

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**MARK GARDNER, PRESIDENT 2013 PRESIDING**

**June 17, 2013**

**A. CALL TO ORDER**

The June 17, 2013 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Mark Gardner, 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
Jody Neyman	Board Attorney

**B. INVOCATION**

Supervisor Lee Caldwell presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CITIZENS REMARKS AND PRESENTATIONS**

Mr. Bill Allen and Mr. Charles Barton appeared before the Board of Supervisors to discuss the Cockrum Civic Center in Cockrum, MS. Mr. Allen said they are in the process of restoring the old school building in Cockrum. He said the Mississippi Preservation Committee has designated the school as a Mississippi Landmark Designation, which is the highest form of recognition given to properties by the State of Mississippi and offers the fullest protection against changes that might alter a property's historic character.

Mr. Barton said they will need a little help with the 20% matching funds. He said the school was closed in 1956 and the building remains an eye sore. Mr. Barton said a lot of people in Cockrum want the building restored. He said they have received help from Shelly Johnstone and the State Archives. Mr. Doug Thornton is the architect helping to restore the building to a useful area. Mr. Barton said they will allow the community to have meetings and education programs in the building and there has been talk about using it for a rural library with computers.

Supervisor Mark Gardner asked if in-kind work could be considered in the 20% match. Mr. Barton said yes. He said they will start with the roof and windows and donations from places like Lowes could be counted as well. He said people in the community are cutting the grass with his tractor and also spraying the grass. Mr. Barton said Tishomingo has already restored a school like this one. There are five schools like this one that are still standing and one is in Memphis. The same architect worked on all five of them when they were being built. Mr. Barton said they have also applied for a 5013-C for tax exemption.

Supervisor Harvey Lee thanked Mr. Barton and Mr. Allen for appearing before the Board. Board Attorney Jody Neyman said the documents would need to be reviewed to see who legally owns the building and if the county has any authority to help with the building.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to review the information relating to the Cockrum School and to identify ownership.

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>

Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to research ownership of the Ingrams Mill School and the Halliburton School.

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.1**

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

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

The following requests were made to add to the Agenda:

1. County Administrator Vanessa Lynchard requested adding the following:
  - a. Executive Session: one item of personnel, Documents Management, for consideration for a possible executive session discussion
  - b. Delete Item number in New Business, H.3 Environmental Services: DeSoto County Ink and Toner Cartridge Recycle Program
2. Sheriff Bill Rasco requested adding the following:
  - a. AG Opinion for new open carry gun permit effective July 1, 2013
  - b. Department of Justice: Juvenile Detention
  - c. Budget Amendment
3. Supervisor Jessie Medlin added the Olive Branch Driver's License Department hours
4. Board Attorney Jody Neyman requested adding the agreement between Valleybrook and property owners with item number G.a.1
5. Supervisor Harvey Lee requested adding a proposal for professional consulting services from Tripp Wells
6. Chief Financial Officer Tom Arnold requested adding the following:
  - a. Constable travel vouchers for attending a convention in Natchez

b. Budget amendment to put overtime back for overtime for additional school resource officers from ending cash

7. Road Manager Andy Swims requested adding the following:

- a. Finding of Fact: 7480 Broken Hickory Drive
- b. Addition to overlay agreement: Crystal Court
- c. Delete item number H.7.c for Finding of Fact: 2440 Church Road

8. Pat McLeod, Director of Administrative Services requested adding the following:

- a. Animal Shelter: Remove Monica Monk as receiving clerk and appoint Frank Rainey as receiving clerk
- b. Animal Shelter: Monica Mock appointed as requisition Clerk
- c. Appoint Pat McLeod as Purchasing Clerk

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee 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. County Administrator Vanessa Lynchard requested adding the following:**

**a. Executive Session: one item of personnel, Documents Management, for consideration for a possible executive session discussion.** This item was later determined to qualify for executive session.

**b. Delete Item number in New Business, H.3 Environmental Services: DeSoto County Ink and Toner Cartridge Recycle Program**

**2. Sheriff Bill Rasco requested adding the following:**

**a. AG Opinion for new open carry gun permit effective July 1, 2013**

Sheriff Bill Rasco said there is a new open carry gun law in Mississippi effective July 1. He asked if the Sheriff can ban weapons in certain buildings. He asked if the Board could get an Attorney General's opinion about the new law and if signs could be placed to ban weapons in certain buildings.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to research the AG opinion allowing people to have an open carry weapons without a permit and whether this changes existing law regarding the bringing of weapons into county facilities.

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>

**b. Department of Justice: Juvenile Detention**

Sheriff Rasco said the Justice Department recently visited the Juvenile Detention Center and it is overcrowded. He said there is room for 38 juveniles and they had 55 juveniles during that visit.

Sheriff Rasco said they have removed the females from the old jail and are redoing the vacated area to accommodate juvenile overflow.

**3. Supervisor Jessie Medlin added the Olive Branch Driver’s License Department hours**

Supervisor Medlin said the driver’s license office in Olive Branch will reopen today. Supervisor Medlin suggested writing a letter to the Governor and Department of Public Safety to remind them that this is a DeSoto County building and when they lock the doors, we need to be notified. Also, the building is supposed to be cleaned by the state and not the county. The building in Olive Branch is a county owned facility and the one in Nesbit is their own building.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to authorize writing a letter to the Governor and to the Department of Public Safety expressing the Board of Supervisor’s concerns about the driver’s license offices being closed without giving proper notification and their responsibility to clean the buildings.

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. Board Attorney Jody Neyman requested adding the agreement between Valleybrook and property owners with item number G.a.1. This item was discussed under item G.a.1.**

**5. Supervisor Harvey Lee requested adding a proposal for professional consulting services from Tripp Wells**

Supervisor Harvey Lee said he spoke to Tripp Wells and Mr. Wells said he would like to get with the Board to show them how they could save money on properties.

Supervisor Lee Caldwell requested tabling the item until she had more time to review the information from Mr. Wells.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve tabling the item to a later date until all Board members have reviewed additional information.

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 E.5**

**6. Chief Financial Officer Tom Arnold requested adding the following:**

**a. Constable travel vouchers for attending a convention in Natchez**

Mr. Arnold said these vouchers are for reimbursement of expenses for Constable Liz Medlin and Constable Bobby Holloway for Constable training in Natchez, MS as follows:

Bobby Holloway        \$851.16  
Liz Medlin               \$1,205.23

Supervisor Mark Gardner said he was concerned about Constables' travel expenses and when the County Administrator called to discuss the expenses with the supervisors, the Constables were already traveling to the training session.

The Board agreed that the Constables should send travel requests to the County Administrator for prior approval as required by statute.

**b. Budget amendment to for additional school resource officers from ending cash**

Mr. Arnold also presented a budget amendment to pay the additional school resources officer's overtime for a total amount of \$80,307.00.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve the travel expenses for Constable Liz Medlin and Constable Bobby Holloway for Constable training in Natchez, MS as follows:

Bobby Holloway        \$851.16  
Liz Medlin               \$1,205.23

Included in the motion is to approve the budget amendment in the amount of \$80,307.00 out of ending cash for the additional school resources officer's overtime.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>NO</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>NO</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell said he wanted to continue discussion about the Constable training. He said he thought the training was for general firearms instruction. He asked if the Sheriff could train the constables.

County Administrator Vanessa Lynchard said they must be certified to be in the NRA Safety Institute and that was part of Mr. Holloway's training. Supervisor Russell asked that Mr. Holloway appear before the Board to explain the training details.

Supervisor Bill Russell made the motion to have the constables appear before the Board of Supervisors to discuss travel and Supervisor Mark Gardner seconded the motion.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>NO</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Chief Financial Officer Tom Arnold said it was partly his fault for the miscommunication.

**See Exhibit E.6.a**

**7. Road Manager Andy Swims requested adding the following**

**a. Finding of Fact: 7480 Broken Hickory Drive**

Road Manager Andy Swims presented a finding of fact for 7480 Broken Hickory Drive, Hallum Estates subdivision. Mr. Swims said it would be necessary to remove trees to do ditching off the County's right of way at an estimated cost of \$8,780.

At the recommendation of the Road Manager based on the finding of fact and in accordance with Mississippi Code Section 19-5-92.1, Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to declare 7480 Broken Hickory Drive in Hallum Estates as hazardous to the health, safety and welfare of DeSoto County residents and authorize repairs at an estimated cost at \$8,780.

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 E.7.a**

**b. Addition to overlay agreement: Crystal Court**

Road Manager Andy Swims requested adding \$24,300 to the overlay contract.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve adding \$24,300 to the overlay contract for overlaying Crystal Court.

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 E.7.b**

**c. Delete item number H.7.c for Finding of Fact: 2440 Church Road**

**8. Pat McLeod, Director of Administrative Services requested adding the following:**

**a. Animal Shelter: Remove Monica Monk as receiving clerk and appoint Frank Rainey as receiving clerk**

**b. Animal Shelter: Monica Mock appointed as requisition Clerk**

**c. Appoint Pat McLeod as Purchasing Clerk**

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to remove Monica Monk as receiving clerk and appoint Frank Rainey, pursuant to Miss. Code Ann. Section 31-7-101 as receiving clerk at the Animal Shelter; appoint Monica Mock as requisition clerk; appoint Pat McLeod, pursuant to Miss. Code Ann. Section 31-7-101, as Purchasing Clerk at the Animal Shelter; each to take the appointed position upon the posting of the proper bonds per Miss. Code Ann. Section 31-7-124 and to authorize the comptroller to pay the costs of any required bonds.

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  
 Supervisor Harvey Lee, Fifth District

YES  
YES

**F. CONSENT AGENDA**

The Board of Supervisors considered the following items on the meeting’s Consent Agenda as follows:

**1. Office of Finance & Accounting**

**a. Budget Amendments**

**b. Animal Services: Request to obtain official Check for Firearms Permit - \$132.00**

**c. Payment for Debt Service Funds: 2004 G.O. Bonds 2012 G.O. Bonds**

There are two bills attached from BancorpSouth Bank for payments on the 2004 and 2012 bond issues. The funds are due to the bank by June 23, 2013, so to ensure that the funds are received by the bank by that date we are requesting that the board authorize wiring the funds for the following amounts:

2004 G.O. Bonds	Principal:	\$ 995,000.00
	Interest:	\$ 50,874.16
	Fees:	\$ 1,500.68
	Total:	<u>\$1,047,374.84</u>

2012 G.O. Bonds	Principal:	\$ 200,000.00
	Interest:	\$ 179,726.86
	Fees:	\$ 750.00
	Total:	<u>\$ 380,476.86</u>

**d. Approval to issue checks for UASI GIS Grant purchases to be reimbursed by grant funds**

P.O.# 124357 to Dell Computers-\$1,799.64

P.O.# 124368 to CDW Government, Inc.-\$8,093.33

**e. Accept Donation from City of Oxford for use of Dog Teams and approve paying LeFlore County and Tunica County their pro-rata share of the donation or \$125.00 each**

**f. Inventory Control Dispositions – Final: Sheriff’s Department – Forfeiture**

AGENCY	CASE #		DATE DECLARED	MFGR	YEAR	DESCRIPTION	SERIAL #	VALUE
SWAT	2013-16316	DAVID WILSON	05/20/13	TOYOTA	2003	TACOMA (BLACK)	5TENM92NX3Z180471	2335.00
ASSET NUMBER TO BE ASSIGNED #43313								

**2. Procurement Card Log**

**3. Establish as Part of the Formal Record and Enter into the Board’s Minutes: MOU with City of Horn Lake for Improvements to Valley Brook Road**

**4. Road Department: Monthly Safety Report**

**5. Chancery Clerk’s Office - Chancery Allowances** \$1,966.66 \$1,350.00

**6. Appointments: Appoint Supervisor Caldwell as NACo voting delegate**

Supervisor Jessie Medlin asked about the budget amendment for Facilities projects and where they will get funding for these projects.

Chief Financial Officer Tom Arnold said the transfers were higher than projected because they had to add the bond issuance costs. Mr. Arnold said part came from the one mill mandatory fund, part from the excess resulting from the Sheriff's budget cuts and part from excess funds from the \$16 million bond issue used for construction of the new Jail.

Supervisor Lee Caldwell said that the Board President should be appointed as the NACo voting delegate and asked that President, Supervisor Mark Gardner replace her on item number six.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the actions set forth in Consent Agenda with the exception of Item Number 6 appointing Supervisor Lee Caldwell as the NACo voting delegate; to appoint Board President Supervisor Mark Gardner as the NACo voting delegate.

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 F**

## **G. OLD BUSINESS**

### **a. Board Attorney**

#### **1) Valleybrook Bridge ROW – Authority to write check**

Board Attorney Jody Neyman said that the landowner accepted the offer of \$500 for right of way and requested authority for the Clerk to write the check.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve the Chancery Clerk to write the check to Linda Chism in the amount \$500.00 for right of way on Valleybrook 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>

Mr. Neyman said there is a parcel under Valleybrook Bridge owned by C.F. Industries from Chicago. He said his office sent a letter but C.F. Industries has no recollection of owning the right of way. Mr. Neyman said C.F. Industries conveyed all other parcels but not this one. Mr. Neyman requested authority to draft a memorandum of understanding for C.F. Industries to convey the right of way to the County.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve hiring the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft a memorandum of understanding with C.F. Industries to convey right of way on Valleybrook Bridge Road to 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>

**2) Approval of Amended Veterinary Services Agreement with Dr. John Mitchell Loftin, DMV for Veterinary Services at the Animal Shelter and the Board President to sign**

Board Attorney Jody Neyman said the Board previously authorized amending the veterinary services agreement with Dr. Loftin for reimbursement for a narcotic license allowing him to euthanize animals at the Animal Shelter and he presented the agreement for the Board's approval.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the Veterinary Services Agreement with Dr. John Mitchell Loftin, DMV for Veterinary Services at the Animal Shelter and the Board President to sign the 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 G.a.2**

**3) Approval of MOU with Economic Council for Greenways**

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve the Cooperative Agreement for Promoting and Managing DeSoto County Parks and Greenways effective for five years and as further detailed in Exhibit G.a.3.

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.a.3**

**b. Holidays**

County Administrator Vanessa Lynchard presented a list of state proclaimed holidays from 2012 since we are still in 2013. Ms. Lynchard said the Board Attorney researched and the Board does have the authority to substitute certain holidays except for Robert E. Lee's birthday and Dr. Martin Luther King Jr.'s birthday, which is the third Monday of January, and Veteran's Day, which is November 11<sup>th</sup>.

The Board of Supervisors discussed various issues with following the state proclaimed holidays.

Supervisor Bill Russell made the motion to poll the employees to see if they would like to substitute Confederate Memorial Day for Good Friday. Supervisor Harvey Lee seconded the motion.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</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 YES

Supervisor Bill Russell said he is not in favor of the state proclaiming July 5<sup>th</sup> as an additional day for state offices to be closed.

Supervisor Jessie Medlin said this Board has an order that says we follow the state proclaimed office closings. Supervisor Medlin said he would like to rescind the Board Order and vote on each discretionary day as it comes up.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve rescinding the Board Order that states that the County follows state proclaimed office closing dates and to vote on discretionary office closing dates as they are proclaimed by the state.

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 Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve not following the state proclaimed office closings for July 5, 2013 and to keep county offices open on that day.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>NO</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 E.b**

**H. NEW BUSINESS**

**1. Baptist Hospital Contract**

County Administrator Vanessa Lynchard introduced Mr. James Huffman with the Baptist Hospital and said he has an agreement that allows the hospital to serve indigent patients.

Supervisor Harvey Lee recused himself from discussion and voting on this item.

Mr. Huffman thanked the Board of Supervisors for partnering with the Hospital in this matter. He said the Department of Health and Human Services which is a federal program helps these patients and Baptist pledges to provide that service.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded to approve the Memorandum of Understanding with the Baptist Memorial Hospital – DeSoto for the citizens of DeSoto County to receive indigent care, as more particularly set forth in exhibit H.1, and for the Board President to sign the 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>RECUSED</u>

See Exhibit H.1

**2. 10:00 a.m. – Tax Exemptions**

**a. Williams Sonoma – Request: Personal Property – 5 Years**

Jim Flanagan, President and CEO of the DeSoto Economic Development Council, said that Williams Sonoma recently expanded and introduced Attorney Mark Aquadro and Williams Sonoma representative Jeff Thomas.

Mr. Aquadro said Williams Sonoma is in the first phase of a three year expansion and it includes \$28 million in new equipment. Williams Sonoma has an estimated annual payroll of \$14,000,000 and 190 new jobs just in this building.

Mr. Thomas said they have expanded the parking lot twice in the last year. He said they hire different types of employees, not just warehouse employees. The item is picked, packed and shipped to the customer.

Mr. Flanagan commended the Board and Supervisor Jessie Medlin for their vision with this project several years ago to improve this property on Polk Lane. He said it took strong aggressive leadership steps and now the county is seeing a return on their investment.

Supervisor Mark Gardner said he appreciated the plans presented by Williams Sonoma and also their commitment to DeSoto County. Supervisor Gardner said he appreciated their contributions to the Palmer Home, DeSoto County Food Bank and many others.

Supervisor Lee Caldwell said Williams Sonoma has an internship program with the DeSoto County Schools and she loves that partnership.

Supervisor Jessie Medlin said that Williams Sonoma was in the Supervisors Magazine as well. Supervisor Medlin said Williams was a catalyst for the Olive Branch Industrial Park many years ago.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve a five year Personal Property Tax exemption for Williams Sonoma located in Olive Branch.

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.2.a

**b. FedEx Ground Package System, Inc. – Personal Property – 5 years**

Jim Flanagan, President and CEO of the DeSoto Economic Development Council introduced Mr. David Foell with FedEx Ground Package System, Inc. located in Olive Branch. Mr. Foell said they have experienced \$1.6 million in growth. He said they are in the middle of a \$500,000 property improvement project. Mr. Foell said they will begin a major \$10 million expansion in May of 2014 for enhancement and improvement.

Mr. Flanagan said this case also brought other companies to this industrial park.

Supervisor Lee Caldwell said the Board appreciates FedEx hiring DeSoto County employees.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve a five year Personal Property Tax exemption for FedEx Ground Package System, Inc., located in Olive Branch.

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.2.b**

### **3. Environmental Services: DeSoto County Ink and Toner Cartridge Recycle Program**

This item was deleted from the Agenda.

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.3**

### **4. Office of Procurement – Bids Under Advisement: Sheriff’s Department – Firearms Purchase**

Procurement Clerk Karen McNeil presented the bid for firearms for the Sheriff’s Department and recommended Barney’s Police Supply as the best and lowest bid as follows:

	<b>Barney's Police Supply</b>	<b>Grenada Gold-n-Gun Exchange</b>	
<b>DUTY WEAPONS</b>			
Manufacturer	Glock 17 Gen 4	Glock 17 Gen 4	
Specifications Met?	Yes	Yes	
Bid Price per Duty Weapon	\$ 409.00	\$ 409.00	
Bid Price for 122 Weapons	\$ 49,898.00	\$ 49,898.00	
<b>SWAT WEAPONS</b>			
Manufacturer	Glock 34 Gen 4	Glock 34 Gen 4	
Specifications Met?	Yes	Yes	
Bid Price per Swat Weapon	\$ 484.00	\$ 484.00	
Bid Price for 22 Weapons	\$ 10,648.00	\$ 10,648.00	
<b>COMPACT WEAPONS</b>			
Manufacturer	Glock 19 Gen 4	Glock 19 Gen 4	
Specifications Met?	Yes	Yes	
Bid Price per Compact Weapon	\$ 409.00	\$ 409.00	
Bid Price for 10 Weapons	\$ 4,090.00	\$ 4,090.00	
<b>ANTICIPATED DELIVERY DATE TO BE NO LATER THAN</b>	100 Days	90-120 Days	
<b>ALLOWANCE FOR ALL WEAPONS OFFERED FOR TRADE</b>	\$ 56,730.00	\$ 55,305.00	
<b>TOTAL PURCHASE PRICE</b>	\$ 64,636.00	\$ 64,636.00	
<b>LESS TOTAL TRADE-IN CREDIT</b>	\$ 56,730.00	\$ 55,305.00	
<b>ANTICIPATED COST TO COUNTY</b>	\$ <b>7,906.00</b>	\$ 9,331.00	

**RECOMMENDATION: Chief Deputy Macon Moore recommends Barney's Police Supply for the purchase of new weapons and the trade of existing weapons as listed in the bid specifications.** Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded to accept the lowest and best bid as presented by Barney's Police Supply as presented in bid tabulation 13-227-001 for the purchase of new and the trade of existing weapon as listed in the bid specifications.

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.4

#### 5. Office of Finance and Accounting

##### a. Inventory Dispositions – Preliminary: Board of Supervisors

At the recommendation of the Inventory Clerk, Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the preliminary inventory disposition for the Board of Supervisors office as follows:

ASSET #	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	Y R A C Q	C O S T	LOCATION AT PRELIMINARY
40560	HP PHOTOSMART	CN79CC10KM	NON REPAIRABLE - COST EXCEEDED	10	1H	INV CLERK OFC

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.5.a**

**b. 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 what is Bank of America on the claim on page 59 for Apple Inc./Bank of America.

Mr. Arnold said that is part of the name of the company.

Supervisor Mark Gardner asked the following questions:

Page 13 – Computhink Inc. – Mr. Arnold said that is for software.

Page 27 – Vinyl Images & Design LLC – Mr. Arnold said that is Crimestopper decals for the Sheriff’s vehicles.

Page 28 – Motorola – Mr. Arnold said that is upgrading to 10 digital radios.

Page 51 – Tracie Esteridge and Elizabeth Lentz – Mr. Arnold said that is for expenses for Judge Murphy’s administrators.

Page 55 – Touch Legal – Mr. Arnold said that is software for inmates to do legal research.

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 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>

**6. County Administrator**

**a. Ambulance Committee**

Supervisor Lee Caldwell said while doing the study for ambulances, they realized there is a lot of research and more studying that the cities and the county needs to do. Supervisor Caldwell suggested forming a committee. She said Supervisor Jessie Medlin has a lot of insight on this

matter and Supervisor Mark Gardner helped start the first county-wide ambulance service, and recommended they be part of the committee.

Supervisor Lee Caldwell made the motion to add Supervisor Jessie Medlin and Supervisor Mark Gardner to the Ambulance Committee to work with the cities and county on ambulance service and to bring the information to the Board of Supervisors.

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>

#### **b. Authorize Board Attorney to Review Jail Food Management Agreement**

Chad Wicker of the Sheriff's Department appeared before the Board to discuss jail food management for the Jail. He said that Sheriff Rasco has concerns because we must accept the lowest bid. Mr. Wicker said he spoke with Board Attorney Tony Nowak and we have to get bids on the jail food.

Procurement Clerk Pat McLeod said that jail food does have to be bid.

Board Attorney Jody Neyman said this is not for service only; it is also for providing food. He said the bid must be the lowest and best bid per the specifications.

Sheriff Bill Rasco said they have talked to other jails in the state and nine jails use Aramark.

Supervisor Jessie Medlin said that Sheriff Rasco can reject all of the bids if he is not satisfied.

County Administrator Vanessa Lynchard said if the lowest bid is not chosen, it must be based on evidence and fact why the lowest bid does not qualify.

Ms. Lynchard said we cannot overlook a bid without stating why.

Supervisor Mark Gardner said he would rather proceed with the bidding process.

Supervisor Medlin asked who is running the kitchen at the Jail. Sheriff Rasco said they currently have two cooks. Eventually they will cook at the new Jail and the food will be taken to the old Jail. Trustees will still serve the food and the selected food vendor will hire employees to cook all of the food.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Procurement Department to draft specifications for bids and to seek bids for food at the Jail and to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to review bid specifications and contracts relating to bids for food at the Jail.

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>

#### **c. Jail Expansion Revision**

County Administrator Vanessa Lynchard said that Mike Childress, the Architect for the Jail expansion, reviewed the contract and made necessary revisions. She said there is a savings on the expansion and the county will be saving half on the cost of interest.

Ms. Lynchard said less square footage is needed for beds so that reduces the square footage from 42,550 to 40,000 square feet at a price of \$185.50 per square foot. There are other areas that will cost less than expected.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to accept the proposed revisions to the jail expansion as recommended by the architect and as fully described in Exhibit H.6.c with a savings of \$496,676, changing the total amount to \$8,098,700.00, and to shift the money from the building of the jail to the new Sheriff's administration building.

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.6.c**

## **7. Department of Road Management – Finding of Fact**

### **a. White Oak/Big Horn, Bridgetown S/D**

Road Manager Andy Swims presented a finding of fact on property located on the corner of White Oak and Big Horn in Bridgetown Subdivision. He presented photos and said they show damages to private property associated with drainage and erosion. Mr. Swims said this is affecting the health, safety and welfare of the public. He said it would be necessary to repair the drainage inlet.

Supervisor Jessie Medlin asked if this is an owner or developer problem. Mr. Swims said it is a developer.

At the recommendation of the Road Manager based on the finding of fact and in accordance with Mississippi Code Section 19-5-92.1, Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to declare the corner of White Oak and Big Horn in the Bridgetown Subdivision as hazardous to the health, safety and welfare of DeSoto County residents and authorize repairs at an estimated cost at \$2,773.00.

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.7.a**

### **b. 5400 Church Road**

Road Manager Andy Swims presented photos of a finding of fact located on public and private property. Mr. Swims said the private property is located at 5400 Church Road in Horn Lake and the damages associated with drainage and erosion is affecting the health, safety and welfare of the public. The estimated cost of repairs is \$8,615.97.

At the recommendation of the Road Manager based on the finding of fact and in accordance with Mississippi Code Section 19-5-92.1, Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to declare the property located at 5400 Church Road in Horn Lake as hazardous to the health, safety and welfare of DeSoto County residents and authorize repairs at an estimated cost at \$8,615.97.

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 asked Mr. Swims if there would be an advantage in getting together with the cities and work together to take information to the Stormwater Committees. Supervisor Caldwell said that Mayor Elect Allen Latimer had expressed interest in working with the county on stormwater issues.

Supervisor Jessie Medlin asked if the federal government might clean out the channels.

Supervisor Mark Gardner said he received a call from Allen Nunellee's office and Walt Starr so they are aware of the problem.

Supervisor Lee Caldwell said all information is going to EMS and Mr. Swims has been reporting issues as well. This information could also go to Mr. Nunellee's officer.

Supervisor Gardner asked if the county could get pictures of the fly-over. Mr. Swims said the fly-over will be in the fall when the leaves start falling and visibility will be much better.

Supervisor Medlin said the Corp of Engineers made these channels and we need to start looking at them.

Supervisor Harvey Lee said he did a fly-over of the Coldwater River and it looks like a big sand box.

Supervisor Gardner said the Stormwater Committee meets on July 9<sup>th</sup> and Assistant County Engineer Scott Young is the county representative. Ms. Lynchard suggested that Tracey Huffman, State Aid Engineer, attend the meeting as well.

Supervisor Gardner said we have made an application for emergency watershed funding. The recent event that hit Oklahoma City was the same weather system.

Supervisor Russell said he would like to see if the Horn Lake Creek Drainage District has agreed to help in addition to federal help.

Supervisor Caldwell said she would like to use this opportunity to reach out to the residents one more time to call the Board of Supervisors if they need help in this matter.

**See Exhibit H.7.b**

**c. 2440 Church Road** - This item was deleted.

**d. 4160 Horn Lake Road**

Road Manager Andy Swims said this property is located at 4160 Horn Lake Road and Austin Road. Mr. Swims said during the flooding event, a ditch was washed out and caused flooding on the road.

Supervisor Lee Caldwell said she went to the site and water was knee deep.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to allow the Road Manager to do the necessary work at 4160 Horn Lake Road and Austin Road, based on the finding of fact and in accordance with Mississippi Code Section 19-5-92.1 as the drainage and erosion issues are affecting the health, safety and welfare of the public, and based upon the finding that flooding, and to authorize the repairs at an estimated cost of \$17,869.00.

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.7.d**

**e. Starlanding Road**

Road Manager Andy Swims presented a finding of fact which included photos of damages to private property associated with drainage and erosion at 2470 Starlanding Road West, Nesbit, MS affecting the health, safety and welfare of the public. Mr. Swims said the estimated cost to repair it \$10,352.00.

Mr. Swims said the culvert needs to be replaced before it collapses. The condition of the culvert was visible in the photos.

Supervisor Bill Russell asked if the culvert will need to be larger than the existing culvert.

Mr. Swims said if the culverts upstream are not replaced, there will be no need to replace the driveway culvert with a larger size culver.

The Board discussed how the property owner currently gets to their home and if they are using their neighbor's property to get home.

Supervisor Mark Gardner asked if this is the only section where there is an issue.

Mr. Swims said there is a school bus turnaround up the street but it appears to be stable.

Supervisor Russell asked Mr. Swims the plan for replacing the pipe. Mr. Swims he would replace the culvert, install wing walls and line it with riprap to help stabilize it. He said if it collapses, it would be a health and safety issue to the public.

Supervisor Russell said if we cannot prove the water is over the road, can we still replace the pipe.

Supervisor Lee Caldwell said she was at the site and erosion is etching into the road. Mr. Swims said it is not collapsed yet but the shoulder is definitely eroding away.

Supervisor Russell asked if replacing the culvert would stop the shoulder from eroding. Mr. Swims said if we do not replace the culvert and stabilize the area it is definitely going to affect the roadway.

Supervisor Jessie Medlin said he would like to make sure the culvert is consistent with other replacement pipes.

Supervisor Caldwell presented additional pictures taken with her phone and asked they be made part of the minutes. The pictures showed where water is affecting the road. She said a wing wall would help prevent damage to the culvert.

Mr. Swims said the water took off the shoulder and something needs to be done. This is not the first time this has happened.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to allow the Road Manager to do the necessary work at 2470 Starlanding Road West, based on the finding of fact and in accordance with Mississippi Code Section 19-5-92.1 that the drainage and erosion issues are affecting the health, safety and welfare of the public, and based upon a finding

that flooding is damaging the road, and to authorize the repairs at an estimated cost of \$10,325.00.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>NO</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit H.7.e**

Supervisor Jessie Medlin requested the County Administrator to get maps of the flooded areas in the County from GIS. County Administrator Vanessa Lynchard said she would get the maps for each Board member.

**I. PLANNING COMMISSION AGENDA**

**DeSoto County Board of Supervisors  
Planning Agenda  
June 17, 2013  
11:00 a.m.**

**PUBLIC HEARING**

Supervisor Medlin made a Motion to open a Public Hearing. Supervisor Russell 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>

**Appeal**

**Fred Smith (1454) - The DeSoto County Board of Supervisors will consider an appeal by Mr. Fred Smith to overturn the action of the Board of Adjustment and deny approval of a Conditional Use application by Cellular South Real Estate, Inc. to allow a 300-foot-tall communications tower on the west side of Horn Lake Road and south of Nesbit Road in Section 29, Township 2, Range 8. The property is zoned Agricultural-Residential (A-R). (District 4)**

Deputy Planning Director Tom Haysley read into the record the appeal submitted by Mr. James F. Smith to overturn the action of the Board of Adjustment and deny approval of a Conditional Use application by Cellular South Real Estate, Inc.

Supervisor Caldwell made a Motion to continue the appeal as she would like more information before proceeding. . Supervisor Lee seconded the Motion. Mr. James F. Smith requests to speak. Supervisor Caldwell withdraws the Motion to allow the public to speak.

Mr. James F. Smith introduced himself as a resident of the area. Mr. Smith stated that he is concerned his property value will be affected if the proposed communication tower is constructed. Mr. Smith then stated that he is concerned about adequate electrical power in the area, stating he believes the proposed tower will affect electric service in the area. Mr. Smith then stated that the lights that will be on the tower will also diminish his property's value and that the construction traffic will affect local roads.

Supervisor Gardner asked Tom Haysley to identify the proposed development site on the overhead display. Mr. Smith pointed out where his property was in relation to the proposed site and also pointed out where his other family members' properties are located in reference to the proposed tower site.

Supervisor Gardner asked that if the proposed tower was less than two-hundred (200') feet in height would the tower be lighted. Attorney Jody Neyman advised Supervisor Gardner that FAA regulations require any towers that are over two-hundred (200') feet to be lighted.

Mr. Smith advised the Board that he is opposed to the tower because construction of the tower will affect everyone around the proposed site. Mr. Smith mentioned public notice was provided by mail, and he received one of the mailed notification cards. Supervisor Gardner mentioned, as a result of public notification, several citizens contacted District Four Supervisor Lee Caldwell.

Mr. Smith asked if the proposed tower will have guyed wire supports. Deputy Planning Director Tom Haysley advised the Board that the proposed tower will not be guyed wire supported.

Supervisor Caldwell stated that she has dropped numerous calls in that area and recognizes the need for cell tower coverage. She then said that she has concerns regarding lighting of the tower due to the proposed height. Supervisor Caldwell advised the Board, she understands the applicant C-Spire will try to look at alternatives to lighting the proposed tower. Due to concerns, Supervisor Caldwell mentioned the applicant needs time to work with citizens regarding alternative tower lighting design and she would like to continue the matter to allow C Spire, the County and concerned citizens to speak.

Supervisor Gardner asked if there are other citizens in the audience who want to speak on the appeal of Conditional Use #1454. Hearing no one respond to the question, Supervisor Caldwell made the motion to continue the public hearing of the appeal. 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>

Supervisor Medlin made a Motion to close the Public Hearing. 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>

**PUBLIC HEARING**

Supervisor Medlin made a Motion to open a Public Hearing. 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>

**Harold Smith Rezoning (723) - Application is for approval of Rezoning of property from**

**Agricultural-Residential (A-R) to Planned Commercial (C-4), identified as Parcel #2-06-9-32-00-0-00015-02. Subject property is located on the north side of Byhalia Road and east side of Craft Road in Section 32, Township 2, Range 6 and is zoned Agricultural (A-R). (District 5)**

Deputy Planning Director Tom Haysley read into the record rezoning application #723. Mr. Haysley advised the Board of the specific uses of the property requested by the applicant, the uses include a restaurant, with or without a drive-through; convenience store, with or without gas pumps; retail pharmacy, with or without a drive-through, and Medical or Veterinarian Clinics.

Supervisor Medlin asked what the recommendation of the Planning Commission was. Mr. Haysley advised the Board, the Planning Commission recommended approval of rezoning #723 unanimously.

Mr. Steve Pogue advised the Board he is the applicant for rezoning # 723. Mr. Pogue introduced Mr. Harold Smith to the Board. Mr. Smith advised the Board he is the current owner of the property. Mr. Smith explained to the Board the history of the family property located at the intersection of Byhalia and Craft Road. Mr. Smith explained the subject property is referred to as Lot 3. Mr. Smith advised the Board he has attempted for years to market the sale of the subject and the attempt to sell lot 3 for residential use has been unsuccessful.

Mr. Pogue presented a slide presentation of information about the request to the Board. During the side presentation, Mr. Pogue discussed the area at the intersection of Byhalia and Craft Road, the existing commercial development southwest of the intersection, the realignment of Craft Road and the future closing of the current intersection of Craft Road with Byhalia Road. Supervisor Medlin asks what zoning districts are in effect at the intersection. Mr. Haysley advised the Board; east and west of Craft Road, property located south of Byhalia Road at the intersection is zoned C-1; property north of Byhalia east and west of the intersection with Craft Road is zoned Agricultural Residential (AR).

Mr. Pogue described the benefit of the request to rezone the property to the Board. Mr. Pogue advised the Board that rezoning the property to allow for the proposed commercial building development will reduce travel distance to commercial services for the community. Mr. Pogue described the future development impact of the Hawks' Crossing Planned Unit Development on the area. Mr. Pogue mentioned the Desoto County I-69 / 269 Study recommendations regarding the intersection area. Mr. Pogue explained to the Board the benefit of C-4 is the zoning district only allows uses approved by the Board. Mr. Pogue advised the Board of the estimated time schedule for construction.

Mr. Pogue introduced Architect Doug Thornton to the Board. Mr. Thornton advised the Board, that the proposed commercial development will be LEEDS Certified. Mr. Thornton explained to the Board the design features of the LEEDS designed building and property site. Mr. Thornton described the site landscape design to reduce noise levels and site lighting to reduce light glare. Supervisor Medlin questioned what gasoline service will be provided, Mr. Pogue responded the service provider will be Shell. Mr. Thornton explained to the Board the driveway design for access to Byhalia and the traffic flow into the proposed site. Mr. Pogue advised the Board, fuel service at the site will be available for school bus use, and this will benefit school bus drivers.

Mr. Medlin questioned Tom Haysley about realignment of the Craft Road and Byhalia Road intersection. Mr. Haysley explained to the Board, the current southbound intersection of Craft at Byhalia will be closed, Craft Road will move west from the current intersection upon completion of the interchange of Craft Road and I-69.

Mr. Pogue described to the Board the site design took into consideration neighboring property, and that the design reduces visual impact on the neighboring property. Mr. Pogue explained the financing for development of the site to the Board.

Supervisor Gardner asked if anyone in the audience wished to speak. Mr. Scott Morgan spoke in opposition to the request. Mr. Morgan advised the Board his residential home is located directly north of the proposed development site. Mr. Morgan described his property and the significant elevation change between his property and the proposed development site. Mr. Morgan indicated

that due to the elevation change, he will be looking down on the site, and this will affect his property value. Mr. Morgan advised the Board, if the commercial site is developed, he believes eventually the site will close down and leave his property adjacent to a vacant building. Mr. Morgan expressed concerns about noise generated from the commercial site, increased traffic in the area, and the concern the commercial site will be open all day and all night. Mr. Morgan advised the Board, he believes there are more suitable sites for the planned commercial use nearby.

Supervisor Gardner asked if the Board has other questions. Supervisor Medlin asked how much land does Mr. Morgan own. Mr. Morgan responded, he owns one and one-half (1 ½) acres of land.

Supervisor Lee discussed the future intersection of Craft Road and I-69. Supervisor Lee asked if Byhalia Road will be designed for a five (5) lane section. Staff responded they were not familiar with a future design for Byhalia Road at this time.

Supervisor Lee made the Motion to table the request and continue the public hearing until July 1, 2013; he explained he wanted to know more about the redesigned roads. Supervisor Gardner seconded the Motion.

Mr. Medlin asked about the notification sign posted on the site. Tom Haysley responded, the notification sign was initially posted for the request to change the current zoning to C-1 zoning, and the sign was changed based on the new request to change the current zoning to C-4 zoning. Mr. Medlin described how the intersection change is due to the intersection design for Craft Road with I-69. Mr. Pogue advised the Board the proposed commercial site design took the new road alignment and future interchange of Craft Road and I-69 into consideration. Mr. Medlin asked how drainage will be handled on the proposed site. Mr. Thornton responded the proposed LEEDS site design will address stormwater retention.

Supervisor Gardner asked for a vote on the Motion to continue the public hearing.

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>Absent</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Supervisor Lee made the Motion to close the public hearing. Supervisor Gardner 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>Absent</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

CONSENT

Minor Lot

**McRee Estates Minor Lot (6889)** – Application is for final subdivision approval of one (1) lot of 4.00 acres and one (1) lot of 6.00 acres, identified as Parcel #3-06-3-08-00-0-00007-00. Subject property is located on the south side of Vaiden Road and west of Craft Road South in Section 8, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

**Munn Minor Lot (6890)** – Application is for final subdivision approval of one (1) lot of 4.12 acres, identified as Parcel #2-06-9-29-00-0-00007-01. Subject property is located on the south side of Bethel Road and east of Craft Road South in Section 29, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 5)

**Hernandez Estates Minor Lot (6891)** – Application is for final subdivision approval of four (4) lots of 1.5 acres each, identified as Parcel #2-08-8-28-00-0-00002-04. Subject property is located on the south side of Nesbit Road and west of Tulane Road in Section 28, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)

**Frees Minor Lot (6892)** – Application is for final subdivision approval of one (1) lot of 5.0 acres, identified as Parcel #3-08-2-04-00-0-00001-01. Subject property is located on the west side of Tulane Road and south of Pine Tree Loop in Section 4, Township 3, Range 8 and is zoned Agricultural (A). (District 4)

Deputy Planning Director Tom Haysley advised the Board, the Consent Agenda consist of (5) Minor Lot Subdivisions, and that all five (5) Minor Lot Subdivision received recommendation of approval by the Planning Commission.

Supervisor Gardner asked if the Board had any questions about the Consent Agenda. Supervisor Medlin asks the location of McRee Estates Minor Lot (6889). Mr. Haysley advised the Board, the McRee Minor Lot Subdivision is located south of Vaiden Road, west of Craft Road.

Supervisor Gardner asked for a Motion to approve the Consent Agenda.

Supervisor Russell made the Motion to approve the Consent Agenda. 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>Absent</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

**OTHER ITEMS:**

1. Request for Building Permit Fee Refunds – Jason Arwine/Hawaiian Pools

Supervisor Caldwell returned to the meeting.

Deputy Planning Director Tom Haysley advised the Board the Planning Department received a request for the refund of Building Permit fees paid by Jason Arwine / Hawaiian Pools.

Supervisor Lee made the Motion to approve the refund. Supervisor Medlin 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>

Deputy Planning Director Tom Haysley advised the Board the May 2013 Building Permit Report is included in the Board's information packet.

**J. EXECUTIVE SESSION**

Supervisor Lee Caldwell made the motion to adjourn the Board meeting until July 1, 2013 at 9:00 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 17<sup>th</sup> of June, 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