

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2008 PRESIDING

November 5, 2008

A. CALL TO ORDER

The November 5, 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

Supervisor Allen Latimer presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PLANNING COMMISSION AGENDA

**DeSoto County Board of Supervisors
 Planning Agenda
 November 5, 2008**

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, presented the Stormwater Report, Code Enforcement Report and Building Permits Report.

Mr. McDougal then stated that looking at the Planning Department receipts the numbers are down slightly, but it does reflect the first Subdivision Plan Review fees. He went on to state that he is noticing an increase in remodel work, some of this type of work is extensive, which leads to higher permit cost. Mr. McDougal stated there is also an increase in the renewal of trade license and he hopes this means that this means the trade people are hopeful for an increase in building.

Supervisor Thach stated it appears by the reports that the county building numbers are down by about fifty percent. Mr. McDougal stated that seems to be the trend, but that DeSoto County is still experiencing a two percent growth rate.

PUBLIC HEARING

2006 International Codes and 2005 National Electric Code - The DeSoto County Board of Supervisors will consider adopting the 2006 International Codes to include the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, and International Fuel Gas Code and the 2005 National Electric Code.

Supervisor Medlin made a Motion to open the public hearing and make the notice for the hearing part of the minutes. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Mr. McDougal stated this item was carried over from the October 3, 2008 meeting to allow the Home Builders Association time to review the changes in the 2006 International Codes and 2005 National Electric Code. Mr. McDougal went on to state that the Home Builders Association asked to carry this item over until the January 7, 2009 meeting to allow the association to hold a seminar explaining the changes.

Supervisor Thach made a Motion to carry this item over to the January 7, 2009 Board of Supervisors meeting to allow the Home Builders Association time to host a seminar to explain the changes made in the 2006 International Codes and 2005 National Electric Code. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Mr. McDougal stated that at this time the Board may want to address the changes being made in the 2006 International Codes and 2005 National Electric Code. Mr. Tony Nowak advised there are four items being excluded from the new codes as well as one exemption of permit. He went on to state that two of the items were appeal processes, which are already in place by Board of Supervisors' orders. He then stated Mr. Duncan was indifferent to leave in Section 105.

Supervisor Russell asked if all Building inspectors would be attending the Home Builders Association's seminar addressing the changes being made in the 2006 International Codes and 2005 National Electric Code. Mr. McDougal responded all of the inspectors will be attending the seminar.

Supervisor Russell made a motion to Approve paying the fees for the Building Inspectors and Board of Supervisors to attend the seminar being hosted by the Home Builders Association. Supervisor Medlin seconded the motion.

Mr. Greg Ryan of the Home Builders association stated Building Officials and members of the Board of Supervisors will be invited to the seminar free of charge.

Supervisor Russell withdrew his motion and Supervisor Medlin withdrew his second to approve the paying of fees for the seminar.

Supervisor Medlin asked what kind of cost will be involved with the new changes made in the 2006 International Codes and 2005 National Electric Code. Mr. Duncan stated the largest cost increase will involve the change in the seismic code, the cost increase will depend on whether the builder chooses to buy the brace from the manufacturer or make the brace themselves, which would be less expensive. He went on to state the cost change involving the arch fault breaker would be approximately \$25.00 a breaker.

Supervisor Medlin made a Motion to carry this item over to the January 7, 2009 Board of Supervisors meeting to allow the Home Builders Association time to host a seminar to explain the changes made in the 2006 International Codes and 2005 National Electric Code. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

FINAL SUBDIVISION

Spring Valley Subdivision 1st Revision, Lots 5 & 6 (6742) - Application is for final subdivision approval to revise lots 5 and 6 as one (1) lot of 1.56 acres and one (1) lot of 1.82 acres out of 3.38 acres. Subject property is located on the north side of Spring Hill Drive and west of Spring Valley Drive in Section 7, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 2)

Mr. McDougal presented the application including comments as noted in the staff report. Mr. McDougal stated the lot line has a slight curve and the applicant is requesting to move it a little to the east to straighten the line to

accommodate the side building setbacks of his property. He also stated it is his recommendation that the applicant only be required to have the signatures of the owners of lots 5 and 6 on the plat of the revision.

Supervisor Medlin asked if the applicant is planning to build a new home or add an addition. Mr. McDougal stated the applicant is planning to add an addition to his existing home.

Supervisor Thach made a Motion to approve the application. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Other Items:

1. Thorn Ridge Final Subdivision – Scrivener’s Errors

Mr. McDougal stated the engineer needs to add north/south and east/west to the roads in this subdivision as well as correct the section tie.

Mr. W.E. Davis, Chancery Clerk, asked if the subdivision has been recorded. Mr. McDougal responded that yes the subdivision is recorded. Mr. Davis advised that the corrections to the plat would need to be recorded as well.

Supervisor Lewis made a Motion to approve the corrections of Scrivener’s errors for Thorn Ridge Final Subdivision. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

2. Request by Lewisburg Baseball Booster Club to waive Permit fees

Mr. McDougal presented the request made by the Lewisburg Baseball Booster Club to waive the permit fees for a batting facility. He clarified it is the booster club and not the school building the facility.

Supervisor Medlin asked if they are talking about a batting cage. Mr. McDougal stated it will be a facility enclosed for batting practice.

Supervisor Lewis made a Motion to approve waiving the permit fees for the batting facility being built by the Lewisburg Baseball Booster Club. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

3. A.W. Bouchillon Institute Fall Training Event Update

Mr. McDougal reminded the Board of the upcoming A.W. Bouchillon Institute Fall Training Event being held November 13, 2008. He stated the schedule for the training event is 3:00 p.m. until 5:00 p.m. for the two training sessions and there will be a dinner and keynote speaker from 5:30 p.m. until 7:30 p.m. Mr. McDougal stated the speaker will be an EPA representative talking about “Smart Growth”.

Mr. McDougal stated that the Planning Commission agendas have been light the last couple of months, so there have been presentations added to the agendas as tools for the Planning Commissioners. MR. McDougal then stated one of the presentations was made by Mr. Jimmie Covington of the Commercial Appeal on demographics in DeSoto County and the other presentation was made by Mr. John Modzelewski of SSR, Inc. Consulting Engineers, who presented a computer model that shows the effect of runoff drainage in a basin.

There was general discussion of the Stormwater runoff model by the Board of Supervisors. Mr. McDougal stated John Modzelewski would like to make a presentation of the stormwater runoff model to the Board of Supervisors.

Mr. McDougal stated that according to the Sunday edition of the Commercial Appeal the ozone numbers for DeSoto County were 84 ppb which are well below the number required to be in attainment.

E. CONSENT

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

1. Accounting

a. Payment of Court Invoices (4)

D&M Office Equipment, Inc - \$137.00 Administrative Ofc. Of Courts (Marily Culver) - \$85.64
Verizon Wireless (Kimberly Land) - \$86.51AT&T Business Svc (Ms State of Circuit Court Admin - \$313.34

b. Approval of Purchase of Vehicle for Street Crimes Unit - \$1808.87

2. Make Part of Minutes – Management Agreement for Robinson Donald Park

3. Dept. of Human Services - Authorization to Sign

a. Purchase Requisitions – Kennette Hill & Jeanie Weathers

b. Receiving Reports – Patricia Williams & Livia Harris

Supervisor Allen Latimer asked, in the agreement for the Robinson Donald Park, where do the fees go. Board Attorney Tony Nowak said, under the management agreement, fees must go back into the park ball fields, maintenance, concessions etc.

The motion passed by a vote as follows:

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

See Exhibit E

F. OLD BUSINESS

1. Sheriff’s Dept. – AG Opinion – Donation of Uniforms

Board Attorney Tony Nowak said he received the AG opinion regarding donating uniforms to out of state agencies. He said the DeSoto County Sheriff’s Department can make transfers out of state.

Sheriff Bill Rasco said they always make sure they can donate within the state and before they go out of state to donate.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board Attorney to draw up an agreement to donate uniforms to agencies out of state. 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. TREX – Capital Improvements – Stateline and Hacks Cross Roads

Board Attorney Tony Nowak explained that there is an old agreement in place where the county agreed to pay \$75,000 to Olive Branch for improvements at the TREX location, namely utility improvements. He said there is another issue with the agreement whereby the county agreed to pay money to Olive Branch to be used toward a rail spur at the TREX location in an amount not to exceed \$100,000. Mr. Nowak said he has been trying to address the agreement that obligates the county to put in the rail spur at an estimated cost to the County of \$100,000 but the obligation of the county to pay the \$75,000 was clear.

County Administrator Michael Garriga said that he was under the impression that Olive Branch wants the county to give the \$175,000 at one time to the City of Olive Branch for other improvements that are needed in the area. He said there is no question that we are obligated to the city for the \$75,000 for utility infrastructure and they want the county to submit the \$75,000 right now. The railroad spur may no longer be a part of the TREX project because TREX has suspended operations and the railroad spur is no longer necessary for the development but the agreement is still in place and we need to work out that agreement with the state, city and other parties to release the county of the obligation to build the railroad spur and allow the use of the \$100,000 for other improvements.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Clerk to write the check to the City of Olive Branch for \$75,000 for a previous obligation of money for utility improvements toward the TREX relocation. 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

Mr. Garriga said, right now the county is not obligated for the \$100,000 because the TREX operation closed.

Supervisor Medlin asked what the Board voted on before regarding giving the city the \$100,000. He asked, didn't the Board vote to give all of the \$175,000 to the City. Mr. Garriga said yes, but that was before the county reviewed the agreement and recognized that \$100,000 was committed specifically for the rail spur. We have to get the county obligation to build the rail spur released. He said TREX has no problem with signing that the county is not obligated to allocate the \$100,000 to the rail spur and to allow the money to be reallocated. The Board asked the Board Attorney to work out the agreement to release the county of any responsibilities to build the rail spur and to reallocate the use of the \$100,000 to help pay for other improvements and, thereby, eventually pay all \$175,000 to Olive Branch.

G. NEW BUSINESS

1. EPA – Brownsfield Grant

County Administrator Michael Garriga said that Gene Bailey, Environmental Engineer from Fisher Arnold, told him the county may want to apply for the Brownsfield Grant. This grant provides \$200,000 to assists counties in identifying sites and recommending potential solutions for cleaning up sites that have been contaminated and/or neglected through the years. Mr. Garriga said that Mr. Bailey would help the county Grants Administrator through this process. He said there is an existing list of 41 sites that have already been identified in DeSoto County.

Supervisor Tommy Lewis asked where the list came from. Mr. Garriga said that DEQ compiled the list. Supervisor Lewis said, if it is the same list he saw, it needs to be updated because two sites have already been cleaned up. Supervisor Lewis asked if the grant has to

be site specific. Mr. Garriga said no. They will determine the list and ranking. There is no match for the grant.

Supervisor Jessie Medlin asked if an updated list will be provided. Mr. Garriga said the list is already published by DEQ but we can request an updated list.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve applying for the Brownsfield Grant. 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. Allocation to Hernando Civic Center – Saddle Club

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve donating \$5,000 from the District One Park Fund to the Hernando Civic Center for the Saddle Club. 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

3. Sheriff’s Department – Sale of Helicopter

At the recommendation of the Director of Administrative Services Vanessa Lynchard, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve accepting a check in the amount of \$280,000.00 for the sale of two OH6 helicopters and spare parts in the Sheriff’s Department and when the check clears, authorize to move the helicopters and spare parts from inventory. 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

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. Jail Site Selection Committee Update

Harvey Ferguson appeared before the Board of Supervisors representing the Jail Site Selection Committee. County Administrator Michael Garriga said there were a number of issues that need to be addressed by the Board from the Committee.

Mr. Ferguson said that he is here on behalf of the Committee to discuss some additional resources the Committee needs before they make a recommendation. Mr. Ferguson said the Committee wants to give the Board a recommendation that has as many good points in it as possible.

Mr. Garriga said, looking back on the process, it appears there are a number of things that the Committee may have been able to have done better. 1.) Communication from the Committee on what we were trying to accomplish. He said, because there are communication issues, there are notions that are not in keeping with reality of the Committee's mission. 2.) The format of the meetings. Mr. Garriga said, originally, the meetings were not open. He said the Committee opened the meetings when they considered that the Committee would be making recommendations to the Board. Since the meetings have been open, they have been contentious so the Committee had a problem doing its job. Still, Mr. Garriga said, since the meetings have been open, the Committee received some good commitments that have been a benefit to their work. Mr. Garriga reminded the Board the Committee has to be as objective as possible. He said, the Committee wants the recommendation coming to the Board, to be as credible as possible. He said the Committee has discussed utility availability. He said the Committee needs to know how costly it will be to bring utilities to a certain site as part of their consideration of the site. Based on the information the Committee has, it could narrow the site selection down to three sites. He said the Committee could get to a final site selection with more information. Mr. Garriga said the Committee has asked for sites that were available. The other option is to look at four sites. The Committee may look at sites that will require the county to purchase property; the Committee cannot do that. He said, when it comes to a meeting to discuss the purchase of property, the meetings will probably have to be closed. Mr. Garriga said the Committee is asking the Board to look at these issues and give the Committee some direction.

Mr. Ferguson said, the community needs to know what the county wants to build. Some people say this will be a prison. The people need to know it is going to be a jail and Justice Facility, not a prison.

Mr. Ferguson said, several years ago, one of our legislators tried to build a prison in DeSoto County. The people determined that they did not want a prison in DeSoto County. That situation is not a good comparison to what the county is trying to do today but it has been used as a comparison for this situation.

Mr. Ferguson said the county has done a good job presenting the building to the community that is now used as the DeSoto County Jail. He said he thinks it is important to get past public perception that this will be a prison. Then the Committee can move forward.

Mr. Ferguson said the Committee was charged with finding 100 acres or more for the site. He asked if the county really needs 120 acres on day one. Mr. Ferguson said he does not think so but if that is the Committee's charge, that is what the Committee will do. He said, if the Committee finds the top three locations using data that is already available, that is something the Committee can accomplish. He said, if we know the cost of the sites in putting in utilities, we could make a better recommendation to the Board of Supervisors.

Mr. Ferguson said, another site came up, and the Committee decided to wait to make a recommendation until they have a chance to look at that site.

He said the Committee wants to look at a site that will be good for all local governments. Some people want the facility to be on an extreme side of the county. Mr. Ferguson said he does not think it should be on an extreme side of the county because of accessibility.

Supervisor Bill Russell asked if the meetings must be open meetings. Board Attorney Tony Nowak said yes.

Supervisor Russell said, the difference between a open meeting and a public hearing, is there is no participation from the public in an open meeting. Public Hearings are where the public is invited to give their opinion. Supervisor Russell said he does not think there is a need for

public comment at the meetings. Mr. Nowak agreed. He said, if someone is speaking out of turn, they can be removed from the meeting.

Mr. Ferguson said the Committee is getting to the point that the meetings need to be conducted in private to get things done. Mr. Ferguson said we may have to do that. Public comments have been good in some respects.

Supervisor Russell said he understands the Committee needs to do the due diligence and compile the information in order to make a good recommendation. He said, he thinks the power companies can give the Committee an estimate, if the Committee told them the amount of power needed for the building.

Mr. Ferguson said the environmental studies should not be done until the Committee narrows down the number of sites. Also, he said he does not think the Committee needs to get into eminent domain.

Supervisor Russell said he thinks the people know about the efforts to find a site for the jail. If a person has property available he thinks people know to come forward. Supervisor Russell said he does not think the Committee needs to consider eminent domain as part of the process.

Mr. Garriga said we have looked at land for sale to see if people are interested in using that property for a jail. Most have said no.

Supervisor Russell said, if the Committee has determined that less than 120 acres will be sufficient, then we need to better identify what will actually be needed. Supervisor Allen Latimer agreed. He said, when we first started looking at building a new jail, we were looking at the county needs 50 years from now. Supervisor Russell said it sounded good at the time but we need to identify what is actually going to be there in addition to the jail. Mr. Russell said, however, we do not need a blue print we need a foot print. We need to determine our needs and he asked who can help us do that. Mr. Garriga said he does not know about that but he thinks we need to do some of the work internally. He said we will need someone to tell the county and the Committee what we need to accomplish our goals.

2. Chancery Clerk – Homestead Exemption Deletions

At the recommendation of the Chancery Clerk Sluggo Davis, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve deleting the following homestead exemption and for the Board President to sign:

Name Sparks, Robert F. etux **Parcel #** 2065-2200.000028.00 **Reason** Delete from states list

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.2

3. Stewartshire Subdivision

Supervisor Tommy Lewis said that the Stewartshire agreement is coming to conclusion. County Engineer Andy Swims said the county had an agreement that the Board authorized Tony Nowak to work on an MOU with Community Bank. Community Bank had a checklist of the items they must complete under the agreement. Mr. Swims said, after looking at the subdivision yesterday, it looks like it is in pretty good shape. He said we asked them to

complete 12 different items before the county would issue any building permits. They have done everything they are obligated to do with the exception of Stewartshire West and they are not ready to go forward with Stewartshire West at this time.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion that based on the County Engineer's assessment, that Community Bank has met the requirements of the agreement for Section A, to approve the improvements and to approve and authorize the Board President to sign the agreement and to authorize permits to be pulled on Stewartshire Section A when Community Banks has signed the agreement and posted their bond. 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. Emergency Declaration

Board Attorney Tony Nowak said at the request of Chief Storey and Sheriff Rasco, there is still a desire to have a Mutual Aid Agreement put in place to work with other entities that can be utilized at any time if there is a disaster. He said we can have that agreement in place with Shelby County by Friday subject to Chief Storey's review.

Supervisor Allen Latimer asked how long the agreement will last. Mr. Nowak said the agreement as drafted is good for one year.

Supervisor Jessie Medlin asked if the agreement would apply for hurricanes or tornados. Mr. Nowak said yes.

Supervisor Bill Russell said, since the county and Sheriff works together everyday, do we need one for the Sheriff's Department. Mr. Nowak said no, they can all work together to utilize all of their resources and then call on the county if necessary.

County Administrator Michael Garriga said there are other mutual aid agreements.

At the recommendation of the Board Attorney, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Mutual Aid Agreement with Shelby County, subject to review by Chief Bobby Storey and, if necessary, MEMA's review. 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

5. Sheriff's Department – Forfeiture Split with City of Hernando

Board Attorney Tony Nowak said the Board had discussed withholding the city's contributions to Metro Narcotics from the settlement for the money split for the Sheriff's Department as part of the agreement with the Bureau of Narcotics.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve extending an offer to the City of Hernando for \$13,219.10 for their portion of the cash forfeiture at the I-55 weigh station. 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. County Consulting Engineer

a. 2009 Bridge Inspection

At the recommendation of the County Consulting Engineer Daniel Murphy, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve the 2009 interim bridge inspection report and to authorize moving \$122 from the offset bridge program for this expenditure. 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

See Exhibit I.6.a

b. Federal Aid Bridge Replacement Funds

At the recommendation of the County Consulting Engineer Daniel Murphy, Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to program the Federal Aid Bridge Replacement Project for two bridges on Fogg Road north of Highway 304 that flow down to state aid projects. 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

Mr. Murphy said he is not sure if we can replace these bridges this term of office.

See Exhibit I.6.b

c. State Aid Projects - SAP 17-(10)M and SAP17-(11)M

Mr. Murphy explained that because of the federal adjustments, we are going to have to transfer money from our state aid funds to these projects.

At the recommendation of the County Consulting Engineer, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to transfer \$274,000 from state aid funds for project SAP 17(10)M on Church Road and to transfer \$74,000 for project SAP 17(11)M on Old Highway 61. 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

See Exhibit I.6.c

After the Executive Session portion of the meeting, the public and press were invited back into the room. Board Attorney Tony Nowak clarified that an item for the first session of Executive Session named Personnel-Department of Road Management was incorrectly named. The item should have

been named as Executive Session-Personnel Administration. The Executive Session minutes will reflect the error and correction.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until November 17, 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 5th day of November 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors