

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT 2009 PRESIDING

March 3, 2009

A. CALL TO ORDER

The March 3, 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 Allen Latimer presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PLANNING COMMISSION AGENDA

DeSoto County Board of Supervisors

Planning Agenda

March 3, 2009

PUBLIC HEARINGS

Appeal

Lewisburg Tower, LLC (1391) -The DeSoto County Board of Supervisors will consider an appeal by Richard & Sue Thomas, Jeff & Christine York and Lane & Patricia Cross to overturn the action of the Board of Adjustment and deny approval of a Conditional Use to allow construction of a 192-foot communications tower at 161 Highway 305 North, on the west side of Highway 305 and north of Byhalia Road in Section 33, Township 2, Range 6 and zoned Agricultural (A). (District 5)

Supervisor Russell made a Motion to open the public hearing and make the hearing notice part of the minutes. Supervisor Latimer 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. Jim McDougal, Director of the DeSoto County Planning Commission, reviewed new information received concerning the appeal of the Lewisburg Tower, LLC application, including notes prepared by Mr. Tony Nowak as guidance for the Board of Supervisors in reviewing cell tower applications, a letter from Bridgeforth & Buntin, PLLC, and cell tower case studies. He then introduced Mr. Lou Katzerman and Mr. Barry Bridgeforth as being present to represent the application.

Mr. Bridgeforth presented maps of all the proposed possible sites for the cell tower that have been considered by the applicant. He then addressed the questions asked by the Board, by stating they have contacted the owners of the property north of the Lewisburg Water Association's water tower and stated that they are not interested in putting a communication tower on the property. Mr. Bridgeforth then presented maps showing current coverage area and the need for more coverage in the area. The maps showed significantly limited coverage in the area.

Supervisor Russell asked if the applicants had looked into placing a cell tower on the Lewisburg Water Association's property. Mr. Bridgeforth stated there is not enough space on the property for both towers and it would cause interference with the signal for the cell tower. Supervisor Medlin stated he spoke with Mr. Barry Caldwell, with the Lewisburg Water Association, and he said the water association owns five acres where the water tower is located and that no one had contacted him about locating the proposed cell tower on their property. Mr. Katzerman stated the water tower is in the center of the property and would prevent them from meeting the required setbacks for the cell tower.

Supervisor Latimer stated all the new information presented seems to state there is no proof that cell towers adversely affect property values. Mr. Bridgeforth stated that yes all four case studies reviewed show they do not adversely affect property values. These studies were presented to the Board for review.

Supervisor Thach asked if the applicants were able to move the tower at all on the proposed site. Mr. Bridgeforth stated yes based on discussions with members of the Board of Supervisors, and the review of the site, the applicant proposed to move the tower as far west and as close to the ditch and pond as possible. Mr. Katzerman added the tower is deeply in the woods and agreed to add more landscape to the north property line.

Supervisor Lewis asked if there was anyone present to speak for or against the application.

Ms. Patricia Cross came forward and stated they were told the tower would be 110 feet but it will actually be 192 feet tall. She then stated she feels the company should apply for a variance for the 150 foot setback for the tower to place it at the Lewisburg Water Association tower site.

Supervisor Latimer stated the applicant is moving the tower further west where there will be more natural cover of the tower. Ms. Cross stated she has not seen the new proposed location of the tower. Supervisor Lewis stated it has been moved further west. Ms. Cross asked how far the new location will be from her property line. Supervisor Lewis stated the same distance. Mr. Jim McDougal, DeSoto County Planning Director, stated it will be 150 feet from the tower to Ms. Cross's front property line. Ms. Cross then stated that would mean the tower will be 230 feet from her front door according to the site plan submitted by the applicant. Mr. McDougal clarified that it would be 260 feet from her front door. Ms. Cross asked if the new location would be straight in front of her home. Supervisor Lewis stated it is further to the west more in line with Ms. Cross's shed. Ms. Cross stated the tower is taller than the trees so it would not be completely concealed by the landscape.

Supervisor Medlin stated he had a problem with the applicants not contacting the Lewisburg Water Association about locating the cell tower on their property, as was requested by the Board of Supervisors.

Ms. Christine York came forward to speak. She stated her home has been in her family since the 1950's and that she really doesn't want a 192 foot tower in her front yard, unless the applicant can plant some 192 foot tall trees so that she can't see the tower. She then stated that the studies presented about the effect of cell tower on property value; did not state why the houses did not sell. She stated she thinks the tower will affect her ability to sell her home in the future.

Supervisor Lewis asked the applicant if the reason they have not contacted the water association is the issue of the water tower blocking the signal and interference of the signal for the cell tower. Mr. Katzerman stated that when he spoke with the water association in the past, he understood that they had an easement for use and were not certain the water association had the authority to sublease the easement. Supervisor Lewis asked for clarification that the Lewisburg Water Association had an easement at the water tower site and did not actually own the property. Mr. Katzerman stated that was correct.

Supervisor Medlin asked if they had thought about adding another ring of antennae to the water tower. Mr. Katzerman stated it would not work it would still block transmission of the cell tower signal.

Supervisor Russell stated he has visited the site and feels the cell company has tried to locate the tower in the place that is a best fit for all parties involved, and that a 192 foot tower in the woods is better than 300 foot tower behind the houses. He also stated he felt the cell company did what the Board asked them to do in providing the additional information regarding other possible locations that had been considered for the tower.

Ms. Sue Thomas came forward and stated that another objection she has is the applicant's access to the property. She stated the cell tower company will be using their driveway to access the property the proposed tower would be located on, and

even though the applicant has stated they will make improvements to the access easement, the landowner has said the same thing on previous occasions before and never has made promised improvements in the past.

Mr. Bridgeforth stated they would be using the easement if the application is granted but their vehicles would be turning off before they got to the driveway leading to the adjacent homes. He also stated the cell tower company has offered to improve the conditions of the easement including replacing the culvert. Supervisor Russell asked if the Board could ask the applicant to maintain that part of the road. Mr. McDougal responded it is a conditional use so therefore the Board would be able to put stipulations on the approval. Supervisor Russell asked how the County would manage the road condition, whom would the homeowner contact with problems with the road. Mr. McDougal stated the homeowners can call the Planning Office to have the conditions of the road checked into and if need be the Planning staff can contact the cell company to do road repairs. He then stated the road improvements were already a condition of approval by the Board of Adjustment. Mr. Tony Nowak, Board Attorney, advised there is a possibility the driveway may not be on the subject property. Mr. McDougal also stated that any issues of where and whom the easement belongs to would be cleared up when a title search is done. Supervisor Russell asked if the easement is not on Mr. Newton's property, and the documentation presented by Ms. Thomas is correct, will the cell tower company have to build an access road beside the current easement. Mr. McDougal stated the ownership of the easement will be determined by a surveyor and title search and the driveway will have to be located on that easement. Ms. York asked why the cell company could not use other access points located on the property. Mr. Katzerman stated that according to the survey they had done the easement is entirely on Mr. Newton's property. Mr. Nowak advised the Board that according the Federal Telecommunications Act if the Board determined there was a complete gap in coverage the application could not be denied, and if they found there was not a complete gap in coverage there would need to be substantial evidence to justifying denial of the application or overturning the Board of Adjustment's Approval.

Supervisor Lewis stated he understands the neighbors concern, but feels the applicant has proven that locating the tower behind the homes would not work.

Supervisor Lewis made a Motion to uphold the Board of Adjustment approval of this application based upon a finding there is a need for the tower in the area and there has not been presented substantial evidence demonstrating a basis to deny the application. Supervisor Russell seconded the motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN NO
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Supervisor Medlin made a Motion to close the public hearing. 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

NEW BUSINESS

Preliminary Subdivision

Bridgetown Subdivision, Section E & Section F (6751) – Application is for preliminary subdivision approval of 7 new lots on approximately 3.6 acres (designated on the original plat as “future development”) within the Bridgetown Subdivision. Subject properties are located on the north side of Starlanding Road east of Wildwood Drive (3 lots) and east of Maple Hill Drive and Mead Road (4 lots) in Section 23, Township 2, Range 7 and is zoned Residential Single-Family (Medium Density) (R-1). (District 5)

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, presented the application for 7 new lots in Bridgetown Subdivision to sell to use the proceeds to cover operation costs as well as clean and maintain the lakes throughout the subdivision by the Bridgetown Community Association. He stated one of the issues the Planning Commission had with the application is making sure there is documentation giving the Homeowners' Association the legal right to sell the property.

Supervisor Medlin asked what is on the lots at the current time. Mr. McDougal stated the only things on the lots are trees. Supervisor Medlin then asked if they are going to raise money to go into the operation budget by selling common open space. Mr. McDougal clarified it is not considered common open space, it is land set aside for future development. Supervisor Medlin asked if the adjacent homeowners' are aware that the space is “future development” and not common open space. Mr. McDougal clarified it is recorded on the plat as future development space. Supervisor Thach asked if the subdivision would still have the required amount of open space. Mr. McDougal confirmed that the subdivision would still have the required minimum amount of open space even if the lots are approved.

Mr. Benny Criddle and Mr. Vincent McCluskey, both Board members of the Bridgetown Community Association, came forward to represent the application. Mr. Criddle stated, according to the covenants of Bridgetown Subdivision, if you sell common space within the subdivision, you must get 2/3 of the homeowners votes to approve the sale. The property in question is “future development” area, so it does not fall into the same category as common space. He then stated the proceeds from the sale will go to make improvements to the lake and be added to the operation budget of the Community Association. Mr. Criddle then stated he has consulted attorney Mr. Jack Turner to perform a title search and to make sure the Community Association is allowed to sell the property.

Supervisor Latimer stated there didn't seem to be any opposition from the homeowners of Bridgetown. Mr. Criddle stated there was not any opposition.

Supervisor Lewis asked if the common area will still be accessible at the end of Meade Cove. Mr. Criddle stated the vacant land is still accessible from Meade Cove and the area will also be accessible from Starlanding Road.

Supervisor Lewis made a Motion to approve the application. 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

Supervisor Lewis stated Mr. Stan Quarles wanted to speak to the Board about another issue in Bridgetown Subdivision.

Mr. Quarles stated that in the oldest section of Bridgetown they were having problems with a culvert causing the bank to wash into the lake, which caused the sewer line to break. He then stated the City of Olive Branch repaired the sewer line and it was his understanding that the County would seed and place rip rap to help with the culvert problem. He stated the County has not done this, and there fore the damaged culvert slipped again and damaged the sewer line on January 14, 2009. Mr. Quarles stated the County placed a material in the rusted culvert to repair it, but it did not harden and eventually washed out. He stated he feels that if the County is responsible for the culverts and it is causing the bank to washout, then the County should help with the cleaning out of the lake.

Mr. Criddle stated the Association is willing to share 50/50 the cost of the cleaning with the County. He then stated when they spoke with the insurance company, they stated it was caused by the County's damaged culvert and therefore it is the County's responsibility to clean the lake.

Supervisor Medlin asked if the sewer line was damaged by the leaking culvert. Mr. Criddle clarified the leaking water washes out the bank and takes the sewer line with it. He then stated some of the homeowners are upset that they purchased lakefront property that is now dry land.

Supervisor Lewis stated he would like to get a formal report from the Road Manager before going any further.

MINOR LOTS

District 1

Kevin Greenwood Minor Lot (6750) – Application is for final subdivision approval of one (1) lot of 3.02 acres and one (1) lot of 9.98 acres out of 13 acres. Subject property is on the west side of Red Banks Road and south of Cathy Road in Section 19, Township 3, Range 5 and is zoned Agricultural (A). (District 1)

McBride Lot 8, Lot Approval (6752) – Application is for final subdivision approval of one (1) lot of 5.0 acres. Subject property is on the north side of McBride Road and west of Lee Road in Section 1, Township 3, Range 6 and is zoned Agricultural (A). (District 1)

Mr. McDougal presented the applications above and stated the applications appear to be in compliance with the County's Zoning and Subdivision Ordinances.

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

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Other Items:

1. Request for Refund of permit fee by Gadd’s Construction

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, made a presentation to the Board regarding the above request to refund the \$352 fee for building permit. Mr. McDougal stated that he recommended refund of the fee in full as no work was completed at the site.

Supervisor Medlin made a Motion to approve a \$352 refund to Gadd’s Construction per the above request. 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

2. Request for Correction to Meeting Minutes regarding Wilson Hills Subdivision Scrivener’s Error

Mr. McDougal presented a recommendation to the Board to approve the correction to December 15, 2008 meeting minutes to clarify and allow correction of the scrivener’s error for the record.

Supervisor Lewis asked where the subdivision is located. Ms. Gina Tynan stated it is a minor lot subdivision located east of Laughter Road and north of Sunset.

Supervisor Medlin made a Motion to approve the request to *set forth the correction of the Section tie to read “Northwest corner of the Southwest quarter of Section 25”*. 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

3. Update: DeSoto County Stormwater Management Program

Mr. Jim McDougal introduced Mr. Ray Laughter, Stormwater Coordinator, to give an update on the Stormwater Management Program.

Mr. Laughter stated he attended a meeting with Mississippi Department of Environmental Quality (MDEQ) and all Stormwater Phase 2 Municipalities within DeSoto County on February 3, 2009. He then stated the purpose of the meeting was to go over the new guidelines for our MS4 permit. Mr. Laughter then stated some of the new guidelines are to include non-structural Best Management Practices, such as to promote green space and the use of more pervious materials within sidewalks and/or pavement walking trails.

Supervisor Russell asked if there was any discussion about whether the MDEQ staff monitors creeks for “impaired” or “improved” status. Mr. Laughter stated they only monitor when there is a complaint. Mr. Russell stated that creeks and streams remain listed as impaired but are not technically impaired. This status is pertinent to receiving grants.

Supervisor Russell stated the County applies our regulations to the subdivisions in phases, even though the builder will clear the entire land and build in phases. He then stated that retention is needed on all land, but is only being addressed on the phase being developed. Mr. Laughter responded that when a builder states they are going to clear 100 acres, but only build on 20 acres, the County permits and monitors all 100 acres of cleared acres. Mr. Andy Swims, County Engineer, stated you can change the topography and that can affect the detention for the entire site. Supervisor Russell stated in general there needs to be an understanding that regardless of how much of the land they are building on they need to put in detention for the entire site.

Mr. McDougal discussed the process of the Stormwater Coordinator.

Mr. Laughter went on to say that MDEQ had nothing but praise for DeSoto County’s Stormwater Program and that DeSoto County is the only county in Mississippi with a Stormwater Advisory Board.

4. Update: DeSoto County Ozone Action Group

Mr. Jim McDougal presented an update on the DeSoto County Ozone Action Group. He stated Ms. Meleiah Robbins has been doing an excellent job getting cities to participate in the Ozone Action Group. He then stated Ms. Robbins has coordinated booths at city fairs and festivals with volunteers to answer questions from the public regarding air quality issues. Mr. McDougal then stated Ms. Robbins has asked each of the cities to assign someone from their city to help with festivals this year. Mr. McDougal went on to state the County's Environmental Services Department will also have a booth at the Mid-South Fair.

Supervisor Lewis stated he thinks Emergency Management Services has some kind of air quality testers and suggested maybe they could be set up at the Mid-South Fair to demonstrate how the testers work.

Supervisor Latimer stated he saw the booth set up at the Horn Lake Fall Festival last year and was very impressed with the booth and how knowledgeable the volunteer was that was working the booth at the time.

5. Update: I-69/I-269 International Trade Corridor

Mr. McDougal gave highlights of the presentation given by Mr. Jim Covington on the topic of the Memphis Aerotropolis study to the Planning Commission. He then stated some of the future speakers giving presentations to the Planning Commission would be Mr. Bob Dalhoff, about general principles of design, and Mayor Chip Johnson about what the City of Hernando has done with the section of I-69 corridor located within the city limits.

6. Reminder: "Strategic Conservation Planning Using a Green Infrastructure Approach" – March 11-13, 2009 at the DeSoto Civic Center

Mr. McDougal reminded the Board of the upcoming workshop and stated that Wednesday is the public day with a workshop continuing on Thursday or Friday.

Supervisor Russell asked if we had anyone attending all three days. Mr. McDougal stated Meleiah Robbins and Ray Laughter will be attending all three days. Mr. Michael Garriga stated he and Supervisor Russell will be attending the first day.

E. CONSENT

The Board of Supervisors considered the items presented on the Consent Agenda. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda and the reports and actions set forth therein as follows:

1. AOP Budget Modification

2. Make Part of Board Minutes:

- a. Amended Agreement for Use of the DeSoto County Jail; Southaven**
- b. Amended Agreement for Use of the DeSoto County Jail; Hernando**
- c. Interlocal Agreement for the Purchase of Materials Horn Lake Creek Basin Interceptor Sewer District**
- d. Interlocal Agreement between DeSoto County and the Horn Lake Creek Basin Interceptor Sewer District**
- e. Interlocal Agreement for DeSoto County to Maintain Public Roads and Provide Certain Engineering Services on Behalf of Town of Walls**

The motion passed by a vote as follows:

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

See Exhibit E

F. OLD BUSINESS

1. Nail Road Railroad Crossing

Robbie Burt of MDOT Rails and Waterways Division appeared before the Board of Supervisors to discuss the Nail Road railroad crossing. Mr. Burt said that last year MDOT looked at the railroad crossing because they were asked to consider putting up gates at the crossing. Mr. Burt said that MDOT has a policy that allows them to make quick upgrades. They usually follow the Federal Highway Administration's guidelines. They receive about \$3 million each year to make these upgrades. Mr. Burt said that gates at a crossing can cost from \$150,000 to \$300,000. He said because the crossing already has lights, it is ranked number 729 on the list and that is pretty low. Mr. Burt said there some provisions for pushing a crossing up on the list. He said by making it part of a consolidation it can be moved up in its ranking. He said they met with the Mayor of Horn Lake and the County Administrator Michael Garriga when they looked at the crossing. He said they discussed crossing at Center Street in Horn Lake that should be closed because of lack of use. Mr. Burt said he appreciates the support of the County and the cooperation of the two entities in looking at this effort. He said before he leaves town he will talk to the Mayor again. Mr. Garriga said he will be happy to attend that meeting if it will be helpful. Mr. Garriga said they are talking with the City to get their feelings on closing the gated crossing at Center Street that is rarely used. He said closing that crossing may allow them to begin the work on gates for the new crossing. He said they will have to advertise and have a public hearing prior to MDOT making this project a priority. MDOT will look at how much of the Center Street crossing equipment can be used at the Nail Road crossing site. If everything goes well with the City, the work can begin in April. Mr. Burt said he would not anticipate any work being started on the site before the end of the school year.

Supervisor Allen Latimer said this is something we have needed and the Board has been trying to accomplish it for the last two or three years. Supervisor Latimer said last year the Board pushed for this change and got traffic counts on the Nail Road site. He said that crossing has site issues and industries create a lot of traffic in that area. Supervisor Latimer thanked Mr. Burt because he is the first person from MDOT who has been able to get the project started. Supervisor Latimer asked if MDOT needs a resolution from the Board supporting the closing. Mr. Burt said that would be appropriate either now or later. Supervisor Latimer said this project has been needed for several years. Mr. Garriga said he would meet with the City of Horn Lake to see if they want to participate in a joint resolution for the closing on Center Street.

2. Human Resources – DMV Project

The Board of Supervisors discussed appointing a committee to work on a policy for County employees who drive County vehicles.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to appoint Jessie Medlin to serve as the County representative on the DMV Project committee. 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 Allen Latimer seconded the motion to approve the DMV Project Committee to consist of the County Administrator, Supervisor Jessie Medlin, Board Attorney, Human Resources Director, Road Manager and a representative from the Sheriff's Department. 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

G. NEW BUSINESS

1. Pharmacy Discount Program

Vanessa Lynchard said that the County received cards and other information on the pharmacy discount program in DeSoto County. She said the Board's vision to look into this program has proven to be very wise, especially since economic conditions have affected many people who are in need of insurance. She said the County Administrator's office will get the word out to the citizens by distributing the information through city and county buildings, churches, clubs, schools, sporting events, County and municipal employees and other such groups. Cards will also be distributed to pharmacies who are participants of the program, doctor's offices, the media and the County will set up a booth and fairs and festivals. Vanessa said the AARP group of DeSoto County has already agreed to help get the word out and Deputy Carl Hurt of the DeSoto County Sheriff's Department has already taken the information back to groups he is involved in. Vanessa reminded the Board of certain aspects of the program including the following:

NACo PRESCRIPTION DISCOUNT CARD PROGRAM FACT SHEET

What It Is:	The NACo drug discount card program helps consumers save money on their prescription medications any time their prescriptions are not covered by insurance. The free cards are distributed in the sponsoring county and may be used at any participating retail pharmacy. The discount card is not insurance.
Savings:	Savings average 20 percent; some discounts may be more, and some less, depending on the drug and quantity purchased. Cardholders are eligible for higher discounts on a three-month supply of some medications through mail service. Cardholders also can save on pet prescriptions at participating retail pharmacies.
Who It's For:	The cards may be used by all county residents, regardless of age, income or existing health coverage. There is no enrollment form, no membership fee and no restrictions or limits on frequency of use. Cardholders and their family members may use the card any time their prescriptions are not covered by insurance.
What It Costs:	Unlike many other card programs, there is no enrollment cost or membership fee. The cardholder pays the negotiated discount price or the pharmacy's retail price, whichever is lower. The average discount is 20 percent.
Participating Pharmacies:	More than 59,000 pharmacies nationwide accept the card, including most chain pharmacies and many independents. Wal-Mart pharmacies participate in the program.
Additional Benefits:	The program has a safety feature that alerts pharmacists when one drug may conflict with another medication the cardholder is taking, if the prescriptions were obtained with the NACo discount card. The NACo discount card program remains a useful option now that Medicare Part D has been implemented. For example, the card can be used when a Medicare Part D plan doesn't cover a drug.
About CVS Caremark:	The program is administered by CVS Caremark, which has broad experience in managing drug discount card programs for sponsoring clients. CVS Caremark negotiates with pharmacies to offer a discount off their retail prices. Most pharmacies contract to participate because it draws customers to their stores. CVS Caremark derives revenue from the program in the form of a small fee that the pharmacy pays on each transaction. The fee is a small fraction of the total transaction amount.

See Exhibit G.1

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. Accounting – Late Bill

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to authorize the Clerk to write the checks to DeSoto Paving in the amounts of \$24,372.34 and \$5,666.80 as recommended by the Comptroller. 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

2. Parks – District 4

Supervisor Allen Latimer said Horn Lake is starting a baseball program. He said this is a good activity for the children of DeSoto County and it brings in people from outside the County in a healthy and positive venue.

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to approve an allocation of \$15,000 from the District 4 Park Fund to the City of Horn Lake Parks as a way to promote and advertise County resources which further the cultural, social and moral opportunities within DeSoto County. 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 Allen Latimer seconded the motion to recess the meeting until March 16, 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 3rd day of March, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors