

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2011 PRESIDING

May 2, 2011

A. CALL TO ORDER

The May 2, 2011 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President. Supervisor Latimer said that Supervisor Bill Russell is absent from the meeting because he is in the hospital.

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 Absent
- Supervisor Allen Latimer-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZEN COMMENTS

Supervisor Allen Latimer asked if anyone was present in the audience to address the Board. No one came forward.

E. APPROVAL OF APRIL MINUTES

The Board of Supervisors considered the minutes for April as presented.

Supervisor Jessie Medlin asked that a motion be changed in the minutes that indicated he was present at a meeting he missed.

The official minutes of the Board of Supervisors were read for the month of April, 2011. Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to accept the minutes of the Board of Supervisors for April 2011 and as presented this date with changes previously submitted, and with the change noted by Supervisor Medlin pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated. The motion passed by a vote as follows:

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

See Exhibit E

F. CONSENT

The Board of Supervisors considered the items on the Consent Agenda. Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda as follows:

1. Dept. of Human Resources: Monthly Health Claims

The following is a recap of all insurance claims funded for the month of April and paid to Humana:

| Funding Request | Date Paid | Amount | Claim Type |
|------------------------|------------------|---------------------|---------------------|
| Date | | | |
| 4/1/11 | 4/1/11 | \$74,192.22 | Administration Fees |
| 4/5/11 | 4/12/11 | \$48,043.24 | Medical |
| 4/5/11 | 4/12/11 | \$1,001.00 | Dental |
| 4/5/11 | 4/12/11 | \$15,865.81 | Pharmacy |
| 4/11/11 | 4/12/11 | \$53,058.92 | Medical |
| 4/11/11 | 4/12/11 | \$89.50 | Dental |
| 4/11/11 | 4/12/11 | \$12,110.74 | Pharmacy |
| 4/18/11 | 4/19/11 | \$81,241.78 | Medical |
| 4/18/11 | 4/19/11 | \$8,332.26 | Dental |
| 4/18/11 | 4/19/11 | \$18,309.32 | Pharmacy |
| 4/25/11 | 4/26/11 | \$47,817.97 | Medical |
| 4/25/11 | 4/26/11 | \$20,450.70 | Dental |
| 4/25/11 | 4/26/11 | \$17,755.88 | Pharmacy |
| | TOTAL | \$398,269.34 | |

2. Justice Court Report

| | |
|-----------------------|--------------|
| Criminal Cases Filed | 130 |
| Civil Cases Filed | 470 |
| Traffic Tickets Filed | 863 |
| Total Cases Filed | 1,463 |
| State Assessments | \$70,392.00 |
| County General Fund | \$102,605.47 |
| Total Collections | \$172,997.47 |

3. Bailiff Pay- Lee Hodge – \$280.00 Liz Medlin - \$285.00 x 2

4. Publication of Board Proceedings

5. Office of Finance & Accounting

a. Budget Amendments-Detailed in Exhibit F.5.a

b. Approve Interfund Loans

| | | |
|---------------------------|-------------|------------|
| From: General County Fund | 001-000-054 | \$9,672.21 |
| To: State Aid Fund | 170-000-149 | \$9,672.21 |

c. Request to Repay Interfund Loan

| | | |
|--------------------------------------|--------------|---------------|
| From: 2007 Refunding Bonds I&S Fund | \$160,000.00 | (216-000-149) |
| From: 2003 Refunding Bonds I&S Fund | \$411,000.00 | (221-000-149) |
| From: 2009 16 Million Bonds I&S Fund | \$120,000.00 | (225-000-149) |
| From: Walls Sewer Bonds I&S Fund | \$ 3,700.00 | (290-000-149) |
| From: Energy Grant-MDA Funds | \$606,923.25 | (306-000-149) |
| From: EMA Grants Fund | \$502,415.00 | (044-000-149) |

To: General County Fund \$1,804,038.25 (001-000-054)

d. Approve Additional Cash on Hand for Justice Court

Increase one Deputy from \$50 to \$100
Add one Deputy at \$100
Approve Clerk to issue check for \$150 to Shirley Beshears, Justice Court Clerk

6. Make Part of Minutes

a. Section 42 Property Litigation Resolution

b. Interlocal Agreement-Public Ambulance Service with City of Hernando, City of Horn Lake, City of Olive Branch and the Town of Walls

7. Department of Road Management

a. Road Report and Work Schedule

b. Road Bond Report

c. School Bus Turnarounds

Lashanda Armstead, 7280 Kileton Ln., Olive Branch, MS Bus #313
End of Church Rd off of Katherine, Olive Branch, Bus # 250
End of North Watson-DeSoto Road, Bus #287

8. Chancery Clerk Allowance - \$1,300.00

9. Chancery Court - Order Appointing Jury Commissioner: Harry Grubbs

10. Grants Administration – Close out of CDBG Project 1122-05-017-ED-01-Sigma Supply

The motion passed by a vote as follows:

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

See Exhibit F

G. OLD BUSINESS

1. 2011 Redistricting – Corrected Order for Precinct Plan

Board Attorney Tony Nowak said the Board approved precinct polling place changes at a previous meeting. He said, during the process of preparing the voter’s cards and updating poll books, Circuit Court Clerk, Dale Thompson, noticed a couple of errors in the polling place descriptions. Those included an address error in the Fairhaven precinct; Southaven West precinct describes the voting place as Justice Court Building and it should be changed to the Justice Court/Tax Collector Building; Horn Lake East precinct shows the voting place as Horn Lake Library and it should be changed to the M. R. Dye Library; Nesbit East precinct shows the voting place as Nesbit Fire Station #2 and it should be changed to Nesbit Water Association; Love precinct shows the voting precinct as the Ebenezer Baptist Church and it should be changed to the Love Community Baptist Church. Mr. Nowak said the changes are detailed in Exhibit G.1. He said, if the Board approves these changes, they will be submitted to the Department of Justice for approval.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve a precinct plan change as fully described in Exhibit G.1 and to authorize the plan change to be submitted to the Department of Justice. The motion passed by a vote as follows:

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

See Exhibit G.1

2. Jacobs Land Donation

Board Attorney Tony Nowak said that they have been working to identify the title problems on the Jacobs Land donation offer. He said we can't identify who owns the second parcel and they have identified some problems in ownership of the first parcel. He said it will definitely take court action to clean up the title on the property.

3. I-69 Easement Agreement with MDOT: 305 to Marshall County

Board Attorney Tony Nowak said he presented an agreement for I-69 at the last meeting. He said, at that time, Supervisor Medlin wanted to talk to MDOT to learn more about the project. Supervisor Medlin said he spoke to Richard Allen of MDOT and he explained the project and the process and he is comfortable with moving forward.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the agreement with MDOT for I-69 from Hwy 305 to the Marshall County line. The motion passed by a vote as follows:

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

4. Public Hearing-TIF Plan

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing for the TIF Plan. The motion passed by a vote as follows:

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

Board Attorney Tony Nowak said the Board discussed and approved setting a Public Hearing for the TIF Project at a previous meeting. He said the Public Hearing has been called for today. He said this is another step for the DeSoto Point TIF project in the City of Southaven where part of the property and personal ad valorem taxes will be pledged to fund a bond issue for the project.

Supervisor Jessie Medlin asked if this is the same TIF arrangement as the projects we have done in the past. Mr. Nowak said yes. This is the same as the county did with the Southaven Towne Center Mall project.

Supervisor Medlin asked how long the pledge will be. Mr. Nowak said it is a 20 year pledge. Mayor Davis said it looks like the project will happen pretty soon. He said this calls for \$15 million, but he does not think it will take that much. He said he thinks that the project will bring in more than is pledged.

Mr. Nowak explained that the bonds will be issued by the City of Southaven and not the county. Supervisor Allen Latimer asked if there were any questions or comments from the public. No one came forward.

Mayor Greg Davis said he appreciated the county's participation. He said Southaven would not have had the Towne Center without the Board of Supervisors' participation and they will not have this without the county's help as well.

Supervisor Latimer asked if there were any more comments from anyone present. No one came forward.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to close the Public Hearing. The motion passed by a vote as follows:

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

Mr. Nowak presented a resolution for approval for the TIF Plan for the county to pledge 50% of its incremental increase in ad valorem real and personal taxes for 20 years on the property describe in the TIF plan. He said the resolution adopts that plan and the publication for this hearing.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the resolution for the TIF Plan update for the 2011 project and Public Hearing as fully described in Exhibit G.4. The motion passed by a vote as follows:

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

See Exhibit G.4

H. NEW BUSINESS

1. Ratification of Local Emergency Proclamation

Emergency Services Director Bobby Storey said he has asked for a Proclamation of Existence of a Local Emergency because of the amount of flooding the county has experienced. He said more than 60 homes and businesses received heavy damage. He presented a list of places that have experienced damage. He said they need the proclamation in place because he feels the State of Mississippi is going to have a State of Emergency. He said the county has had places that rarely or never flood to experience flooding during this event. He said he is asking for a 30-day proclamation because, at this time, we cannot even see all the damage until the water recedes. He said we are watching the rain today.

Mr. Storey said that his office has received sand bags. He said many people have been asking for the sand bags and they are now available.

Supervisor Allen Latimer thanked Mr. Storey for all he and his department have done in the flooding. He verified that Mr. Storey is asking for the same thing as Mr. Dorris is asking for on Holly Springs Road.

Board Attorney Tony Nowak said this declaration is in accordance with Mississippi Code Section 33-15-17. This declaration affects Holly Springs Road, but it is not the same matter.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to ratify the Local Emergency Proclamation to declare a State of Emergency for 30 days in accordance with Mississippi Code Section 33-15-17 due to excessive flooding the week of April 25, 2011. The motion passed by a vote as follows:

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

See Exhibit H.1

2. Insurance Committee Update

County Administrator Michael Garriga said the Board previously approved funding up to \$5,000 for the insurance committee to associate a consultant for the RFP process. Mr. Garriga said that Jenna, Vickie and Vanessa have talked to three consultants. One of the consultants elected to participate in the RFP process instead of being considered for a consultant. The other two submitted proposals. They recommended Mike Stavropoulos of HR M pact, Inc. The committee considered the qualifications of both candidates and the public entity experience of Mr. Stavropoulos and they agreed to his recommendation.

Supervisor Jessie Medlin, who is on the insurance committee, said he does not feel consultants are always necessary, but he believed a consultant could be beneficial to the selection of the right broker. He said he and the committee feel like the addition of a consultant could be money well spent.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the agreement with HR M pact, Inc., subject to the Board Attorney’s approval and to authorize the Board President to sign the agreement. The motion passed by a vote as follows:

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

See Exhibit H.2

3. Industrial Drive West: Change Order #1

Hernando City Engineer Joe Frank Lauderdale said the contractor is toward the end of the construction on Industrial Drive West and they ran into some unforeseen bad materials. He said, consequently, the contractor is asking for a change order to take care of the bad materials. He said this will take care of the amount of excavation needed and the additional materials as well. Mr. Lauderdale said that the Road Manager Russell Dorris has looked at the project and is in agreement that the work is necessary. Road Manager Russell Dorris said that he has not reviewed the estimate included in the change order. Mr. Lauderdale said it includes 2,433 cubic yards of excavation at a unit cost of \$2.15 per yard. Mr. Dorris agreed that that was fair and reasonable.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve Change Order #1 between the county and Lamb Construction for Industrial Road West Extension in the amount of \$5,230.00 with a completion date of June 11, 2011 due to the occurrence of unforeseen circumstances, the scope of work being necessary to complete the project and the costs being reasonable. The motion passed by a vote as follows:

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

See Exhibit H.3

4. Office of Finance & Accounting: Claims Docket

Chief Financial Officer Tom Arnold presented a travel voucher from Kimberly Land for consideration as a late bill. He asked the Board to consider payment of the two bills, which were \$255.00 and \$548.25.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve travel expenses from February through April for Kimberly Land in the amount of \$548.25 and \$255.00 and to authorize the Clerk to write the check. The motion passed by a vote as follows:

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

Finance Clerk Stephanie Hanks and Chief Financial Officer Tom Arnold of the Office of Finance and Accounting presented the claims docket to the Board. Ms. Hanks and Mr. Arnold read the items on the claims docket individually and the Board discussed these items.

Supervisor Jessie Medlin asked if the docket reflected the total payment due to Siemens. Mr. Garriga said no. It is a \$6 million project with part of the money to fund the project to come from the Department of Energy, part from the county, and part from the federal government. He said the contractor would start on the chiller plant soon. The Board asked where the chiller plant would be located. Mr. Garriga said it will be located on the west side of the jail property.

Supervisor Medlin asked how much property that will take. Mr. Garriga said it would reduce the rec yard by about one third of what it is now. He said it would take about one third of the rec yard space to accommodate the space needs of the chiller plant. Supervisor Medlin said he hates for that property to be used for this purpose. Sheriff Bill Rasco said it would not cause the jail a problem. Mr. Garriga said the City of Hernando was opposed to putting the chiller plant at the Law Library site. He said the property beside the Administration Building was too small to accommodate the chiller plant and that left this property at the jail to be considered.

Supervisor Allen Latimer asked about page 10 of the docket where we are paying Shelby County Government. Mr. Arnold said that is where we receive money and send it out for transportation planning.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach 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-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----ABSENT
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit H.4

5. 2010 Audit Report Litigation Letter

Board Attorney Tony Nowak said, every year the auditors require a litigation update. He asked the Board of Supervisors for approval to prepare the report.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm, Mitchell, Scott Law Firm to prepare the litigation audit report. The motion passed by a vote as follows:

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

6. Road Bonds-Nikki Lakes

Board Attorney Tony Nowak said, this is one of the subdivisions that Andy Swims has been working on. He said Mr. Swims might have an update that could change his recommendation on the matter.

County Engineer Andy Swims said that David Moore of First Security Bank is here to discuss Nikki Lakes. He said Nikki Lakes is one of the subdivisions where we have had some problems. He said we have been trying to make sure we get the repairs done. He said there was not enough bond money to fix the problems. He said that Mr. Moore has agreed to complete the repair work within 60 days and put down the last lift of asphalt in an additional one hundred twenty days, and to execute a maintenance bond once the work was complete.

Mr. Moore said that the bank feels like they can get the repairs done in 60 days and do the additional lift of asphalt within 120 days after that.

Supervisor Tommy Lewis asked when the bond expires. Mr. Swims said the bond expires January 3, 2012.

Chancery Clerk Sluggo Davis said he is holding a cashier's check in his vault on this project.

Supervisor Allen Latimer said he feels comfortable with a letter from the bank. He asked if Mr. Swims recommends this with an increase in the bond amount. Mr. Swims said yes. He said there isn't enough bond money to cover the project, but the bank says they will do the work.

Supervisor Latimer asked if we increased the bonds on the other people.

Supervisor Jessie Medlin asked how bad some of the repairs are. Mr. Swims said there are a lot of repairs that need to be done.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to accept the agreement with First Security Bank for repairs on Nikki Lakes Subdivision with the letter from the bank that they will complete the repair work within 60 days , put the final lift of asphalt down within 120 additional days and then post the required maintenance bond. The motion passed by a vote as follows:

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

7. Dept. of Road Management

a. Emergency Declaration-Holly Springs Road

Road Manager Russell Dorris presented pictures of different areas of Holly Springs Road showing extensive damage on the roadway. He also presented a map that indicates where drifts are in the river area. Mr. Dorris said he is asking for approval to get the repairs started under an Emergency Declaration. He said they are guessing it will be between \$350,000 and \$375,000 to complete the work. The Supervisors asked if this is the same declaration that the Board approved for Bobby Storey. He said one is for the same event, but it will actually allow the work to get started on the road without the necessity of advertising for bids. He said, until the road is repaired, the road couldn't be used.

Supervisor Allen Latimer said last year this Board voted to move millage from the Road Department and now this project has occurred. He suggested the Board consider moving that millage back to the Road Department. He said he would like the Board to look at that when the new budget is considered. Mr. Dorris said that they hope that this work can be done with the money that is in the budget plus some additional federal or state money in which the county may qualify.

The Board of Supervisors considered that they have opened a formal Declaration of Emergency per Mississippi Code Section 33-15-17. They further considered the provision under Mississippi Code Section 31-7-13(k) for emergency purchases and determined unanimously with all present that an emergency exists on Holly Springs Road and to delay bidding would be extremely detrimental to people needing to access this roadway for work, school and other matters. The emergency that led to this finding was caused by flooding and the immediate restoration of this public road is necessary for DeSoto County. Further, the Board considered that Mississippi Code Section 33-15-17 gives authority to act when a disaster occurs as described in Mississippi Code Section 33-15-5, and to enter into contracts and incur obligations to help protect the health, safety and welfare of the public, without delay and without formalities of bids.

Therefore, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion based upon the Board's prior finding that a local emergency exists, and to specifically declare a local emergency exists as recognized by per Mississippi Code Sections 33-15-17 and 31-7-13(k), acknowledge that the local emergency results from conditions arising from a disaster creating peril to the safety of the public caused by the flood and storms last week that caused substantial damage to Holly Springs Road, and to delay repairing the road by bidding would be detrimental to the public who must use this on a daily basis, and because the roadway goes through a bottom and there are four or more bridges that must be crossed and another immediate access for the public is not practical or readily available without sending people far out of their way to access the Hernando area of the county. Therefore, the immediate preservation of this road is necessary. In addition, this State of Emergency is continued through May 16, 2011, when the Board of Supervisors will again review the situation. The motion passed by a vote as follows:

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

See Exhibit H.7.a

b. Renewal of Contract with Tracy Huffman

Road Manager Russell Dorris said the contract for General Services with Waggoner Engineering needs to be renewed. He said this is the same contract the county has with several engineering firms. He said no work assignment under the contract will exceed \$50,000 per year, and the total of all work assignments will not exceed \$150,000 per year without written approval.

Supervisor Medlin asked if he needs an engineer to do the repair work. Mr. Dorris said yes. He said it may become a State Aid project and the engineer would be paid through there.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve renewing the General Service Engineering Contract for Waggoner Engineering and authorize the Board President to sign the agreement. The motion passed by a vote as follows:

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

I. PLANNING COMMISSION AGENDA – 11:00 a.m.

**DeSoto County Board of Supervisors
Planning Agenda
May 2, 2011**

PUBLIC HEARING

Appeal - The DeSoto County Board of Supervisors will consider an appeal by Mr. David Dixon (1352) regarding a Variance under Article X, Section 7, Page 92 of the DeSoto County Zoning Ordinance to allow an accessory building larger than 50% of the primary structure. Subject property is at 1180 Craft Road, on the east side of Craft Road and south of Vaiden Road in Section 8, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

Mr. McDougal stated Mr. Dixon requested the Public Hearing for his Appeal to be carried over until the May 16, 2011 Board of Supervisors meeting.

Supervisor Lewis made a Motion to recess the Public Hearing item until the May 16, 2011 meeting of the Board of Supervisors. Supervisor Thach 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>ABSENT</u> |
| FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER | <u>YES</u> |
| FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS | <u>YES</u> |

CONSENT AGENDA

Minor Lots

District 5

Bobby Winter Minor Lot (6815) – Application is for final subdivision approval of one (1) lot of 1.86 acres and one (1) lot of 1.5 acres out of 3.36 acres. Subject property is located on the west side of Smith Road and south of Holly Springs Road in Section 30, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

Mr. McDougal presented the Bobby Winter Minor Lot application and stated it appears to be in compliance with the County’s Zoning and Subdivision Ordinances, subject to right-of-way dedication and Health Department approval. He noted that the Planning Commission voted unanimously to recommend approval of Bobby Winter Minor Lot application.

Supervisor Lewis made a Motion to approve the Consent Agenda subject to staff recommendations and required dedication of public road right-of-way and Health Department approvals. Supervisor Thach 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>ABSENT</u> |
| FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER | <u>YES</u> |
| FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS | <u>YES</u> |

Other Items:

1. Request for Building Permit Refund – Richard Stewart/All Season Pools

Mr. McDougal presented a request for refund by Richard Stewart/All Season Pools for a pool permit. He stated the homeowner backed out of the contract for the pool before any work was done and Mr. Stewart is requesting a refund of the \$100 permit fee.

Supervisor Medlin made a Motion to approve request for refund of the \$100 pool permit fee by Mr. Richard Stewart. Supervisor Thach 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>ABSENT</u> |
| FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER | <u>YES</u> |
| FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS | <u>YES</u> |

2. I-69/I-269 International Trade Corridor Study: Steering Committee Meeting Update

Mr. McDougal stated a presentation was given by the consultants to the Planning Commission at the April 28, 2011 meeting. He stated the presentation discussed case studies of other areas around the country working on similar plans as DeSoto County. Mr. McDougal stated the presentation included the issues encountered, how they addressed the issues and the lessons learned while working on their plans.

Mr. McDougal stated the agenda for next month’s Planning Commission meeting will include combining the information received from the three background reports presented at previous Planning Commission meetings and deciding the next steps in the Corridor Study. He stated public outreach for the Corridor Study will also begin next month.

3. EDA Mid-Year Report

Mr. McDougal presented the midyear report on the Economic Development Administration grant funding for the I-69/269 corridor study. He then stated that year to date no EDA funds have been spent, and the report would reflect that.

Supervisor Lewis made a Motion to approve Supervisor Latimer signing the midyear report on the Economic Development Administration grant funding for the I-69/269 corridor study. Supervisor Thach 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>ABSENT</u> |
| FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER | <u>YES</u> |
| FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS | <u>YES</u> |

J. EXECUTIVE SESSION

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

K. OTHER ISSUES

1. Subdivisions-Miller Station

Supervisor Jessie Medlin said the developers turned Millers Station Subdivision over to the bank.

He said it needs some repairs and he knows the county cannot do it without taking in the roads. He said the Board needs to find an answer to repairing these roads.

Board Attorney Tony Nowak said we can take the developers to court to get an injunction to make them do the work.

No motions were made nor votes taken on this issue.

2. Roads-Holly Springs Road

At the recommendation of the Board Attorney, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to authorize the Clerk to write a check for \$250 to First Tennessee Bank to process paperwork in connection with a right of way on Holly Springs Road for a lien on the property owned by Mr. McDermott. The motion passed by a vote as follows:

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

3. Child Advocacy Center

Board Attorney Tony Nowak said the local and private legislation to allow the county to donate to a Child Advocacy Center passed.

Mr. Garriga said the Oxford Child Advocacy Center would come before the Board of Supervisors soon. He said it may be a good opportunity for the county.

Sheriff Bill Rasco said the Sheriff’s Department doesn’t have any problem going to Oxford. He said the Oxford group will not charge the county and it won’t be any additional cost to the taxpayers.

4. Office of Finance and Accounting

As the last matter of business for the meeting, Chief Financial Officer Tom Arnold and Road Manager Russell Dorris presented a budget amendment request for the Board of Supervisors in connection with repairs on Holly Springs Road.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the budget amendment as described in Exhibit K.4. The motion passed by a vote as follows:

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

See Exhibit K.4

Supervisor Latimer asked if anyone was present at the meeting to address the Board on any other matter. No one came forward.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to recess the meeting until May 16, 2011 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-----ABSENT
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

THIS, on May 2, 2011 these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors