

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**ALLEN LATIMER, PRESIDENT 2008 PRESIDING**

**November 17, 2008**

**A. CALL TO ORDER**

The November 17, 2008 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, 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
- 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**

Deputy Carl Hurt presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT**

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

**1. Accounting**

**a. Travel Advance** – Sheriff’s Dept.– Law Enforcement Training- Dec. 12, 2008  
Meals & Lodging \$697.00

**b. Request for Transfer of Street Crime Unit Seized Funds**

Case #	Defendant	Date Seized	County Receipt#	Amount	Date of Forfeiture
DCS-0810100505	Timothy Collins	10/10/08	21197	\$243.00	11/12/08
DCS-0810100509	Michael Harwood	10/10/08	21197	\$227.00	11/12/08

Transfer from Street Crimes Seized Fund (124-000-139) \$470.00  
 Transfer to Street Crimes Forfeiture Fund (125-000-238) \$470.00

**2. Chancery Clerk Allowance (2) - \$1200.00 and \$2366.66**

**3. Circuit Clerk Allowance (2) - \$6484.00 and \$6465.00**

**4. Grants – Accept Car Tag Grant - \$10,000**

**5. Inventory Dispositions – Final**

**a. Circuit Court Reporters**

Asset #	Serial #	Description	Reason for Disposal	Location of Final Disposal	Date of Final Approval
297	158539	Lanier Dual Deck Recorder	Broken	Inv. Clerk	11/17/08

**b. Buildings & Grounds**

Asset #	Serial #	Description	Reason for Disposal	Location of Final Disposal	Date of Final Approval
38360	201526W	Camera	non repairable	shop	11/17/08
38361	201588P	Camera	non repairable	shop	11/17/08
38359	201572W	Camera	non repairable	shop	11/17/08
38356	201563M	Camera	non repairable	shop	11/17/08

**c. E911**

Asset #	Serial #	Description	Reason for Disposal	Location of Final Disposal	Date of Final Approval
36594	F55081301078	Acer PC	Obsolete/broken	911 Office	11/17/08
32191	6V4340145	Xerox Copier	Obsolete/broken	911 Office	11/07/08

**6. Safety Officer’s Report (2)**

**7. Make Part of Minutes – Voting Equipment Hauling Equipment**

- a. John R. Beale**
- b. Daniel N. Klein**

**8. Department of Road Management**

**a. Additions to Official DeSoto County Road Map and Register**

Road	Location	Length
Bright Heights Drive	Bright Heights “B” subdivision	778 Feet
Bright Heights Drive West	Bright Heights “B” Subdivision	544 Feet

**b. Approval of Contract with Neel-Schaffer, Inc. for Engineering Services**

**c. School Bus Turnarounds**

Vanetta Bridges	7108 McGowan	Walls, MS	662-781-3722/662-781-3905
Dan Rowland	2436 Swinnea Rd.	Nesbit, MS	901-849-4191

The motion passed by a vote as follows:

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

**See Exhibit D**

**E. OLD BUSINESS**

**1. Insurance Benefits for Worker’s Comp. Participants**

County Administrator Michael Garriga said this item of business mainly pertains to the Sheriff’s Department officers who have run out of Family Medical Leave Act time. Mr. Garriga said, according to the county’s policy, you move to COBRA after FMLA is exhausted. Mr. Garriga said that he and the Board Attorney met with the Sheriff to discuss this issue. He also met with the Board Attorney on Friday and they researched this issue. He said we follow the DeSoto

County Personnel Policy, state law and federal law in the way we handle these situations. He said those laws and guidelines are always changing. Mr. Garriga said we have always used an Attorney General's Opinion that says, if you are not a participating employee, you are not eligible for benefits. He said the county has always defined participating as whether they are participating in the PERS retirement system. He said that he and Mr. Nowak found the definition of "participating" is really not clear. Mr. Garriga said they decided that the Board could determine the definition of "participating" in moving forward.

Board Attorney Tony Nowak said the Attorney General's opinions are not law but are guides for the Board. He said there were a series of older opinions as well. He said the most recent Attorney General Opinion was on a state employee. Mr. Nowak said, if the Board determines the definition of "participating" the same as the state's determination, that would mean an employee would have to be participating in the PERS retirement system to be "participating" for insurance benefit purposes. He said part time employees cannot participate in insurance so they are not affected by this decision.

Mr. Garriga said, in looking at the situation on a case by case basis, it is difficult to determine something that would apply to all employees. He said this is the Board's policy.

Mr. Nowak said the policy the county now has in place absolutely complies with all state and federal law. He said, what we do now, is typical for what other counties do. He cautioned that when situations are different, it can be a problem to establish different policies for different situations without crossing the line of discrimination. Mr. Nowak suggested that the Board consider policies that would be in line for all employees.

Supervisor Bill Russell asked the qualifications for worker's comp. Mr. Nowak said we file an application with the Worker's Comp Commission. Typically, an injury or sickness related to the job, would qualify a person for a worker's comp claim. He said, worker's comp pays a standard fee. He said there is a long, complicated formula that determines the amount of worker's comp coverage.

Supervisor Russell asked if there is a clear way the county can continue the health insurance for only worker's comp cases. Mr. Garriga said yes, but you have to look at worker's comp as open ended and indefinite. It could take months and years to settle a claim. He said, in addition, the county would still have to pay their claims that are not related to their job. He said the issue would be that we would be paying for claims for them while they are not contributing to the pool.

Sheriff Bill Rasco said those patients have to come back to light duty in certain situations. He said they have to give you a release from the doctor for them to come back and they are not always able to get a release because they still have injuries.

Mr. Garriga said, if you are not employed for one year, you are not entitled to FMLA which would further complicate the issue.

Supervisor Allen Latimer asked, if a person comes back on light duty, does that mean they settled their worker's comp claim. Mr. Nowak said, not necessarily, as an employee may return on light duty but not have settled any claims for any permanent disability.

Supervisor Jessie Medlin asked if we have looked into the re-insurance fee to see how much it would cost to continue insuring worker's comp employees and whether that would change our re-insurance rate. Mr. Garriga said yes. Supervisor Medlin said he wished we had a way to help the officers and everyone else. He said, if someone is on maintenance drugs, they would not be able to buy them without their insurance. He said he would like to know what that number would be on our insurance rates before the Board votes to make a change.

## **2. Dept. of Road Management**

### **a. Bel Mor Lakes – Preliminary Drainage Study**

County Engineer Andy Swims said he received the report on the preliminary drainage study at Bel Mor Lakes on Friday afternoon. He said the purpose of the study was to look at the drainage between Bel Mor Lakes and Mitchell's Corner. Mr. Swims asked that he be allowed to review the study and come back before the Board to discuss the findings of the study. Mr. Swims said that the contractor is asking for \$9,000 of the \$13,000 to be paid for the work that has already been done and he thinks that is fair for that work. Mr. Swims said he will be back on December 1<sup>st</sup> with a full report for the Board on this study.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to pay the bill of \$9,000 to Steve Wilson for the drainage study on Bel Mor Lakes Subdivision and 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-----YES  
Supervisor Allen Latimer-----YES  
Supervisor Tommy Lewis-----YES

**b. Drainage, Foxwood Circle West**

The Board Attorney determined that this situation was not appropriate for Open Session and recommended that it be held over for Executive Session.

**3. Clock Tower Landscaping**

County Administrator Michael Garriga said the county placed barrels around the space that has been requested to be used to landscape around the clock tower to see how it will affect traffic.

Cathy Chatham of the Hernando Women's Club said it seems traffic is flowing smoothly. Mrs. Chatham said she did not think there would ever be controversy surrounding the clock tower or the landscaping.

Supervisor Eugene Thach said he received some calls about the landscaping from people who do not want additional landscaping at the clock tower.

Supervisor Bill Russell said all of the calls he received were related to parking spaces. Road Manager Russell Dorris asked the county to stripe the parking spaces at the court house last year and when that was done we added two additional parking spaces.

Chancery Clerk Sluggo Davis said, you also added three handicap spaces which reduced the number of parking for non handicap individuals.

Supervisor Russell said the only thing that bothers him, is that the look of the court house is unbalanced. There is something on one end and not the other.

Supervisor Tommy Lewis said there are a couple of places on the southwest and northwest corners of the court house where water drains. It seems like we could put in different type drains and create additional parking spaces.

Supervisor Allen Latimer asked if the City knows about this project. Mrs. Chatham said yes, they have been involved since the beginning. She said it was a continuation of the City's plans to put the clock tower on the property. She said, when the Women's Club first had the vision to place the clock tower, their goals were to bring the people into the town around the square to highlight our local artists and to make money. They wanted to put the money back into the town.

Supervisor Jessie Medlin said it looks like we are losing two parking spaces instead of one. Mrs. Chatham said, according to the architect, we will only lose one space.

Supervisor Latimer asked if anyone was here to speak in favor or opposition of the issue.

Suzette Cardwell of the Circuit Clerk’s Office said she thinks it is taking more of the parking spaces and it is making it harder for county employees to find a place to park. She said there is not enough parking now. She said she is all for beautifying Hernando, but she wishes this would be placed somewhere else.

Janet Knight of the Chancery Clerk’s Office said employees always have problems finding parking spaces at the court house. She said trucks have problems turning now and they are probably going to hit the clock and knock it over on employees’ cars.

Supervisor Medlin asked if anyone has looked at leasing or renting the empty space the street for parking spaces. Mr. Garriga said no, but he is sure it is a very expensive piece of property. Supervisor Tommy Lewis said he would like to look at the drainage to see if that can be re-done to add parking spaces.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to carry this item over until December 1<sup>st</sup> to find out the cost to modify the drainage and if it will add additional parking spaces. The motion passed by a vote as follows:

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

**F. PUBLIC HEARING – NACo – Prescription Drug Discount Program**

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to open the Public Hearing on the NACo Prescription Drug Discount Program. The motion passed by a vote as follows:

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

Director of Administrative Services Vanessa Lynchard said that all of the pharmacies in DeSoto County were contacted regarding the Prescription Drug Discount Program and it was posted on the internet and articles in the newspaper. She said there was very little response and only one pharmacy expressed concern. The response was from Cheryl Sudduth with Funderburks Pharmacy in Hernando. She said that Ms. Sudduth was concerned that a mail in program would take business from the pharmacies and that the pharmacy would lose money because of the program. Vanessa said she received five positive phone calls.

Supervisor Allen Latimer asked how much additional paperwork the pharmacies will have to fill out. Vanessa said it was her understanding there is not much additional paperwork. She said to join, there is no paperwork. Mail order may be a good option for someone without transportation and it works very well for maintenance prescriptions. She said the pharmacies can give out information on various drug discount programs and help people save money for their drugs.

Supervisor Eugene Thach asked how the county will be involved. Vanessa said the county will order the cards for the program and distribute them to the pharmacies. The cards will say that the county sponsors the program and it is good publicity for the county.

Supervisor Latimer said if people start using mail order, he is concerned it will cut down business for the pharmacies. Vanessa said the program is for people who have no insurance or

under-insured. It keeps the people from paying full price for prescriptions. It does not pay for all of it.

Supervisor Medlin said a lot of people already use mail order today.

Supervisor Latimer asked if there was anyone present who wished to speak for or against the program. No one came forward.

Supervisor Bill Russell said his son is a druggist and there are over 500 different kinds of discount programs. People can check to see which is best for a customer. He said it is up to the people to ask what program is best for them and to keep up with what is available. He said he is learning to manage his own purchases by asking to see lists of cheaper drugs and there is no one cure all program. He said the public needs to pay attention and this program is another opportunity for a good tool. Supervisor Russell said the drug industry is accustomed to these programs.

Vanessa said we can put the cards at the pharmacies in addition to placing them at the libraries, doctor's offices and Health and Wellness Center.

Supervisor Bill Russell 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-----YES  
Supervisor Allen Latimer-----YES  
Supervisor Tommy Lewis-----YES

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to adopt the NACo Prescription Drug Discount Program and authorize Vanessa Lynchard to order and distribute the cards for the program. The motion passed by a vote as follows:

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

**See Exhibit F**

**G. NEW BUSINESS**

**1. State Auditor – Certificate of Achievement for FY07 Audit**

Supervisor Allen Latimer said the State Auditor's Office has started a program that recognizes county governments that maintain high standards of financial management. Supervisor Latimer presented a letter and Certificate of Achievement for the FY07 Audit from the Mississippi Office of the State Auditor recognizing DeSoto County for its achievement in financial management.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to make the letter and Certificate of Achievement for the FY07 audit part of the minutes. The motion passed by a vote as follows:

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

See Exhibit G.1

**2. Planning Commission**

**a. Manufacturing Site – Operating Wrecker Service and Recycle Co.**

Code Enforcement Officer Steve Powell said he was asked to look at a recycling business opening at 6995 Highway 161. When he checked into it, he discovered that the property belongs to the county.

Board Attorney Tony Nowak, said the way the county got the property was by entering into a bond in the early 1960's for industrial development. A couple of years ago, the company asked about purchasing the property. This bond did not offer that option.

Mr. Powell asked the Board if they wanted him to proceed with the code enforcement aspect of the companies, since they have no licenses to operate the recycling business or the wrecker business that is also operating out of the facility.

After discussing the issue, it was determined, according to the Board Attorney's determination, that the licensing issue is an unrelated matter. The Board instructed the Code Enforcement Officer to pursue making sure these businesses are operating according to county ordinances and state laws.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to do a search of the county records and any other items necessary to determine ownership of the property and make a recommendation for proceeding with the businesses operating out of the property. The motion passed by a vote as follows:

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

See Exhibit G.2.a

**b. Ozone Update**

Planning Commission Director Jim McDougal said the Ozone season runs from April 1<sup>st</sup> to October 31<sup>st</sup>. Mr. McDougal introduced Maya Rao, Keith Head and Elliott Bickerstaff with the DEQ.

Ms. Rao said this has been a great year for the ozone measurements in DeSoto County. The scores dropped from last year. She said we had good weather and people may have been traveling less because of the high gas prices. The Planning Commission has a lot of public outreach on ozone and air quality issues. She said they think that might have helped lower the scores too. Ms. Rao presented a chart of the DeSoto County Ozone for 2006-2008 as follows:

**DeSoto County Ozone  
2006-2008**

**Old Air Quality Standard = 84 ppb  
3-year average of the 4<sup>th</sup> Daily Maximum 8 – Hour Average**

2006	2007	2008	3-year average 2006-2008
87	54	74	81

Ms. Rao said the old standard for air quality was 84 ppb; last year the score was 85 ppb. Now it has dropped to 81 ppb. She said the new standard is now 75 ppb. In April of 2009, it will be an important year for air quality attainment. She said, we probably will not get below 75 ppb this year. She said the county and cities have adopted anti-idling policies and taken other steps to assure ozone attainment. She said stage one vapor recovery will be very important. She said we got a grant to retro-fit one hundred school buses in the county.

Supervisor Tommy Lewis asked the cost to retro-fit a bus or truck. Ms. Rao said \$1300 per bus and maybe slightly more for a truck. Supervisor Lewis asked if there is any maintenance once it is retro-fitted. Ms. Rao said no.

Supervisor Lewis asked if Ms. Rao thinks the Federal Government will relax the standards to get the economy back on track. They discussed the cost of the retro-fits. Ms. Rao said she does not think so.

Supervisor Bill Russell asked if auto emissions testing is still not important. Ms. Rao said no. She said that her office is working with MDOT to reduce emissions.

Supervisor Allen Latimer thanked the representatives from DEQ for their report.

Mr. McDougal said the office of DEQ has been a tremendous help to DeSoto County for the last four years. He said DEQ has been helpful and in contact with his office regularly.

**See Exhibit G.3.b**

### **3. Accounting – Supplemental Claims Docket**

Comptroller Tom Arnold reported that Larry Houston, Animal Services Director, needs to renew his firearms permit at a cost of \$97 through the Department of Public Safety. He said, to wait for the next claims docket, would mean the permit would lapse.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Clerk to write the check for \$97 to the Department of Public Safety for renewal of the Animal Services Director's firearms permit. The motion passed by a vote as follows:

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

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 Bill Russell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a vote as follows:

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

**See Exhibit G.3**

### **4. Hernando Civic Center – Hernando Youth Sports**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve a donation of \$15,000 to the Hernando Civic Center - Hernando Youth Sports from the District 5 Park fund for capital improvements as listed on Exhibit G.4. The motion passed by a vote as follows:

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

See Exhibit G.4

## 5. Board Attorney

### a. DCRUA – Contract – Judy Marshall

Board Attorney Tony Nowak said there is an agreement with DCRUA that expires on December 1, 2008 for the employment of Judy Marshall and he recommends it be renewed for one year.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board Attorney to draw up a contract for one year with DCRUA for Judy Marshall's employment with DeSoto County and to approve such contract under the same terms and conditions as the prior contract. The motion passed by a vote as follows:

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

### b. Walls Interlocal Agreement for Roads and Subdivisions

Board Attorney Tony Nowak said there has been an agreement in place for several years with the Town of Walls for maintenance of roads and engineering review which expires on December 31, 2008 and it is time for renewal.

Supervisor Bill Russell asked if we should wait to see the outcome of the court action with annexations of Walls and Horn Lake. He asked, if the Board renews this contract and supports Walls, will the county be obligated to take care of their roads if they are annexed by Walls. The Board discussed Walls taking care of their own roads and the ad valorem tax going to the city if they are annexed and right now it comes to the county.

Supervisor Jessie Medlin said the annexation may take a while.

Supervisor Tommy Lewis said he would like to see a plan that includes Walls taking care of their own roads at some point.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to renew the agreement with the Town of Walls for road maintenance and subdivision review with the stipulation that should they annex additional areas, the agreement will be negotiated and for Walls to present a plan to the county on how and when they can take care of their own roads. The motion passed by a vote as follows:

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

## 6. Interlocal Agreement with City of Olive Branch to Widen Pleasant Hill Road

County Administrator Michael Garriga said we are trying to accomplish an interlocal agreement between the county and the City of Olive Branch so we can get supplemental funds to widen Pleasant Hill Road.

Board Attorney Tony Nowak said, right now, Olive Branch does not have the money to proceed with the project. They are proposing the county fund the engineering and right of way acquisition and those costs would go toward the county's half of the project.

Road Manager Russell Dorris said he thought we were giving the money to the City of Olive Branch and they were doing the work.

Mr. Garriga said the county does not have money for the work either. He said we set aside the \$650,000 in the budget. He said that will not be enough money to accomplish what the City of Olive Branch is asking us to do. Mr. Dorris agreed, and said this is an MPO project.

Mr. Garriga said we get money every year from the MPO because each year our allocation is small and we let it build up a little before doing a project. He said we have given that money to the different cities by agreement to accomplish work in the urban areas of the county.

Supervisor Tommy Lewis said he thought Olive Branch was going to do work on Craft Road from Highway 78 to Goodman Road with the MPO funds. He said he does not think the MPO funds have anything to do with Pleasant Hill Road. The Board of Supervisors discussed the issue and agreed to word the agreement to offer the lesser of \$650,000 or half of the project after MPO funds have been allocated to the total project.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to carry this item over until December 1<sup>st</sup>.

The motion passed by a vote as follows:

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

## **7. Dept. of Road Management – NRCS Project Agreements**

Assistant County Engineer Scott Young presented an application for additional money to repair and stabilize the ditch that parallels Craft Road. He said that during the easement acquisition and design period, they realized there was not enough money to do everything that was needed to repair the erosion problem. He said they are asking for an additional \$112,000 for the ditch that parallels Craft Road with the county's share being \$16,830.

Supervisor Tommy Lewis said it is in bad need of repair and the ditches are really deep. Mr. Young said we already have acquired right of way.

Supervisor Jessie Medlin said maybe you can put a guard rail there and also there are a lot of trees. Mr. Young said we plan to clean out the trees. Supervisor Medlin asked if they will clean out the ditch. Mr. Young said yes.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the application for an additional \$112,200 with the county's share of \$16,830 to repair the ditch that parallels Craft Road and for the Board President to sign all documents involving the NRCS project as detailed in Exhibit G.7 and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to handle reviews and other work necessary to bring the matter to a legal conclusion. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES

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

**See Exhibit G.7**

## **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. Veterans Service Officer**

DeSoto County Veterans Service Officer Floyd Robertson appeared before the Board of Supervisors to give an update on the work load for that position. He said in the last two months he as received 92 phone calls and had 25 interviews. Some calls last 45 minutes and he visited one home five times. Mr. Robertson said there are notices on how to contact him and his cell number at the National Guard Armory, and other places all over the county. That phone number is left anywhere in public and that is his personal cell phone number. Mr. Robertson said, in addition to using his own cell phone, he furnishes his own computer and makes house calls.

Mr. Robertson said that people do not know how to get in touch with him. The number listed in the phone book is the personal number of the previous Service Officer. He said it would be a good idea to have one central number connected with the county in case people need to get in touch with him. It should be listed as the Veterans Service Officer and that number should be connected with the county and whoever answers that number can forward the call to him.

When the troops start coming home from Iraq, the number of calls he receives will drastically increase. He said currently there are 11,717 veterans in DeSoto County that are not retirees.

Supervisor Bill Russell said, when we asked Mr. Robertson to take this position, there were two people and we reduced the number of employees to one position. We told Mr. Robertson to see what is needed and then come back to the Board and that is why he is here today.

Mr. Robertson said he is asking for a raise to offset his phone bill. He said an additional \$25 will enable him to keep his phone service like it is now. He said he thinks his workload will double next year when troops come home.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve increasing Mr. Robertson's salary by \$25 per month to help cover the cost of his phone bill and to get a dedicated line for the Veterans Services in the county. The motion passed by a vote as follows:

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

### **2. Roads – Highway 305**

Supervisor Jessie Medlin asked if the County Administrator sent a letter to MDOT about Highway 305. County Administrator Michael Garriga said he talked to Richard Allen at MDOT

and he said the project will begin in six months. Mr. Allen said he told Supervisor Medlin in error, about the project being pushed back to 2011.

Supervisor Tommy Lewis said he thinks something needs to be done because, if they start tomorrow, it will be two to three years before any improvements are done on the road.

Supervisor Medlin said that MDOT offered to put blinking lights in the area at one time. Mr. Garriga said he will get back with MDOT about the issue.

### **3. Contracts – Parks – Lady Tigers and Lake Cormorant Parks**

Supervisor Bill Russell said, at the last meeting the Board approved a contract with the Southaven Lady Tigers for the Robinson Donald Ball Park. He said, we are working on that improvement and an agreement for the Lake Cormorant Park. He said Supervisor Latimer found an area of concern in the agreement. He said there is a paragraph that said, any money received through the LLC from any source, would become county money. Supervisor Russell said he intended the county to maintain the fields and the money from the concessions and other things to be used for the children. He said he still would like for them to be audited.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to rewrite the clause in the contract with the Lady Tigers and Lake Cormorant Parks about how the money should be used for the benefit of the children and for the county to maintain the fields. The motion passed by a vote as follows:

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

### **4. Employee Christmas Lunch**

Chancery Clerk Sluggo Davis said it is the court house's turn to host the Christmas Luncheon and it will be held on December 23<sup>rd</sup>.

### **5. Recycle Program for Batteries**

Supervisor Allen Latimer said a lady called him about a program to recycle batteries. He said he would like for us to contact her and get more information back to the Board.

### **6. Roads – Starlanding**

Supervisor Allen Latimer said the improvements to Starlanding Road caused a resident's driveway to be torn up and the repair of the driveway caused the driveway to be much steeper than it was originally. Road Manager Russell Dorris said it will cost \$1,300 more to pave the driveway now compared to the cost of repairing the driveway in the spring when we do the other paving on the road. He said, unless this work is done, the lady will have a hard time getting in and out of her drive this winter. Supervisor Latimer said, if she needs emergency services, she would be in bad shape.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to approve returning the driveway on Starlanding belonging to Ms. Langston back to the previous condition at an estimated cost of up to \$2,000 due to the fact that it is difficult to get to and from her home. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES

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

**See Exhibit I.6**

## **7. Advertising County Resources – Hernando Fall Festival**

Supervisor Tommy Lewis presented a plaque from the Chamber of Commerce in appreciation of the Board's support of the Fall Festival.

## **8. Health and Wellness Center**

DeSoto Health and Wellness Center Director Billie Wilhite and Kinsey Wilhite addressed the Board of Supervisors concerning the Health and Wellness Center. Mrs. Wilhite said they completed the remodeling of the Health and Wellness Center recently and moved into the new building last month. They have a great professional facility. She invited the Board to come by to see the clinic anytime. She said the move was more expensive than they thought it would be and they had to use all of their Community Foundation money to get into the clinic.

Mrs. Wilhite said their Nurse Practitioner turned in her resignation shortly after the move. She said they are looking for a replacement for the clinic.

Mrs. Wilhite said she is before the Board to seek support for the clinic. She gave examples of people throughout the county who need medical care that can be provided by the clinic. She said they are determined to survive and serve the county.

Kinsey Wilhite said the prices of construction products increased while they were building the clinic. He said, the actual price to improve the clinic, was \$45,000 not including plumbing. He said the sprinkler system had to unexpectedly be added. He said the City of Southaven paid for that. He estimated that Southaven paid between \$25,000 and \$35,000 for improvements to the building.

Supervisor Bill Russell said we appreciate what the Health and Wellness Center has done for the county and how hard everyone has worked on this project. Supervisor Russell said he also appreciated Southaven's contribution. He said he hopes the county can find a way to help the clinic in the future. He said, when you talk to the hospital, they say a great majority of the people who go to the hospital, do not have insurance. The people who are not insured or cannot pay, come to the Health and Wellness Center. Mrs. Wilhite said that Carvel Imaging was performing MRI tests at a cut rate for the clinic. Recently they were bought out by Methodist Hospital and the Health and Wellness Center no longer receives cut rates on their services.

Supervisor Allen Latimer asked what the Board can do.

Board Attorney Tony Nowak said there is no authority for the county to donate to the Health and Wellness Center. He said, we would need to have a local and private approved to be able to donate to the clinic in the future.

Mr. Wilhite said they have sample medicine from pharmacy companies which they give to patients.

Supervisor Jessie Medlin asked the office hours. Mrs. Wilhite said they are open 8:00 until 5:00 Monday through Friday. She said they have a minimum office visit charge of \$30 and a maximum of \$60.

Supervisor Russell said he would like to suggest the Board Attorney seek a local and private for a maximum of \$50,000 per year. He said, once we get that approved, we can decide what the county actually wants to donate.

Supervisor Lewis asked how many people the clinic sees per day. Mrs. Wilhite estimated between 22 and 24 patients. She said they need to see 25 patients per day to make ends meet. She said they could see from 40 to 60 patients per day, if they had the resources to do so. She said they are strictly there to serve the uninsured.

Supervisor Jessie Medlin asked what Mrs. Wilhite recommends for the length of the local and private. Mr. Nowak said, we will put in, for the term of the Board, but often the Legislators change what is presented in the local and private.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board Attorney to write local and private legislation to request authority to donate up to \$50,000 per year to the DeSoto Health and Wellness 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-----YES  
Supervisor Tommy Lewis-----YES

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until December 1, 2008, at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 17th day of November 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Allen Latimer, President  
DeSoto County Board of Supervisors