

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**MARK GARDNER, PRESIDENT 2013 PRESIDING**

**November 18, 2013**

**A. CALL TO ORDER**

The November 18, 2013 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Mark Gardner, Board President.

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

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Harvey Lee	District 5 Absent
Sheriff Bill Rasco	Sheriff
W. E. Sluggo Davis	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

**B. INVOCATION**

Supervisor Mark Gardner introduced Pastor Brian Carter of Heartland Church on Stateline Road to present the invocation.

Pastor Carter said Heartland Church has a great ministry to serve the county at large and their goal is to reach the community and the world. Pastor Carter said that Heartland Hands is a ministry of the church and works very hard daily to feed needy people in the community.

Pastor Carter presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CITIZENS REMARKS & PRESENTATIONS**

**1. Mr. Fred Ashwell with United Way** – Mr. Ashwell was not present.

Supervisor Mark Gardner asked if there was anyone else in the audience who wished to address the Board of Supervisors. No one came forward.

Supervisor Lee Caldwell introduced county resident Ms. Shirley Harris, 3205 Woodland Lake Road and Ms. Diane Bullington of 3190 Beech Drive, Hernando. Supervisor Caldwell thanked them for appearing before the Board and for all they do in the community.

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

**1. County Administrator Vanessa Lynchard requested adding the following items:**

**a. Travel to Jackson on December 10, 2013 for an economic development prospect**

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to

approve travel and related travel expenses for County Administrator Vanessa Lynchard and Supervisor Bill Russell to Jackson on December 10<sup>th</sup> regarding a potential economic development project in the Walls industrial park.

The motion passed by a vote as follows:

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

**b. Circuit Clerk – Request for additional space**

Circuit Clerk Dale Thompson discussed space concerns for the Circuit Clerk’s Office. She said there is a need for an inquiry room and she offered ideas for a solution.

County Administrator said that in some cases wiring has already been done and only a door needs to be installed.

The Board discussed the location for absentee voting with Ms. Thompson. Ms. Lynchard said they are still working on that particular concern. She said they are looking at various options with the Facilities Management Director.

Supervisor Bill Russell asked if there is space available in a room other than the Circuit Clerk’s office, for the forty five days of absentee voting, if it is permissible by law to make the room the registrar’s office. Mr. Martin said there is a room in the courthouse that is not yet scheduled as a courtroom and there is a possibility it could be used.

Ms. Thompson said better scheduling of courtrooms would really help. She said someone needs to be responsible for scheduling.

Mr. Davis said the courthouse renovations would not be completed in time for the August, 2015 election.

Ms. Thompson said there has been talk about moving Judge Celeste Wilson which would help. She said another area of concern is space for filing, including the files in the attic. She said the vault is another issue.

Supervisor Mark Gardner said we can ask Judge Wilson to meet with the architect as we move forward on renovations for the courthouse and requested that Ms. Thompson meet with Ms. Lynchard as well.

Supervisor Jessie Medlin said that Judge Wilson could move to the old jail.

Supervisor Gardner said one of Judge Wilson’s youth court concerns is that she now walks through the area where the families sit and she really needs a private entrance.

Supervisor Gardner asked Ms. Thompson to continue to work with Judge Wilson on the matter of space.

**2. Road Manager Andy Swims requested the following revisions:**

**a. Deleting item number G.3.c Single axle dump truck; d. Purchase of two Rubber Backhoes; e. Purchase of four Tractors**

**b. Add Dixie Creek Drive and Dixie Creek Trails to the Road Register in the Consent Agenda and to make the revised Road Register part of the official minutes – This item is identified as item number F.3.c on the Consent Agenda.**

**3. Chief Financial Officer Tom Arnold requested adding payment of late bills to the City of Holly Springs for utilities for use of the Holly Springs Firing Range in the amount of \$20.94 for late charges**

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve paying a late bill in the amount of \$20.94 for late fees on utility bills at the Holly Springs Firing Range.

The motion passed by a vote as follows:

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

**See Exhibit E.3**

**4. Supervisor Bill Russell requested adding travel to the Home Grant Workshop in Jackson**

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve travel and related expenses to attend the Home Grant Workshop in Jackson on December 17, 2013; for Supervisor Bill Russell and any other Supervisors, the County Administrator and Board Attorney and Grants Administrator, and others who may have an interest in the attending the workshop.

The motion passed by a vote as follows:

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

**5. Supervisor Jessie Medlin requested adding discussion of purchasing uniforms for the Road Department Employees**

Supervisor Jessie Medlin asked Road Manager Andy Swims if the county pays for boots for the employees. Mr. Swims said yes, historically the county has furnished boots to Road Department employees as needed.

Supervisor Medlin said he was referring to a pair of boots that was very expensive. Mr. Swims said he addressed that issue and it will not happen again.

The Board of Supervisors discussed the county providing boots for employees and agreed they would like to reconsider that benefit.

Mr. Swims said the people work in mud, ditches and concrete and the boots are needed.

Supervisor Bill Russell said he did not think the county should provide footwear to anyone.

County Administrator Vanessa Lynchard said if the Board chooses to do a policy, it would affect all departments.

Supervisor Russell said he worked for a phone company for over 30 years and he always paid for his own footwear. Supervisor Mark Gardner said he too worked for a phone company for many years and was never provided footwear. Supervisor Gardner said he had to furnish his own lineman boots as well.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to discontinue providing footwear for any county employees; and that department heads could make requests to the Board for special purchases when appropriate.

The motion passed by a vote as follows:

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

**6. Supervisor Lee Caldwell requested adding the appointment of the Fire Commissioner for the Eudora Fire Department**

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve appointing Ken Martin as Fire Commissioner for the Eudora Fire Department to replace Melissa Storey.

The motion passed by a vote as follows:

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

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Agenda with the additions and deletions set forth above.

The motion passed by a vote as follows:

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

**F. CONSENT AGENDA**

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

**1. Office of Finance and Accounting - Budget Amendments**

**2. Establish as Part of the Formal Record and Enter into the Board's Minutes**

**a. FEMA: Flood Plain Map**

**b. Tax Exemption: Corrected Order Granting Mississippi Recycling Services, Inc., Exemption from Ad Valorem Taxes: Real Property Tax - \$1,395,458.41 Personal Property Tax - \$551,764.21**

**c. Greenbrook Water Tower Park Right of Entry Agreement for Verizon – No definite expiration date; terminates once Verizon elects to enter into a lease agreement or advises it will not proceed further.**

**3. Road Department**

**a. Safety Officer's Report**

**b. Request for School Bus Turnaround**

Location	Bus #	Owner	Phone
7570 Copper Ridge Drive	221/018	Martha Clayton	662-781-1261

**c. Request to Make Changes to Road Register and Make Part of Minutes**

**4. Office of Procurement: Procurement Card Log**

Date Out	Time Out	Time In	Vendor	Dept	Employee	Description of Purchase	Total Receipt	Issues if Any
10/2/2013	4:00	4:15	iTunes	IT	John Mitchell	Notability App for Sheriff's Dept	\$2.99	

**5. Chancery Clerk Allowance (2) \$2,016.66 \$1,500.00**

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the actions set forth in Consent Agenda; to include adding Dixie Creek Drive and Dixie Creek Trails to the Road Register and make part of the minutes in item number 3.c and adding roads to the County Road Register as follows:

- (1) Remove "Cedar Grove Drive", from Fox Bend Drive to end. It is correctly listed already on the register as "Cedar Grove."
- (2) Cedar Grove measurement should include a 75' cove at the end of the road.
- (3) Cypress Cove, First -- Location should be "Cypress Drive – End"
- (4) Oak View Drive is listed twice. The location should be from Honey Oak Drive/County Line Road – Sycamore Drive
- (5) Add Dixie Creek Drive
- (6) Add Dixie Creek Trail

The motion passed by a vote as follows:

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

**See Exhibit F**

**G. NEW BUSINESS**

**1. EMS: ZOLL Agreement – Renew Preventative Maintenance Agreement to Maintain Medical Equipment**

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve a one year extended warranty agreement for preventative maintenance for 5 ZOLL defibrillators in Emergency Services to include 2 preventative inspections per year per unit and for the Board President to sign the agreement.

The motion passed by a vote as follows:

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

**See Exhibit G.1**

**2. Human Resources Department**

**a. Amendment to Cigna Behavioral Health, Inc., Privacy Addendum**

Director of Human Resources Janna Rogers presented a privacy addendum for the Board’s consideration. The addendum is a change of language required by law and has been reviewed by the Board Attorney. Ms. Rogers said no signature is needed; just Board approval.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the Cigna Behavioral Health, Inc. Privacy Addendum that requires, in part, subcontractors of Cigna to also treat health information privately.

The motion passed by a vote as follows:

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

**See Exhibit G.2.a**

**b. Adoption of DeSoto County Personnel Policy DeSoto County Court**

County Administrator Vanessa Lynchard said she has been working on the court reporter issues that were brought to their attention in a previous Board Meeting. Ms. Lynchard said it was brought to their attention that the county has no access to drug testing results and background checks performed through the state. She said that Judge Couch is adopting guidelines that will allow the county to have access to drug testing results and background checks.

Supervisor Jessie Medlin asked if this will resolve comp time. Ms. Lynchard said yes.

Director of Human Resources Janna Rogers said drug screening has been done on current employees according to the order and we are compliant. She said they are state employees but they are counseling and dealing with the public so the county has the right to see the results.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve for the DeSoto County Court the implementation of the personnel policies for court reporters as adopted by the Mississippi Supreme Court along with the Order of Judge Couch adopting the system of personnel administration as adopted by the DeSoto County Board of Supervisors for all appointed and full and part-time personnel of the Court; that the County Court staff and recently appointed and full and part-time personnel of the Court; that the Court staff and recently appointed DHS works be directed to meet with the DeSoto County Human Resources Offices, as needed, for orientation and other matters related to their employment with DeSoto County.

The motion passed by a vote as follows:

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

**See Exhibit G.2.b**

**3. Office of Procurement: Bids Under Advisement**

**a. Inmate Food Supplies**

Procurement Clerk Karen McNeil said earlier this year a study was done that determined it is more cost effective for the food to be prepared by jailers and employees. Ms. McNeil said on

behalf of the Sheriff, the Procurement Department recommends US Foods for inmate jail food and janitorial supplies for the Jail.

The Board of Supervisors having made a determination that US Foods is the best and lowest bid for jail food supplies and janitorial supplies; with a 12% decrease in food costs and an 11% decrease in janitorial supplies, Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to award the bid to US Foods and award alternates as listed in connection with bid number 14-200-002, as fully detailed in Exhibit G.3.a.

The motion passed by a vote as follows:

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

**See Exhibit G.3.a**

### **b. Janitorial Services**

Procurement Clerk Karen McNeil and Facilities Management Director Tony Martin presented bids for janitorial services in county facilities.

Mr. Martin explained concerns with the current janitorial service and action taken to improve their level of service provided to the county. Mr. Martin said they have gone to great lengths to openly communicate issues and needs to the service with hopes of improvement. There has been no noticeable change on their part. He said a 30 day notice was given to APS in July to terminate their contract.

Mr. Martin recommended Sherwood Service as the lowest and best bidder, who would replace APS for janitorial services for county facilities. He said their references are FedEx. FedEx said they have used Sherwood Service for eight years and they are not going to change services. Mr. Martin said that is a very good recommendation from FedEx. He said currently FedEx is their only client and Sherwood is seeking to expand their customer base. He said that Mr. Tim Davis is the General Manager of Sherwood. Mr. Martin said he has clearly communicated expectations to Mr. Davis and is very impressed with their response.

Mr. Martin said a day person was provided by APS. He recommended taking that person out of the position and to hire a person in Facilities Management who can respond to emergencies and needs without him having to pull a person off of a project. Mr. Martin said this position is in the budget. He said the start date would be December 2, 2014 with a monthly budget impact of \$11,717. They are currently paying \$16,000 so it will be a savings.

Supervisor Lee Caldwell said this sounds like it will be more effective and efficient and appreciated the work Mr. Martin has put into this issue.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to award the contract to Sherwood Services as the lowest and best bid for janitorial services for county facilities: and to authorize Mr. Martin to hire a day porter, if needed, at a monthly budget impact of \$11,717 starting December 2, 2014; and to reject all bids in category b and category c for floor care as fully detailed in Exhibit G.3.b.

The motion passed by a vote as follows:

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

Supervisor Bill Russell suggested using a trusty from the jail as the day porter. Mr. Martin agreed to try a trusty as the day porter.

The Board agreed to leave the motion and vote in place for hiring a day porter, should one be needed in the future.

**See Exhibit G.3.b**

Supervisor Bill Russell asked for an update on regarding the elevator at the courthouse. Facilities Management Director Tony Martin said everything has been replaced that could be replaced. He said there is still a short in it and the doors will open sporadically when the elevator is sitting on the main floor. The doors just open and then close.

Supervisor Russell asked about the status of the Tower Clock. Mr. Martin said we have spent \$3,200 toward repairs.

Supervisor Mark Gardner asked Mr. Martin to call Supervisor Harvey Lee and give him an update since he is not present in the meeting today.

At the request of Procurement Clerk Pat McLeod, item c. Single Axle Dump Truck – Road Management; d. Purchase of two Rubber Tire Backhoes; e. Purchase of four Tractors were deleted from discussion on the Agenda as such items require further consideration.

**c. Single Axle Dump Truck – Road Management**

**d. Purchase of two Rubber Tire Backhoes**

**e. Purchase of four Tractors**

**See Exhibit G.3.c.d.e**

**f. Audit Services and Financial Statement Preparation Services**

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to continue this item so that everyone understands the new process.

The motion passed by a vote as follows:

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

**See Exhibit G.3.f**

**4. Environmental Services**

Environmental Services Manager Ray Laughter said there are copies of county recycle locations on the podium.

Supervisor Mark Gardner asked if there are recycle bins at the Civic Center. Mr. Laughter said he is working on that now.

**a. Code Enforcement: Public Hearing - 2819 Woodland Lake Rd Hernando, MS 38632 Parcel# 3 09 4 18 03 0 Lot #00056 00 Mississippi Code Section 19-5-105 Litter Ordinance Violation Hearing**

Supervisor Bill Russell made the motion to open the Public Hearing in the matter of code enforcement in connection to property located at 2819 Woodland Lake Road,

Hernando, MS 38632.

Supervisor Jessie Medlin seconded the motion.

The motion passed by a vote as follows:

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

Mr. Laughter said this house burned down several years ago and now has a rightful property owner. The new owners told Mr. Laughter they would bring the house into compliance. Mr. Laughter said he has made several calls and sent letters to the owners, but has failed to reach anyone.

Mr. Laughter said the Homeowner’s Association is present today and they would like to make efforts to reach the new property owners before any action is taken.

Supervisor Lee Caldwell made the motion to continue the matter of code enforcement at 2819 Woodland Lake Road, Hernando, MS, 38632.

Supervisor Jessie Medlin seconded the motion.

The motion passed by a vote as follows:

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

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to close the Public Hearing.

The motion passed by a vote as follows:

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

**See Exhibit G.4.a**

**b. Environmental Services-Solid Waste: Agreement with Environmental Business Services (Jim McNaughton) to provide Professional Services associated with County Rubbish Sites, Solid Waste Services, and County Recycle Programs**

Mr. Laughter said Jim McNaughton has been the consultant on solid waste matters for several years. Mr. Laughter said, as the county looks at other services such as recycle, the county rubbish pit and solid waste services, it would be advantageous to retain the independent consultant to assist with this service and include those services in the contract.

Supervisor Jessie Medlin asked if the cost is the same. Mr. Laughter said yes. It includes travel to and from Nashville which is where Mr. McNaughton lives. Mr. Laughter said the Board Attorney has reviewed the contract and made revisions to Solid Waste Services. Mr. Laughter said Environmental Services has been conservative in asking Mr. McNaughton’s advice but they want to be fiscally responsible. Mr. Laughter said last year we spent \$8,000-\$9,000.

Supervisor Mark Gardner clarified that Mr. McNaughton is not affiliated with a company. Mr. Laughter said he is not affiliated with anyone and is an independent consultant.

Supervisor Medlin asked what projects the money was spent on last year. Mr. Laughter said there was a price increase and some of the money went toward the Solid Waste Plan. Mr. Laughter said both he and Mr. McNaughton review the projects and money spent. Supervisor Medlin asked if Mr. McNaughton is an engineer. Mr. Laughter said Mr. McNaughton is not an engineer.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract for services agreement with Environmental Business Services, LLC located in Brentwood, TN (Consultant) to provide Professional Services associated with County Rubbish Sites, Solid Waste Services, and County Recycle Programs and authorize the Board President to sign the documents.

The motion passed by a vote as follows:

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

#### **See Exhibit G.4.b**

Supervisor Jessie Medlin said litter problems seem to be growing on the east side of the county. He said one of the issues is the DeSoto Appeal throwing papers in driveways where houses are empty and driveways where there are no houses and just land.

Mr. Henry Bailey of the Commercial Appeal said he would relay the information to their main circulation office.

Mr. Laughter said the county offers an adopt-a-road program. That program is very beneficial in helping with litter issues.

### **5. Office of Finance and Accounting**

#### **a. Grants Administration: Grant Application Proposal and Request for Approval to Apply: Wal-Mart Local Giving Program – Sheriff’s Dept.-Child Passenger Safety Officers**

Grants Administrator Melissa Zizmann presented a grant application for the Sheriff’s Department for child passenger safety officers to purchase car seats to distribute during child restraint inspections. She said the officers make sure the seat is properly strapped into the vehicle.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve applying for the Wal-Mart Local Giving Program Grant for the Sheriff’s Department Child Passenger Safety Officers in the amount of \$2,500 to purchase car seats to distribute for child restraints and to authorize the Board President to sign documents related to the grant.

The motion passed by a vote as follows:

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

The Board of Supervisors discussed who does the actual check for the car seats in the vehicles. Sheriff Bill Rasco said the officers check them during a traffic stop to ensure the seats are properly installed. Sheriff Rasco said the officers will call the certified officer to check the seats.

If necessary, they will get a new protective seat from Wal-Mart for the child. Sheriff Rasco said he has officers that are certified in this area and take care of all of the inspections and make sure seats are installed correctly. Also, if a seat is recalled the officer will replace that seat as well.

Supervisor Mark Gardner said he received a call from Anna Dickerson and she asked if there was anyone certified to on how to install a child seat. Supervisor Gardner said he called the Sheriff and they sent an officer to Ms. Dickerson's office to give her proper instruction. He said this is a great service for parents and their children.

Sheriff Rasco said he has two certified officers at this time and soon there will be a certified officer on each shift.

Supervisor Bill Russell asked what happens if an officer stops someone and they discover the car seat is either improper or improperly installed. Sheriff Rasco said that officer will call the certified officer and they will come out and install the seat correctly.

Ms. Zizmann said this is open to all families. Some families cannot afford a new car seat, especially when there is a recall. They can go through the Sheriff's inspection and be provided with the correct seat and they will be shown how to properly install the seat.

Sheriff Rasco said they are set up at Wal-Mart, his office and other places to certify the car seats. Sheriff Rasco said they will make sure the seats are installed correctly.

The Board agreed that this is a very great service to the children and parents in DeSoto County.

#### **See Exhibit G.5.a**

#### **b. Claims Docket**

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

Supervisor Lee Caldwell inquired about the following claims:

Page 8 – Shelby County Government – MDOT – FHWA PL Local. Director of Planning Ted Garrod said this payment is for the county share to participate in the program and is paid quarterly. Supervisor Caldwell asked if the Board could receive more detailed information in the future so they can have a better understanding.

Deputy Planner Tom Haysley said this is a local match for planning activities. The county pays 20% and it is broken down by population. Mr. Haysley said they can provide a quarterly status report to the Board.

Supervisor Lee Caldwell confirmed that the money is one payment and is the county's pro rata share. Mr. Garrod said the county portion is 20%.

Page 20 – Next Step Innovation, LLC. IT Director John Mitchell said these are maintenance agreements.

Supervisor Mark Gardner asked about the following claims:

Page 6 – Claim payouts to Travelers. Mr. Arnold said these are legal fees for an outstanding lawsuits and the deductible is up to \$25,000.

Page 15 – Direct Scaffold and Ladder Company. Facilities Director Tony Martin said a custom scaffold had to be rented to change out lights in the courthouse.

Page 15 – South Western Communication. Mr. Martin said this is for two trips for control at the old jail. The grinder pump went down at the Animal Shelter. As a result, C.W. Flynn worked on the pump and got South Western Communication to credit the fee back to the county.

Page 19 – Whitfield Electric Company. Mr. Martin said this claim is for adding an additional classroom for juveniles. He said power had to be run to an old tank in the jail.

Page 24 – Matthew Bender & Company. Mr. Arnold said this is for subscriptions to law books.

Supervisor Bill Russell asked about the claim for bottled water on page 24 to Alpine Bottled Water. Mr. Arnold said the courts are allowed to furnish water for jurors.

Page 27 – Cooke Insurance Center, Inc. Mr. Arnold said this is the surety bond for the new Justice Court Clerk and eleven deputies.

Page 30 – ECAM. Mr. Arnold said this is for election registration fees.

Page 32 – Juan Matinez. Reimbursement for Mr. Martinez meals and trip for training.

Page 35 – Chase Electronics. Mr. Arnold said this equipment shows the speed of traffic on the highway.

Page 45 – MS Fire Chiefs Association. Mr. Arnold said this is for all fire chiefs' membership to MS Fire Chiefs Association.

Page 45 MS State Dept of Health. Mr. Arnold said this claim is for licensure to operate ambulances in the county.

Page 46 – Amy Lay. Mr. Arnold said this is reimbursement for mileage for grant training in Ridgeland, MS.

Page 48 – McDema. Mr. Arnold said this is for a training seminar.

Page 67 – American Tire Repair. Mr. Arnold said this is for tire repair for various vehicles at the Road Department. Road Manager Andy Swims said he would get more detail about the repairs.

Page 70 – EAI/WEI. Road Manager Andy Swims said this is for engineering fees for the Starlanding related to the Starlanding project. He said they are currently working on the right of way.

Supervisor Mark Gardner asked if this is environmental related. Mr. Swims said yes and Scott Young checks the bills and signs off on them.

Supervisor Jessie Medlin asked if they are buying right of way. Mr. Swims said no, they are dealing with property owners about the project but not buying right of way.

Page 72 – Jones Davis & Associates, Engineering Fees. Supervisor Gardner asked if this is for Hallum Estates. Mr. Swims said yes, this is the final invoice.

Page 75 – Waggoner Engineering, Inc. Mr. Arnold said this is a state aid project for the overlay at Centerhill and Getwell Road, and also work on Nesbit Bridge Road. It is normally refunded by the state and we do not usually know which project it is for.

Page 77 – McBride Dale Assoc., Inc. Mr. Arnold said this is the final invoice for the I-69 Study.

Page 79 – Lowe's Home Improvement and West Memphis Co. Mr. Arnold said this is for fencing at the new EMA building.

Mr. Martin said only one side of the lot was fenced so the county completed fencing the back and sides of the property. However, it was still under the estimate.

Supervisor Lee Caldwell requested an updated list for expenses for the work being done at the EMA building; Mr. Martin said he would provide the list.

Supervisor Jessie Medlin asked about the boot purchase in Facilities Management. Mr. Martin said more muck boots may be coming.

Supervisor Medlin said he would like more information about the tire repairs on the docket by the Road Department. He would like to know how many tires are changed.

Supervisor Gardner said if it is for a passenger car, we should be changing our own flats and not calling a tire service.

Mr. Swims said he did not think it is for cars but for trucks and equipment. Mr. Swims said they did a tire repair comparison. The price is \$60 which is in line with tire repair costs for trucks and equipment.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer.

The motion passed by a vote as follows:

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

## **6. Road Department**

### **a. Request by Town of Byhalia to Purchase Dump Truck from County**

Road Manager Andy Swims said the Board approved declaring this vehicle as surplus to auction in a previous meeting. Mr. Swims said Mr. Smoot of the Town of Byhalia saw it and wants to purchase it from the county.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to sell the vehicle to the Town of Byhalia and approve hiring the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft an intergovernmental agreement with the Town of Byhalia for them to purchase a Dump Truck #105, 2005 International 430, VIN 1HTMMAAR36H182153, from DeSoto County for a sum of \$20,000 for the purchase.

The motion passed by a vote as follows:

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

### **See Exhibit G.6.a**

### **b. Beaver Control Contract with Joseph Gee**

Road Manager Andy Swims there is a need to keep this agreement in place and requested renewing the agreement for beaver control services with Joseph Gee. Mr. Swims said four trappings in one year would pay for itself. The prices are as follows:

- |   |                    |
|---|--------------------|
| ➤ Initial work site visit and inspection assignment               | \$50.00 per work   |
| ➤ Setting of traps and first week worksite inspections assignment | \$300 .00 per work |

- Inspecting traps for all weeks subsequent to the first week and Completion of work Assignment (including animal disposal) \$250.00 per work assignment

In the event of unforeseen circumstances, such as flooding, require inordinate additional services, additional fees may be charged. However, no such additional fees will be charged unless previously approved by the county.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve renewing the contract with Joseph Gee for beaver control in the county as fully described in Exhibit G.6.b and approve the Board President to sign the document.

The motion passed by a vote as follows:

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

**See Exhibit G.6.b**

**c. Finding of Fact: 7379 Wallace Lane, Walls**

Road Manager Andy Swims presented a finding of fact located on 7379 Wallace Lane in Walls. Mr. Swims showed photographs of damages to the roads and property associated with drainage and erosion on the property, and said it is affecting the County’s roads as well as the health, safety and welfare of the public. It will be necessary to replace the driveway pipe to allow adequate water drainage. The estimate cost of this repair is \$653.74.

Supervisor Mark Gardner asked if the property owner is willing to share in the costs. Mr. Swims the owner does not want to share in the costs.

Supervisor Gardner asked if anyone has seen water on the road due to the pipe.

Supervisor Bill Russell said he has seen water flooding over the road.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to accept the finding of fact and that the conditions at 7379 Wallace Lane in Walls would adversely affect the health, safety and welfare of the citizens of DeSoto County in accordance with Mississippi code section 19-5-92, that replacing the drainage pipe at an estimated cost of \$653.74 would help prevent future flooding and protect the road and right of way, and to authorize the Road Manager to proceed with the work at an estimated cost of \$653.74

The motion passed by a vote as follows:

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

**See Exhibit G.6.c**

**7. County Administrator**

County Administrator Vanessa Lynchard welcomed the new Justice Court Clerk, Pat Sanford to the Board Meeting. Ms. Lynchard said Mr. Sanford is working closely with Shirley Beshears and it is going very well.

Mr. Sanford thanked the Board and said the position is what he expected and a lot more as well.

He said he is glad to be part of the county. Mr. Sanford said this has been a great transition period and he has been in touch with everyone and it has been great.

**a. 4-H Robotics Competition Report**

County Administrator Vanessa Lynchard told the Board of Supervisors that they sponsored a portion of the 4-H Robotics trip. Ms. Lynchard presented pictures of the kids in action on the trip and a thank you note to the Board from the kids. She said this was a very good experience for the kids and they really appreciated the Board's support.

**b. MAS Mid-Winter Conference, January 6-8, 2014**

**c. Travel to Washington Legislative Briefing, March 5-7, 2014**

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve travel and related travel expenses for any members of the Board of Supervisors, County Administrator Vanessa Lynchard, Road Manager Andy Swims, Board Attorney Tony Nowak and others who have an interest to attend the MAS Mid-Winter Conference, January 6-8, 2014 and the Washington Legislative Briefing, March 5-7, 2014.

The motion passed by a vote as follows:

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

See Exhibit G.7.c

**I. PLANNING COMMISSION AGENDA**

**DeSoto County Board of Supervisors  
Planning Agenda  
November 18, 2013  
11:00 a.m.**

**I. NEW BUSINESS**

**A. OTHER ITEMS**

**1. Accessory Dwelling Unit Variance - Order granting exception to County regulations regarding additions to single-family dwellings for purpose of extended family living quarters (Mother-in-law Wings) for Lot 7 Forrest Hill Subdivision**

Mr. Haysley presented the request for an Accessory Dwelling Unit Variance that was continued from the October 11, 2013 meeting. Mr. Haysley described the current Board order and the nature of the Variance request. He stated the request for Variance is for a detached garage with a living quarters for the lot owners' mother-in-law, Darlene Clement. He stated that due to the slope of the property, the applicant is not able to comply with the setback standards for an accessory dwelling. Mr. Haysley stated the applicant has presented two letters of support from neighbors as well as having received approval from the Homeowners Association.

Supervisor Medlin stated he has spoken to the applicant and the applicant has received letters of support from neighbors.

Supervisor Gardner asked if staff recommends approval of Variance. Mr. Haysley confirmed that staff does recommend approval of this request.

Supervisor Medlin made a Motion to approve the request for a Variance to allow a detached accessory dwelling at 12870 Pine Crest Drive, Olive Branch, as set forth in the Board Order, and that any future such request be brought to the Board of Supervisors on a case by case basis. Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>ABSENT</u>

See Exhibit I.A.1

**2. Refund Request by Arlington Plumbing Co., Inc. for a plumbing permit fee in the amount of \$122.00**

Mr. Haysley presented the refund request by Arlington Plumbing Co., Inc. for a plumbing permit fee in the amount of \$122.00. He stated there has been no work done at this site by Arlington Plumbing.

Supervisor Medlin made a Motion to the refund request by Arlington Plumbing Co., Inc. for a plumbing permit fee in the amount of \$122.00. Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>ABSENT</u>

**II. PUBLIC HEARING**

Supervisor Caldwell made a Motion to open a Public Hearing. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>ABSENT</u>

**A. Rezoning Amendment: Eastbrooke Planned Development Rezoning (724) -**

**Application is for approval of Rezoning of property from R-30, Agricultural (A), and Agricultural-Residential (A-R) to Planned Unit Development (PUD), identified as Parcel #3-06-3-05-00-0-00024-00, Parcel #3-06-3-05-00-0-00014-00 and Parcel #3-06-3-05-00-0-00015-00. Subject property is located on the north side of Vaiden Road and east of Craft Road in Section 05, Township 3, Range 6 and is zoned R-30, Agricultural (A), and Agricultural-Residential (A-R). (District 5)**

Mr. Haysley presented the application for Eastbrooke Planned Development Rezoning and gave the background of the prior Planning Commission meeting and the Board of Supervisors meeting where this item was continued to today's meeting. He stated the applicant has stated intent to revise the application, but at this time no new information has been submitted to the Planning Department by the applicant.

Supervisor Gardner asked if there was anyone present to speak for or against this application.

Becky Remington came forward and stated she is concerned with density of the development, the average lot size being .16 acres and that the development is in a floodplain.

There was discussion of the density of the development. Mr. Haysley explained that the smallest proposed lots would be 6,500 square feet, and the most populated area would have a density of 4.1 units per acre. He further explained that the proposed overall density of the development is 2.45 units per acre.

Supervisor Russell suggested that the Board of Supervisors make a Motion to deny the application and that the applicant can bring it back before the Planning Commission if any changes are made. Supervisor Medlin asked to allow anyone present to speak for or against the application.

Ms. Remington stated that lot sizes in the community surrounding the proposed development are on average larger than the lots being proposed and that the average minimum house sizes are 3000 sqf or larger.

Supervisor Gardner asked what the neighbors would consider acceptable for this area. Ms. Reminton stated neighbors would prefer 2-3 acre lots with estate homes.

Supervisor Gardner asked if sewer is available at the proposed site. Mr. Haysley stated that sewer is available within a quarter of a mile of the proposed development. Ms. Remington stated she believes that 2-3 acre lots would remove the need for a central sewer system, and would allow for individual treatment plants which would be better for the environment.

Supervisor Gardner asked if fire service is available in the area. Ms. Remington stated fire insurance would be affected if the project is approved. There was discussion of current fire service and future fire service provisions.

There was discussion of the new I-269 near the proposed site. Ms. Remington stated that the new I-269 will not lead to growth on eastern side of the county just like it did not lead to growth along the section between I-55 and Tunica.

Ms. Remington stated a Planned Unit Development is uncharacteristic of the neighborhood.

Terry Abney stated he is concerned with the developer building on fill and the increased traffic along Craft that will be created if the PUD is approved.

Mr. Andy Swims, County Road Manager, explained there are plans for 5-lane sections on Craft Road.

Supervisor Gardner discussed compaction requirements. Mr. Garrod advised about Building Codes on compaction for commercial and residential and explained that there is no requirement for compaction for residential buildings.

Linda Barber stated she is concerned about flood potential in the area. Supervisor Gardner discussed the possible need of a hydraulic study to answer any questions about the flood zone and floodway as it is concerned to the proposed development.

Sandra Curtis stated she would prefer the development be 3 acre lots like she lives on.

Supervisor Medlin explained his concerns about the development being far away form I-269, the development not being characteristic of the neighborhood, and that 3/4 acre lots would be a good size for this area.

Supervisor Russell made a Motion to deny Eastbrooke Planned Development Rezoning based on Planning Commission recommendation and the comments presented. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>RECUSED</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>ABSENT</u>

**J. EXECUTIVE SESSION**

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

Supervisor Bill Russell made the motion to adjourn the Board meeting until December 2, 2013 at 9:00 a.m. The motion was seconded by Supervisor Lee Caldwell.

The motion passed by a vote as follows:

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

THIS the 18<sup>th</sup> of November, 2013, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Mark Gardner, President  
DeSoto County Board of Supervisors