

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**BILL RUSSELL, PRESIDENT 2010 PRESIDING**

**March 2, 2010**

**A. CALL TO ORDER**

The March 2, 2010, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Bill Russell, Board President.

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

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

**B. INVOCATION**

Deputy Carl Hurt presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. PLANNING COMMISSION AGENDA**

**DeSoto County Board of Supervisors  
 Planning Agenda  
 March 2, 2010**

**NEW BUSINESS**

**Minor Lots**

*District 1*

**Sorensen Minor Lot (6786) – Application is for final subdivision approval of two (2) lots of approximately 10 acres each out of 20 acres. Subject property is located on the south side of Byhalia Road and west of Lee Road in Section 1, Township 3, Range 6 and is zoned Agricultural (A). (District 1)**

**\*\*\*MUST BE PLATTED AND RECORDED\*\*\***

*District 5*

**Margaret Taylor Minor Lot (6785) - Application is for final subdivision approval of one (1) lot of 1.5 acres and of one (1) lot of 1.79 acres out of 3.29 acres. Subject property is located east of Laughter Road and north of Byhalia Road in Section 36, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)**

Mr. McDougal presented the applications above and stated they appear to be in compliance with the County’s Zoning and Subdivision Ordinances, subject to right-of-way dedication and Health Department approval.

Supervisor Russell asked if anyone was present to speak for or against the applications. No one was present.

Supervisor Medlin made a Motion to approve Sorensen Minor Lot (6786) and Margaret Taylor Minor Lot (6785) subject to and conditioned upon staff recommendations and required dedication of public road right-of-way and Health Department approvals. Supervisor Lewis seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

**Final Subdivision**

**Mitchell's Corner Subdivision Residential East, Phase 1 Final & Phasing Plan (6782) – Application is to consider a construction phasing plan for Mitchell's Corner Residential Subdivision including 114 lots on 127.87 acres and to consider approval of the Final Subdivision Plat of Mitchell's Corner Residential East, Phase 1, including 29 lots on 28.49 acres. Subject property is located east and west of Highway 305 and south of College Road in Sections 15 and 16, Township 2, Range 6, and is zoned R-30, Single Family Residential. (Districts 1 and 5)**

Mr. McDougal presented the application for Mitchell's Corner Subdivision Residential East, Phase 1 Final and the Phasing Plan. Mr. McDougal gave a brief history from the staff report of the rezoning of the property from A-R to R-30. He stated the applicant would also like to change the name of the subdivision from Mitchell Corners to Mitchell's Corner. Mr. McDougal stated the Final Plat substantially conforms to the Preliminary Plat. He stated the application was carried over by the Planning Commission until the February 25, 2010 meeting to allow the applicant and County Engineer to address the drainage concerns of neighbors. Mr. McDougal stated the Planning Commission recommends approval of this application with the following conditions:

1. The Restrictive Covenants shall address the HOA's responsibility to maintain the detention areas;
2. The Developer shall bond any stormwater detention structures to ensure they are built to the engineer's specifications; and
3. The Planning Director shall retain the authority to withhold building permits if reasonable progress has not been made as it concerns stormwater as advised by the County Engineer.

Supervisor Medlin asked if the detention areas will be in common open space. Mr. Andy Swims, County Engineer, clarified the detention areas will not be in common open space, that easements will be given by the individual homeowners to the Homeowners' Association (HOA) to maintain the detention areas. Mr. Swims stated the applicant is proposing four small detention areas, ideally he would like to see one larger pond. He stated that due to circumstances on the site, the developer will have to use the four smaller detention areas. Supervisor Russell asked if the way the Restrictive Covenants is written, will the homeowner have to maintain the detention area. Mr. McDougal clarified it is the responsibility of the HOA to maintain the detention area. Supervisor Russell asked how will the homeowner be made aware of the detention area on their property and that they are not to change the detention area in anyway. Mr. McDougal stated this information will be on the plat, the chain of title, and in the Restrictive Covenants. Supervisor Medlin stated he feels a larger detention pond in a common open space would be better. Mr. Swims stated due to topographic circumstances on the site, a large pond to address all drainage would not be possible and therefore it would require four small detention areas on the site.

Supervisor Medlin stated he thought the Final Plat for Mitchell's Corner would not be platted and recorded until the turn lane issue at the Highway 305 entrance was addressed due to the traffic flow issues currently in the area. Mr. Shores stated he has no control over the turn lane at the Highway 305 entrance as it is controlled by Mississippi Department of Transportation (MDOT).

Supervisor Russell asked if Phase 1 consisted of two areas. Mr. McDougal clarified that the applicant is only requesting approval of Phase 1 on the east side of the development.

Supervisor Medlin asked about a detention pond that is shown on the original land use plan for the development. Mr. Shores stated he is not sure why it shows a pond in that particular spot as it is the highest point on the site and that his plan is to turn that area into a park. Mr. Swims also confirmed that there is no way to place a detention pond in the area shown in the land use plan due to it being the highest point on the site. Mr. Swims then stated there was an existing pond on the property but it has been filled in. Supervisor Medlin asked if the area with the pond that was filled in is now a lot in the subdivision. Mr. Swims stated yes.

Supervisor Medlin asked what would happen if a detention area was placed in the TVA easement as shown in the proposal and TVA wants to put in another line. Mr. Swims stated he is not sure what would happen in this circumstance.

Supervisor Medlin made a Motion to carry over the application for Mitchell's Corner Subdivision Residential East, Phase 1 Final and the Phasing Plan until the March 15, 2010 Board of Supervisor meeting to allow the applicant to address the turn lane issue at Highway 305 with MDOT. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

**Other Items:**

**1. Stormwater Certifications**

Mr. McDougal stated Ray Laughter and Bill White from the Planning Office and Mike Kennedy and Sean Bullard from the Road Department received certifications as Stormwater Inspectors, Construction Inspectors and Erosion Control Inspectors from Hinds County Community College at a recent training session on stormwater management.

Supervisor Russell stated he would like to extend the Board’s congratulations to these gentlemen on their completion of the certification programs.

**2. Presentation on the Houston Levee/Center Hill Corridor Study**

Mr. Mike Brugge of Parsons Transportation gave a presentation of the corridor study of Houston Levee and Center Hill Road from Collierville to Olive Branch. He stated the study is intended to help resolve the regional planning of arterial roads and to make sure all involved parties are on the same page with the road alignments. He stated as it stands the City of Collierville and DeSoto County plans have different potential alignments for a future north-south corridor. Mr. Brugge hopes that the corridor study will help to get the City of Collierville and DeSoto County to agree on the same alignment.

**3. I-69/I-269 International Trade Corridor Study - Recommendation for Selection of Consulting Team**

Mr. McDougal stated the Planning Commission compiled their evaluations for the two finalists for I-69/I-269 International Trade Corridor Study, the evaluations were calculated and resulted in McBride Dale Clarion having an average score of 85 points and PB Americas having an average score of 73 points. He stated the Planning Commission unanimously voted to recommend McBride Dale Clarion as the consulting team for the I-69/I-269 International Trade Corridor Study contingent on receiving the Economic Development Administration (EDA) grant.

Supervisor Medlin asked if the Memphis MPO and the Planning Commission submitted evaluation forms for the interviews of the consulting teams for the I-69/I-269 International Trade Corridor Study which took place on January 25, 2010. Mr. McDougal confirmed the MPO and the Planning Commission both submitted evaluation forms.

Supervisor Thach made a Motion to approve the selection of McBride Dale Clarion as the consulting team to assist the County with the I-69/I-269 International Trade Corridor Study contingent on DeSoto County being awarded the EDA grant. Supervisor Medlin seconded the Motion.

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

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

**See Exhibit D**

**E. CONSENT**

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

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda including making the agreement with MDOT for I-269 and Craft Road intersection part of the minutes, and the reports and actions set forth therein as follows :

- 1. Accounting: Reimbursement of Expenses for Chancery Court Reporter - \$340.00**
- 2. Circuit Clerk – Renew JAVS Contract**
- 3. Grants**
  - a. Approve Application for Fire Marshal Grant**
  - b. Accept LEPC Grant**
  - c. Approve Closeout of Hazardous Mitigation Grant for Sirens - \$270,490.00**

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES

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

See Exhibit E

**F. OLD BUSINESS**

**G. NEW BUSINESS**

**1. Hernando Civic Club – Courthouse Trees**

Ann Landers of the Hernando Civic Club appeared before the Board of Supervisors to discuss designating the grounds of the Courthouse as an arboretum and placing a plate on the trees on the Courthouse lawn identifying the type of tree on each plate. Ms. Landers said in order to do this project the area must be designated as an arboretum.

Ms. Landers said that Joy Anderson of the Extension Service, Pat Young, former President of the Garden Club and others will be involved in identifying the type of trees on the Courthouse lawn when the leaves are on the trees. She said they all feel that the types of trees will enhance the community in many ways. Ms. Landers said there are many people visiting the Courthouse including adults and children. They will be able to see the type of tree on each plate. Ms. Landers said the labels will be approximately four by six inches and the Latin or botanical name for the tree will be on the plate. She said it is a real benefit to the children who come to the Courthouse on field trips. Ms. Landers said she is asking permission from the Board of Supervisors to place the metal plates with tree names on the trees on the Courthouse lawn. She said the Garden Club wants to do more for the community. Ms. Landers said there will be nothing on the ground to restrict lawn service.

Supervisor Bill Russell asked if there were any restrictions or maintenance for the plates.

Joy Anderson said of course the public safety always comes first. She said these will be plaques made of aluminum and aluminum nails will be used to attach them to the trees. Ms. Anderson said they want to protect the trees as much as possible. There should be no maintenance or restrictions for the plaques.

Supervisor Bill Russell asked if the Board Attorney has looked into doing this project. Board Attorney Tony Nowak said he would have to look into it but he did not foresee any issues.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the Hernando Civic Club to designate the lawn of the Courthouse as an arboretum, and allow the Hernando Civic Club to attach plaques to the trees identifying the type of each tree conditioned upon the County retaining all rights and abilities to maintain the trees, lawn and building, and grounds as the county determines a need. The motion passed by a vote as follows:

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

**2. Renovation of old Health Department and DHS Building**

This item was held over until March, 15, 2010.

**3. Bids Under Advisement - Depository**

Comptroller Tom Arnold notified the Board of Supervisors of the receipt of six bids for the depository for DeSoto County. Mr. Arnold recommended rejecting and re-bidding for the depository to try and get more responses from the banks. He said the bids can be received and presented in the March 15<sup>th</sup> Board Meeting.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to reject the bids for depositories and to re-bid. The motion passed by a vote as follows:

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

## **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. Sheriff's Department-Call Report**

Sheriff Bill Rasco discussed the number and types of phone calls the Sheriff's Department received in January. Sheriff Rasco said they received 105 calls, 59 hang up calls to 911, and 2,592 for the foot patrol requiring walk through of businesses.

Supervisor Bill Russell asked if the deputies visit the 911 hang up calls. Sheriff Rasco said yes. They have to discern if the call is legitimate.

Sheriff Rasco said they received a total of 6,315 calls in February. He said, in addition, 103 calls were for the Town of Walls for a total of 6,418. Sheriff Rasco said they were receiving approximately 4,800 per month about six months ago and the number of calls has significantly increased since then.

### **2. Board Attorney-Space Center**

Board Attorney Tony Nowak reminded the Board that the Space Center wanted to acquire the county property located adjacent to the Space Center. Mr. Nowak said everything is final and he needed approval for the county to accept a check from the Space Center in the amount of \$3,180 and authority to deposit the check into the DeSoto County account as reimbursement and to pay for the county's legal services.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the check in the amount of \$3,180 and deposit the check into the DeSoto County account in connection to the county property adjacent to the Space Center. The motion passed by a vote as follows:

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

### **3. Board of Supervisors Minutes**

Supervisor Bill Russell said the situation that came up in yesterday's Board Meeting with Weatherby Estates seems to come up during meetings. Supervisor Russell said often commitments are made to landowners that can affect all parties involved in the particular issue

as well as the Planning Commission or Board of Supervisors motion on the issue. Supervisor Russell said it is impossible to include every detail in all motions. Supervisor Russell said developers or their representatives make commitments during their discussion. Those details are not usually mentioned in the motion. He asked if the county should have the developers sign the approved minutes after approval of the subdivision. Supervisor Russell said at least the county would have something to hold them accountable to if necessary.

Board Attorney Tony Nowak said that all developers are subject to the development agreement and that should take care of a lot. Supervisor Russell said the development agreement is great and covers a lot of things. But often, there are things said and commitments made that are in addition to the proposed plans and the development agreement.

Supervisor Russell said details are often said that are not mentioned in the motion and asked if the county has any authority in those situations. Mr. Nowak said the minutes, notes and exhibits include these discussions. Supervisor Russell asked if the information regarding the pond's rip rap is not in the motion, can the county go out and do work in a subdivision to replace what was taken. He wants the Board to be able to go to the developer and say, "this is what your agreed to do based on the discussion".

Planning Director Jim McDougal said that is a point well taken. Mr. McDougal said, at the time the application is filed, there is an interchange between the parties. In some cases, people will say that what was said or written was not what they meant. Mr. McDougal said his position has always been what is said the Planning Commission meeting or the Board of Supervisors meeting is what they follow. Mr. McDougal said when Merritt Powell was over Planning, he had the applicant come back and sign the order. He said that process has stopped for some reason but can be re-implemented.

Mr. Nowak said there is another issue in the situation with Weatherby Estates. He said the subdivision was annexed into the City of Hernando and the county no longer has jurisdiction.

Supervisor Eugene Thach suggested letting the Board Attorney look into it.

Mr. Nowak said he sees no reason why the developer or applicant could not sign the minutes or an affidavit approving what is reflected in the minutes.

Supervisor Russell said if the inspectors had a check list when they go out to inspect, they could also inspect any additional work that had been done and that is not standard on the check list. He said the developers and the county inspectors should read the minutes to see what was approved. Supervisor Russell said he worked with the developers when writing the policy and they were very helpful. Supervisor Russell said he knows the developers want to do the right thing when they know what is expected. He said the problem is that vagueness is very confusing.

Andy Swims said he pulls the Planning Commission and Board of Supervisors minutes to send to the engineers to clarify what was said in the meetings. He said occasionally there is a simple typo that can change the meaning completely or make it difficult to understand. Sometimes there are discrepancies.

Supervisor Russell asked if there was any way that the developers involved can review the minutes and bring them back to clarify or correct. He said county personnel should also bring those back for clarification.

Greg Russell with the Homebuilders Association said that is a fantastic idea. He said a good example is what happened in a subdivision in Olive Branch. There was confusion over the sidewalks and they had no way to review the minutes before they were approved. It would reduce a lot of conflict. He said they would like to be able to review the minutes to make sure they correctly state what everyone is talking about.

Resident Joe Thompson said he attended every meeting on a subdivision development located near him. There were a lot of changes made to the subdivision after those meetings. They never have put in but one coat of asphalt. They did not put the fence like it was supposed to be. Supervisor Russell asked County Engineer Andy Swims to look into that.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until March 15, 2010, 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-----ABSENT  
Supervisor Tommy Lewis-----YES

THIS the 2<sup>nd</sup> day of March, 2010, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Bill Russell, President  
DeSoto County Board of Supervisors