the City of Hernando is the only city that has stated they are going to participate at this time, but is not sure if they are going to help financially; he will assess the interest of the cities in participating in the study after the Request for Qualifications (RFQ) has gone out.

Supervisor Lewis made a Motion to Clarify the order to Planning Commission staff to prepare a RFQ for a I-69/I-269 International Trade Corridor Study not to include an update to the Comprehensive Plan at this time; to broaden the radius of the area along the I-69/I-269 International Trade Corridor to be studied beyond 1000 feet as the Planning Commission sees fit; to widen the study area at the intersections; and, in general, broadening the physical area of study. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Mr. McDougal stated a presentation was given at the July 2, 2009 Planning Commission by Gresham Smith & Partners on “Transportation and Land Use”. The Planning Commission expressed particular interest in the Bus Rapid Transit portion of the presentation.

**See Exhibit D**

**E. CONSENT**

County Administrator Michael Garriga explained to the Board that an interlocal agreement needed to be in place so that the cities can administer the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG). He said the grant is awarded to the County but this year it will be used by the City of Olive Branch.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Consent Agenda as presented to the Board of Supervisors as follows:

**1. Approve Interlocal Agreement with City of Olive Branch for 2009 for Edward Byrne Memorial Justice Assistance Grant (JAG)**

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

**E. OLD BUSINESS**

**1. Craft Road Interlocal Agreement**

County Administrator Michael Garriga said he talked to Mayor Rikard of the City of Olive Branch regarding the improvements on Craft Road. Mayor Rikard assured him that the city is in the process of issuing a resolution of intent to issue a bond in order to pay money back to the County for the construction on Craft Road. Mr. Garriga said he wanted to let the Board know that the city fully intends to issue the bond to repay the County as soon as possible. He said previously there was conversation among the Board that the County would like to be paid by June 30<sup>th</sup>. Mr. Garriga said he did not think that the city can process the bond paperwork and do everything necessary to pay the County by that date.

Supervisor Bill Russell asked if the Board needs to address the previous motion made on September 7<sup>th</sup> which put that date as a deadline in the interlocal agreement. Board Attorney Tony Nowak said the agreement can be crafted in such a way that the deadline can be extended if necessary.

Supervisor Allen Latimer said he thinks that Board Attorney Jody Neyman said the date can be put into the interlocal agreement and modified later if necessary. He said that he thinks if there is no deadline, it could drag out for several years.

Supervisor Russell said he thinks it can be done by an Interfund loan without affecting the County budget. He asked how long that would be possible. Mr. Garriga said he would not recommend an inter-fund loan for longer than 365 days.

Supervisor Latimer said he thinks if the Board leaves it open ended, it could be two years before the County receives the payment.

Supervisor Tommy Lewis said the previous motion instructed the date of September 30<sup>th</sup> be added, therefore that is the way the agreement will be crafted.

**G. NEW BUSINESS**

**1. Debt Restructure for Civic Center**

Todd Mastry, Stuart Taylor and Chuck Roberts of the Civic Center appeared before the Board of Supervisors regarding the debt restructure of the Civic Center.

Mr. Roberts said they have had a fun year with great events and mentioned several events and said they are headed into another great year. He said they are seeing smaller events and more use of convention rooms as well. Mr. Roberts said they are the only venue in the Mid-South smaller than the FedEx Forum in Memphis. He discussed some of the events and successes this past year. He said they are hosting several high school graduations and do not charge the Board of Education. Mr. Roberts said they have a lot of sports events and sports opportunities coming to the Civic Center. He said they will be hosting club hockey for Ole Miss. Mr. Roberts said those include events for colleges and universities. Mr. Roberts said all of these functions draw

people to DeSoto County to hotels, food and shopping which is great for the County. Mr. Roberts discussed the need for a second ice rink and future plans to build one. He said they purchased land located south of the Civic Center one year ago.

Mr. Roberts said they have completed the tourism building and there will be a grand opening. They will relocate the entrance sign in front of the Civic Center which will greatly improve traffic flow in and out of the Center and on Goodman Road as well. The Civic Center will celebrate their ten year anniversary next year.

Mr. Roberts said the Civic Center Board needs help from the Board of Supervisors with a couple of changes to the debt in their bonds. He said that Regions Bank has been downgraded so the bonds were tendered back to the Civic Center. Mr. Robert said there is no cost to the County for the affects of the downgrade, but there been a significant cost to the Civic Center. He said the Civic Center will not ask for money from the County. Mr. Roberts said he is happy to report that Civic Center is self-sustaining. He said the bank is proposing a significant reduction in the interest rate on the bond to approximately three percent. Mr. Roberts said that Demery Grubbs is looking at other options which will take care of the short term period.

Supervisor Allen Latimer asked if the Civic Center has been able to sell the bonds. Mr. Roberts said it will take a while for Morgan and Keegan to market the bonds

Supervisor Allen Latimer asked if the fair is paying for use of the facility. Mr. Roberts said yes.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the first amendment to the reimbursement agreement for the Civic Center bonds. 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. Sheriff’s Department – Mobile Data Plan**

Sheriff Bill Rasco, Mr. Fred Leviton and Chief Frank Rainey appeared before the Board of Supervisors to present a mobile data plan for DeSoto County.

Mr. Leviton said they started this project several years ago. They chose a vendor and the vendor fell through. He said they now have another vendor to work with on the plan.

Supervisor Bill Russell asked Mr. Leviton to give the background regarding the project. Mr. Leviton said the software required will maintain addresses, location of crimes, names of offenders. It has a GIS mapping system as well. This system will allow the County and cites to access real-time information from the same database as well as history and the information. They will be able to run a license or tag check instead of calling in and having another deputy do the leg work. He said often software is focused on a certain jurisdiction, but that changed after the events of 9/11 when needed information was not accessible to all agencies. A grant was designed to connect all agencies in an effort to put all of their information out to serve the citizens and agencies better and quicker. He said it eliminates involving staff to manually keep up with crime status and statistics. Mr. Leviton said they do not have enough staff to handle all of the information, but this technology will enable the Sheriff’s Department to perform their jobs with the existing staff. He said this quote is from AT & T and brings all of the agencies together. The information regarding crimes will be available immediately through this system. He said currently it only goes through radios and there are often delays and miscommunications.

Supervisor Bill Russell asked if Mr. Leviton is talking about laptops for all of the agencies. Mr. Leviton said yes. Supervisor Russell asked if the Sheriff’s Department uses laptops now. Mr. Leviton said no. Supervisor Russell asked if the cities use laptops. Mr. Leviton said, in most

vehicles, the cities have laptops. Hernando has a few laptops and Walls will be on the system soon.

Supervisor Russell asked if there is a way that all this will be tied together. Mr. Leviton said yes. The infrastructure is already in place for this project and the laptops are connected to NCIC. It is in a secure environment. This will help the officers to better do their job.

Supervisor Eugene Thach asked if Mr. Leviton is talking about a laptop computer, how will the officer operate the laptop and drive at the same time. Mr. Leviton said they can enter the information and it will appear on the laptop. They will be able to enter the street address and other information immediately.

Chief Rainey said most of the time that officers are operating a laptop while they are stopped.

Mr. Leviton said the current data will be input by all agencies and transferred immediately throughout the system.

Supervisor Russell asked if Memphis has this system. Mr. Leviton said yes and the County is working with them to interface with their system. Mr. Leviton said because Memphis is so close to the County, it will be wise for all of the agencies to be on the same database.

Chief Rainey said, currently when we receive a call, we do not know if a person has a violent history or if they are mentally ill. With this system, the information will appear immediately and the officer will know if a car is stolen or if there is a warrant for that person. There will also be GPS in the system so the location of the officer will be known at all times.

Mr. Leviton said he would like to ask the Board to vote on this. He said they need to have the software installed by the end of August so they can test, train and procure equipment by the end of this fiscal year. There is a schedule for this project that must be adhered to. Mr. Leviton said he has talked to vendors and they will be able to procure the equipment this fiscal year and pay for it the next fiscal year. He said the items are on state contract.

Supervisor Allen Latimer asked if this system will interact with Emergency Services. Mr. Leviton said yes. He said E-911 will fund the software. They are funding it because the County is not in Phase II compliance. He said this software will identify the location of a cell phone.

Supervisor Jessie Medlin asked if they are getting PDA's. Mr. Leviton said they are coming through the UASI grant, Pocket Cop Mobile. Instead of using only laptops, some officers will carry a PDA to minimize the expense of laptops. He said they are requesting 40 hand-held PDA's and 60 laptops and modems.

Supervisor Thach if all of the computers will be the responsibility of the County computer department. Sheriff Rasco said yes. Mr. Leviton said he will maintain them for the Sheriff's Office.

Supervisor Latimer pointed out that first year maintenance is \$5,800 per year. Mr. Leviton said that starts in year two. Supervisor Latimer said it appears to start in year one. He asked the life expectancy. Mr. Leviton said the hardware lasts about five years. The ones they are looking at should last longer, but he will verify the maintenance fee.

Supervisor Thach asked if Sheriff Rasco has money in the budget for this plan. Sheriff Rasco said no.

Mr. Leviton said the hardware for this system is committed by the agency. He said the grant for the software is \$3,125,000 and that was totally consumed by the software. The cost of the hardware is \$525,821.

Supervisor Russell said the Board approved applying for the grant. He asked if the Board approved anything else. Mr. Garriga said the Board did make a commitment of \$191,000 to purchase the hardware three years ago when the grant was approved. That amount was the local match.

Supervisor Jessie Medlin asked if the company provides financing. Supervisor Medlin said he is interested in the program and they need to figure out how to pay for it.

Sheriff Rasco said he has \$48,500 left in his budget from tickets through Justice Court that can be used toward this purchase. Sheriff Rasco said they may also have other money left over but he will not know until the end of this budget year.

Supervisor Russell asked why is the Board just now finding out about this. Mr. Leviton said he just started to work for the County three weeks ago. He said he is familiar with this system through his previous job and knew the deadline was fast approaching.

Supervisor Russell said he does not know of anything that comes to mind that is more important other than the improvement of the jail. He said they must provide safety and security to the citizens. Supervisor Russell said he knows Sheriff Rasco understands the situation with this year's budget. The Board does not know if there will be money for pay raises for our employees. He said we are doing without in a lot of areas in order to improve the jail situation, but he knows the importance of getting this system. We need to look at all avenues.

Supervisor Latimer asked why we have to receive the items by August 1. Chief Rainey said the grant expires December 1. We need to have the hardware and software in place and in use by October or November so we can get the grant by December 1. Chief Rainey said yes.

Supervisor Eugene Thach said the Board is trying to not increase taxes. He said the people of the County are hurting because of the economy. Supervisor Thach said, if it can be worked out without a tax increase, he will support it.

Supervisor Lewis asked if there will be any cost savings in employee hours. Chief Rainey said yes. Their call loads are rising and this should enable the officers to be more efficient. Instead of a dispatcher having to research an issue and get back to the officer, the information will be immediately available with this system. This should prevent us from hiring more officers.

Supervisor Thach complimented the officers on having all of their facts together and presenting it to the Board. He said his only concern is with a tax increase.

Mr. Garriga said, during his tenure, none of the budgets presented to the Board have required a tax increase. Mr. Garriga said he does not anticipate one this year. With one half mill commitment to this project by the Board, some areas will have to cut their budget.

Supervisor Medlin said he understands the Sheriff's Department will apply anything they can toward the purchase. Sheriff Rasco said the County has already obligated \$191,000 and he has \$48,000 to apply. He said he will probably have another \$60,000. Mr. Garriga said the \$191,000 is not budgeted.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the purchase of the software and hardware and instruct the County Administrator Board Attorney and Vanessa Lynchard to work on setting up financing over a 2-3 year payment period.

After discussing the issue, Supervisor Medlin withdrew his motion and Supervisor Thach withdrew his second to the motion.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to authorize all parties involved to work on the project and to authorize the WCC application for the expenditure and to instruct the County Administrator's office to research financing and bring back to the Board on the July 20<sup>th</sup> meeting. 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. District 4 - Park Fund**

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to approve an allocation for \$5,000 from the District 4 Park fund for the City of Southaven Parks Department. 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

**4. Authorization to Solicit RFQ for Professional Services for DC Jail**

County Administrator Michael Garriga said they have talked with Irb Benjamin and the committee is ready to seek proposals to request qualifications for expanding the jail.

Supervisor Bill Russell said they met with the City of Hernando and discussed the jail expansion. He said the committee invited the City to be an ex-officio member of the committee.

Supervisor Allen Latimer said the female facility should be separate from the jail and will that be included in the RFQ. Supervisor Tommy Lewis said yes. He said it could include the possibility of moving the females to another location, but the plans are not final at this time.

Supervisor Latimer asked if building a separate jail is still an option. Supervisor Russell said it is still being discussed but nothing has been decided yet.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the request for qualification for professional services for the DeSoto County Jail. 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.4**

**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. Bond Rating**

Supervisor Allen Latimer said when the Civic Center visitors appeared at a recent Board Meeting, they said the County’s bond rating is AA-. He asked if the bond rating has gone down. Mr. Garriga said there are two bond ratings. One is from Standard and Poor’s and one from Moody’s. They use a different schedule for their calculations. Mr. Garriga said the County has actually been upgraded in our bond rating. **See Exhibit I.1**

**2. Dept. of Road Management – Slurry Seal Projects**

Road Manager Russell Dorris presented a request to the Board to delete Barton DeSoto Road from Goodman Road to the Marshall County line from the slurry seal projects list for FY 2009. He said Barton DeSoto Road has deteriorated past the effectiveness of the slurry seal, however, the County will be patching and leveling the road.

In addition, Mr. Dorris asked to add Miller Road from Bethel Road to Center Hill to the slurry seal projects list for 2009 at an additional cost \$22,300. He said the changes need to be included as an amendment to the 2009-2010 four year road plan.

Supervisor Jessie Medlin asked if Barton DeSoto Road be paved later. Mr. Dorris said it will either be paved or slurry seal applied.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the request of the Road Manager to delete Barton DeSoto Road from Goodman Road to the Marshall County line from the slurry seal project list for 2009 and to add Miller Road from Bethel Road to Center Hill Road to the slurry seal projects list for 2009 at an approximate cost of \$22,300 and instructed that the FY 2009-10 four year road plan be amended to this effect. The motion passed by a vote as follows:

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

### 3. State Aid – FY 2009 Bridge Inspection Report

At the recommendation of the County Consulting Engineer Daniel Murphy, Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve the fiscal year bridge inspection report. 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

### 4. Interlocal Agreement – City of Southaven – Justice Court

At the recommendation of the Board Attorney, Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the interlocal agreement with the City of Southaven for Justice Court and authorize the Board President to sign the agreement. The motion passed by a vote as follows:

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

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until July 20, 2009, at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 8<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