

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES
DISTRICT ONE JESSIE MEDLIN, PRESIDING

March 10, 2016

A. CALL TO ORDER

The March 10, 2016 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff's Department was present and opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Michael Lee	District 5
Sheriff Bill Rasco	Sheriff
Misty Heffner	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

B. INVOCATION

County Administrator Vanessa Lynchard presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZENS REMARKS & PRESENTATIONS

Supervisor Jessie Medlin asked if there was anyone present who wished to address the Board on items not regarding the agenda. No one came forward.

E. APPROVAL OF AGENDA: ADDITIONS AND DELETIONS

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

- a. **County Administrator Vanessa Lynchard requested to add a Proclamation of Local Emergency and A Proclamation requesting a State Emergency be declared by the Governor** (New, H.2.)
- b. **Supervisor Bill Russell requested the Board have a conversation regarding levees and ditches.** (New, H.3.)
- c. **Supervisor Mark Gardner requested to update the Board on his conversation with Trip Wells.** (New, H.4.)
- d. **Board Attorney requested the Board to consider Litigation-Taylor in Executive Session.** (Executive, I.2.)
- f. **Supervisor Mark Gardner requested to add Zoning Ordinance – Sunset Law.** (Old, G.1.)

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve the agenda with the additions, deletions, and changes as stated 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 Michael Lee, Fifth District	<u>YES</u>

F. CONSENT AGENDA

There were no items on the Consent Agenda.

G.. OLD BUSINESS

1. Zoning Ordinance

Board Attorney Tony Nowak stated that since at least 2009 the mobile homes and mining operations conditional use have been subject to repealers (sunset) that have been extended each year. He said the repealers were not extended at the first of this year as in years past. As a result, right now, there is no provision in place for the conditional use of mobile homes or mining operations. Mr. Nowak stated that the Board needs to extend the repealer provisions and have a public hearing because of the amendments to the zoning ordinance. He further stated that the Planning Department has published the public hearing for April 4th at 11:00 a.m. to discuss

H. NEW BUSINESS

1. Office of Procurement

a. Adult Drug Court Vehicle Purchase Over \$25,000

Director of Procurement and Administrative Services Pat McLeod stated that the Adult Drug Court vehicle currently has 150,000-160,000 miles on it. Drug Court Officer Craig Sheley did not realize the purchase order for a new vehicle needed to be placed before March 11.

Supervisor Jessie Medlin asked if it was paid for with a grant. County Administrator Vanessa Lynchard said it was paid with Drug Court collections.

Supervisor Bill Russell asked why he needed a car. Mrs. Lynchard stated he goes to multiple counties and does checking up on probations.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the purchase over \$25,000 for a vehicle for Adult Drug 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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit H.1.a.

b. Late Bill – Road Department

Mrs. McLeod stated this was an invoice for a truck for the Road Department that had just been received in Accounting and needed to be paid right away.

Supervisor Bill Russell asked if it had been previously approved. Mrs. McLeod affirmed.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the clerk to write a check to pay the invoice for the Road Department’s truck.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit H.1.b.

2. Proclamation of Local and State Emergency to the Governor

Mrs. Lynchard stated there are many situations of flooding around the county and at one time during the day there were 20 roads closed. Chief Bobby Storey and Deputy Chief Chris Olsen of the Emergency Management Agency recommend a proclamation of local emergency and asking the Governor to proclaim a state emergency. They said this makes the County eligible for funds, and Mrs. Lynchard said Road Manager Andy Swims is very concerned about some of the roads being badly damaged.

Sheriff Bill Rasco stated that many roads have flooded and there will be a lot more as it keeps raining. He informed the Board that Love Road had a cave in that affected one whole side of the road. Sheriff Rasco said Delta Bluff had been under water since 2 p.m. and Star Landing is well on the way to being under water in the west part of the County.

Supervisor Jessie Medlin said he would like to declare a local state of emergency to help senior adults who might need help with washed out driveways. Supervisor Caldwell pointed out there will also be a lot of debris to clear. Board Attorney Tony Nowak stated that a state of local emergency gives a scope of work, but a state emergency give a much broader spectrum.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to approve the proclamation declaring a local state of emergency and the proclamation requesting the Governor declare a State of Emergency, authorize all Supervisors to sign, and make the proclamations a part of the Board minutes.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit H.2.

3. Levees and Ditches

Supervisor Bill Russell stated he had seen the Austin Road levee breach and the road flooding it caused. He asked if the Board would be able to step in and fix these defective levees and bill the owners.

Board Attorney Tony Nowak stated the Board would have to make findings for eminent threat to a road and either get an injunction against the property owner or take such steps as are minimally necessary to protect the roads. He stated the County’s authority is to protect the road and sometimes that means putting up a temporary levee or taking other appropriate action.

Supervisor Lee Caldwell stated there was also a breach on Highway 301 that caused the road to flood and be closed. Supervisor Russell asked if the County wanted to stop the breach or did the Board want to ask the landowner to. Supervisor Medlin said he thinks every circumstance is going to be different. Mr. Nowak agreed, adding depending on the circumstances, the landowner may be responsible for the costs or they may not be. Supervisor Russell expressed concern about doing for one and not the other and ending up in court.

Supervisor Mark Gardner stated that the County is in the middle of the event and there is no way to

know the total impact. He expressed the need to assess the situation to be able to make good decisions. Supervisor Caldwell agreed that there needed to be an evaluation. Supervisor Medlin expressed a desire to have the assessment between this date and the Board meeting on March 21st stating there was not much that could be done right now. Tracy Huffman of Waggoner Engineering said trying to do something right now may do more damage than good, short of a safety issue for people and houses at risk.

Supervisor Bill Russell asked if the Board could implement a policy that determines if a dam is on private property, the owner is responsible for repairs. Supervisor Gardner said he did not think the Board could adopt a policy that supersedes State law. Supervisor Russell asked if the Board recognizes that a County road can be affected, should the road be closed entirely. He asked Mr. Nowak if the Board was liable if the road is closed and people can still drive around. Mr. Nowak stated he thinks the tort claim law will keep the Board from being liable. He said it would be hard to have one uniform position when every situation is different.

Supervisor Jessie Medlin stated the Board can have an emergency meeting with a 3 hour notice given, if necessary.

Supervisor Mark Gardner said now that everyone has been out looking and seeing what is going on, there are concerns coming up about ditches. He said most of the calls he has gotten are about ditches and clogged up culverts. Supervisor Lee said he would like to meet with Road Manager Andy Swims and start working on ditches and culverts when this event settles down. Supervisor Medlin said the road foremen in each area need to be out checking ditches. Supervisor Caldwell said today they are reactive with trees and mudslides blocking roads. She stated that the Road Department is about to run out of Road Closed signs.

No Board action was required on this matter.

4. Facilities Liaison Update

Supervisor Gardner reported that he has talked with Tripp Wells about sitting and talking with Mrs. Lynchard. He said Mr. Wells is looking forward to the meeting.

No Board action was required on this matter.

I. EXECUTIVE SESSION

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

Supervisor Michael Lee made the motion and Supervisor Bill Russell seconded the motion to recess the Board meeting until March 21, 2015, at 9:00 a.m.

The motion passed by a vote as follows:

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

THIS the 10th day of March, 2016, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie Medlin, President
DeSoto County Board of Supervisors