

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2008 PRESIDING

October 8, 2008

A. CALL TO ORDER

The October 8, 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
 October 8, 2008**

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

PUBLIC HEARINGS

Amendment to the 2030 DeSoto County Comprehensive Plan

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 the purpose of amendment to the 2030 DeSoto County Comprehensive Plan is to incorporate the proposed alignment of Interstate 269 from Interstate 55 to the Desoto-Marshall County line.

Supervisor Medlin confirmed the proposed Planned Corridor would consist of 1,000 feet on each side of the 300 foot right of way for a total width of 2,300 feet. He asked what would happen if someone has a narrow strip of property and wants to develop it, but can not afford to develop a PUD. Mr. McDougal responded that a Planned Unit Development must be a minimum of 4 acres.

Supervisor Latimer asked if the Board of Supervisors adopts the alignment of the Planned Corridor along Interstate 269 will that mean that is where it will definitely be locked in to go. Supervisor Russell stated he understood the vote to be that the Board of Supervisors would adopt the Planned Corridor along the Interstate 269 right of way, wherever the highway is located by MDOT. He then asked if the Board did vote to adopt the corridor and the Interstate 269 alignment changed, would the Board need to vote again on the new alignment. Mr. Tony Nowak, the Board Attorney, advised it would depend on how much change is involved.

Supervisor Lewis stated he would like the Board to consider having a study done for the Planned Corridor on the east side, the same as was done on the west side of the County, to help determine the width and appropriate land use for the corridor. Supervisor Russell stated he would like to know what this kind of study would cost, what it would involve and how a Planned Corridor would benefit the County. Mr. McDougal stated he has received calls expressing interest in both commercial and industrial development along the proposed corridor and that making a decision on adopting a Planned Corridor is timely as MDOT is preparing to move forward on the Interstate 269 project.

Supervisor Medlin expressed concern for potential future bridge widening, from 3 to 5 lanes that would result in major costs.

As no members of the public were present to speak on this item, Supervisor Lewis made a Motion to close the public hearing. 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

Supervisor Russell suggested the Board not vote on the item today to allow consultants to address what should be done to appropriately plan for width and need for the Planned Corridor. He said he thought a consultant should be identified to inform and address the Board. Supervisor Lewis agreed there should be a study done on the corridor before the vote.

Supervisor Russell asked how the County would identify a consultant. Mr. Tony Nowak responded the scope of a Request for Proposals or a Request for Qualifications would be prepared in a way similar to other Comprehensive Plan amendments. Mr. McDougal clarified the process to the Board. Supervisor Russell stated the corridor study should include the west leg of Interstate 69 as well as the new eastern alignment of Interstate 269, from Interstate 55 to the DeSoto-Marshall County line.

Supervisor Lewis made a motion to continue the public hearing until a consultant is hired to present a study to advise the board on the Planned Corridor concept for the Interstate 269 alignment. 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

Supervisor Russell made a Motion to direct Planning Director Jim McDougal to issue a Request for Qualifications from consultants to study the Interstate 69/Interstate 269 corridor. Supervisor Lewis 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

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 Lewis 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 he presented the 2006 International Building Codes as an informational item for discussion at last month's meeting. He then stated Olive Branch and Southaven are in the process of adopting the 2006 International Building Codes. Mr. McDougal announced Mr. Don Duncan, Chief Building Inspector, was present to answer any questions about changes from the 2003 International Building Codes that the County currently uses to the 2006 International Building Codes.

Supervisor Lewis asked for an explanation of what an arc fault is. Supervisor Russell asked if it will affect the outlet or a fuse in the fuse box. Mr. Duncan responded with explanations and said the cities in the area have agreed to adopt this requirement and it would be a benefit to contractors for all cities and the County to have consistency in the codes.

Supervisor Thach asked if cities of Southaven, Olive Branch and Horn Lake have already adopted the new codes. Mr. Duncan responded the cities were in the process of adopting the codes.

Supervisor Medlin asked what the biggest differences were between the 2003 and 2006 International Building Codes. Mr. Duncan stated the two main differences are the arc fault regulations in the electrical codes and the wall bracing requirements in the seismic code. Supervisor Lewis asked what the increased building cost would be as a result of adopting the 2006 codes. Mr. Duncan said the addition of an arc fault system will be approximately \$30 to \$40. He then stated it will depend on whether the builders use manufactured wall bracing systems or if they make the braces themselves to address the seismic code. There was general discussion on ways of building the braces and materials used for the braces.

Mr. Duncan stated there is a County-wide committee that he is a part of that meets once a month and they have agreed to try and stay with the same changes in all jurisdictions.

Mr. Greg Ryan, of the North Mississippi Home Builders Association, stated the Home Builders Association does not have any concerns with the new codes being adopted by the County, because it will help keep consistency across the jurisdictions.

Supervisor Russell raised a question regarding the proposed exclusions to adopting the codes and asked for clarification on what these were. Mr. Nowak and Mr. Duncan responded that they believed these exclusions were to address procedural issues rather than technical requirements. Mr. Nowak said he could verify this and return to the Board with clarification at the Board's request.

Supervisor Thach made a Motion to carry this item over to the November 5, 2008 Board of Supervisors meeting to allow Mr. Nowak to research and report back on the proposed exclusions to the adoption of the 2006 International Building Codes. 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

MINOR LOTS

District 4

Roy McGowan Subdivision 2nd Revision (6737) - Application is for final subdivision approval of one (1) lot of 2.5 acres and one (1) lot of 1.5 acres out of 5 acres. Subject property is located on the north side of Nesbit Road and east of Highway 301 in Section 24, Township 2, Range 9 and is zoned Agricultural-Residential (A-R). (District 4)
*****MUST BE PLATTED AND RECORDED*****

Mike Green/Triple Creek Minor Lot (6738) - Application is for final subdivision approval of one (1) lot of 1.8 acres and two (2) lots of 1.5 acres out of 4.8 acres. Subject property is located on the north side of Nesbit Road and east of Russell Cove in Section 23, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)
*****MUST BE PLATTED AND RECORDED*****

District 5

R.D. Minor Lot (6735) - Application is for final subdivision approval of two (2) lots of 1 acre and one (1) lot of 3.25 acres out of 5.25 acres. Subject property is located on the west side of Craft Road and south of Bethel Road in Section 30, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 5)

Harris Estates Minor Lot (6739) - Application is for final subdivision approval of one (1) lot of 3.37 acres and one (1) lot of 9.61 acres out of 12.8 acres. Subject property is located on the north of Bankston Road North and south of Bailey Road in Section 19, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)

Mr. McDougal presented the applications above and stated the applications appear to be in compliance with the County's Zoning and Subdivision Ordinances.

Supervisor Lewis made a Motion to approve the minor lot applications conditioned upon each applicant's compliance with to staff recommendations and securing necessary Health Department approval. Supervisor Latimer 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. Request to lower the required minimum square footage of homes in Miller Farms Subdivision

Mr. Jim McDougal presented a request made by the developers of Miller Farms Subdivision, land owned by the Clark Family, to reduce the minimum house size from 3,500 square feet to 2,200 to 2,800 square feet of some lots in the development. Mr. McDougal stated Mr. Ben Smith is present to represent the request and answer any questions the Board of Supervisors may have.

Supervisor Russell asked if any of lots have been sold in the subdivision. Mr. Smith stated there are no lots sold, only one lot conveyed as part of a land swap. Supervisor Russell asked if that lot owner has been informed of the proposed change in minimum house size. Mr. McDougal responded the developers would have to have the lot owner's approval before the change would be made.

Mr. Smith stated the 38 lots that are on the lake front will remain a minimum house size of 3,000 square feet and no more than 18 homes in the subdivision shall be allowed to be less than 2300 square feet and the covenants will be revised to reflect the changes in minimum house size if approved. Mr. Smith stated the developers have been advised by builders and realtors that a smaller minimum square footage for homes in the subdivision could start the building process.

Supervisor Latimer then asked if there was anyone present to speak for or against the application. There was no one present.

Supervisor Medlin made a Motion to approve the reduction of minimum house sizes in Miller Farms Subdivision, on the condition that staff comments are satisfied including, but not limited to, the following:

1. The developer will get a letter of approval from the one existing owner of Lot 24, Mr. Andrews and submit it to the Planning Commission;
2. There shall be 38 lots that are on the lake front that will continue to require a minimum house size of 3,000 square feet and no more than 18 homes in the subdivision shall be allowed to be less than 2,300 square feet;
3. The recorded covenants of the subdivision will be revised to reflect the changes in minimum house size; and
4. The new minimum house sizes shall be stamped/revised/noted on the recorded subdivision maps.

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

E. CONSENT

F. OLD BUSINESS

1. Approval of Jail Inmate Contracts with Cities and Authority to Sign

County Administrator Michael Garriga presented the contracts from the cities for housing their inmates in the DeSoto County Jail and requested authority for the Board President to sign the executed agreements.

Supervisor Tommy Lewis asked the term of the contracts. Mr. Garriga said it is concurrent with the Board of Supervisors term ending December 31, 2011.

Supervisor Lewis asked the cancellation term. Board Attorney Tony Nowak said 60 days for non-payment and 90 days otherwise.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve contracts with the DeSoto County cities to house their inmates in the DeSoto County Jail and to authorize the Board President to sign the agreements and make them part of the minutes. The motion passed by a unanimous vote.

See Exhibit F.1

2. District 3 Parks

Supervisor Bill Russell said we have two quotes on the material for the Lake Cormorant ball field parks. He presented bids from Jamison Mfg. in the amount of \$7,607.68 and Mid South Fence Enterprises in the amount of \$7,952.29.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to accept the low bid from Jamison Mfg. for materials used at the Lake Cormorant Ball Park and to pay for the expense from the District 3 Park Fund. The motion passed by a unanimous vote. **See Exhibit F.2**

G. NEW BUSINESS

1. Building & Grounds – Change Order for Health Department

County Administrator Michael Garriga said that Building and Grounds Director Kenny Evans brought to his attention that the contractor found a water line at the new site for the Health Department that was not in the plans and the water line had to be moved. He said there is a six inch water main that is in question. He said they will have to lower the pipe and the cost is \$5,198. He requested approval for a change order on the contract.

At the recommendation of the County Administrator, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve a change order for the DeSoto County Health Department contract with Windham McDonald Construction Company, Inc., to add \$5198 to the contract for a new total contract of \$2,909,198.00. The motion passed by a unanimous vote. **See Exhibit G.1**

2. Justice Dept. approval to Relocate Polling Places

a. Pleasant Hill North

b. Hernando West

Vanessa Lynchard notified the Board of Supervisors that the Justice Department has approved relocating polling places for the Pleasant Hill North and the Hernando West voting precincts and presented the letter from the Justice Department to make part of the minutes.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to make the Justice Department approval to relocate Pleasant Hill North and Hernando West voting precincts a part of the minutes. The motion passed by a unanimous vote.

See Exhibit G.2

3. Safety Officer's Report

At the recommendation of the County Administrator, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to make the Safety Officer's Report for September, 2008, a part of the minutes. The motion passed by a unanimous vote.

See Exhibit G.3

4. Purchasing – Approval to Bid Building Fire Extinguisher Inspections

At the request of the Director of Building and Grounds, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve to bid fire system inspections in DeSoto County. The motion passed by a unanimous vote.

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. Craft Road

Supervisor Jessie Medlin explained that landscaping on the right of way, is needed to keep down erosion on Craft Road. A while ago, the estimate for the landscaping was \$17,000 and Olive Branch will share the cost of \$17,000.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Road Manager to get quotes for the landscaping on Craft Road and bring the quotes back to the Board of Supervisors. The motion passed by a unanimous vote.

2. Justice Court - CDMS Software Support Agreement

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the software support agreement with CDMS for \$300 for total monthly support for Justice Court. The motion passed by a unanimous vote. **See Exhibit I.2**

3. Legislative Request – County Authority to Work on Private Property

Board Attorney Tony Nowak said, at one time, the Board talked about requesting the Legislators to consider a modification to Section 19-5-92.1 of the Mississippi Code which allows the county to go onto private property to work. County Administrator Michael Garriga said the Board had already requested a change and it has been added to the list.

4. Legislative Request – Military Tax Exemption

Board Attorney Tony Nowak said there is a \$100 ad valorem tax exemption for military serving in Iraq or Afghanistan based upon the value of the soldier’s motor vehicle. He said the exemption can be applied to vehicles or real property owned by the military person. He said it cannot be split between motor vehicles and property. He further explained that the exemption is not guaranteed to be \$100. The Board of Supervisors discussed their desire to help the military in any way possible and asked that this item be added to the Legislative Requests to encourage the Legislature to help our military in every way possible.

5. Space Center

At the recommendation of the Board Attorney, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept a check from Space Center in the amount of \$2,269 for reimbursement of legal fees for previous legal issues dealing with Space Center. The motion passed by a unanimous vote.

6. Contracts – Ball Clubs – District 3

Supervisor Bill Russell asked the Board Attorney the status of the contracts with the ball clubs in District 3 of the county. Board Attorney Tony Nowak said he is waiting to receive the contracts back from the clubs.

7. Walls City Hall

Supervisor Bill Russell said the county is leasing property to the Town of Walls for their City Hall. He said there is an old cyclone fence on the property and the Town of Walls called and asked if they could take the fence down and replace it with shrubs and trees.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Town of Walls removing the cyclone fence around the property used for the Walls City Hall and to allow the Town of Walls to replace it with shrubs and trees. 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

See Exhibit I.7

8. Accounting – Late Bill

At the recommendation of the Comptroller Tom Arnold, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve an insurance claim payment voucher from Brown and Haynes Insurance, Inc. in the amount of \$2,052.48. The motion passed by a unanimous vote. **See Exhibit I.7**

9. Contracts – Inmate Housing

At the recommendation of the County Administrator Michael Garriga, Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to reconsider the previous approval of the contracts with the cities to house their prisoners at the DeSoto County Jail. The motion passed by a unanimous vote.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to rescind the previous motion approving the agreements with the cities for inmate housing until it could be verified if the correct contracts had been received. The motion passed by a unanimous vote.

10. Appointment - Fire Investigator

At the recommendation of the County Administrator Michael Garriga, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to appoint Bobby Storey as Fire Investigator for DeSoto County. The motion passed by a unanimous vote. See **Exhibit I.10**

11. Homestead

At the recommendation of the Chancery Clerk Sluggo Davis, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the Homestead Exemption Supplemental Roll Deletion petition as follows:

Angela Susong Parcel # 1088-2809.0 73.00

The motion passed by a unanimous vote. See **Exhibit I.11**

12. Advertising County Resources – Horn Lake Autumn Fest

Supervisor Allen Latimer made the motion to approve an allocation of \$1,000 from Advertising County Resources for the Horn Lake Autumn Fest which meets the requirements to Advertise County Resources because it brings visitors into DeSoto County and allows the county to showcase the possibilities to others. After discussing the issue, Supervisor Latimer withdrew the motion.

Later in the meeting, Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to authorize an allocation of \$1,000 to the Friends of Horn Lake for the Horn Lake Autumn Fest after having determined that the event meets the requirements to advertise the possibilities in DeSoto County. The motion passed by a unanimous vote.

13. Sheriff's Dept. – Municipal Contracts for Housing Municipal Prisoners in County Jail

Supervisor Tommy Lewis asked if the county is breaking the law by housing prisoners in the county jail without a valid contract from all of the cities. Board Attorney Tony Nowak, said it is the county's understanding, the cities have approved the agreements, but the county has not received the appropriate contracts from all of the cities. Thus, there is a contract in place.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the agreements from all of the cities and to authorize the Board President to sign the agreements with Hernando, Southaven, Walls, Horn Lake and the City of Olive Branch as the correct agreements are received by the county. The motion passed by a unanimous vote.

14. Subdivisions – Centerhill Estates

Allen Webb appeared before the Board of Supervisors regarding drainage issues at Centerhill Estates Subdivision. Mr. Webb reminded the Board that he came before them in August to discuss these drainage issues. He said, last night, water came in the backdoor of his home. He previously asked for help and the issue has not been resolved and he does not know what to do.

County Engineer Andy Swims said that we are seeing these types of flooding problems throughout the county in homes that are close to a flood zone. Mr. Swims said this flooding will occur anytime the water gets out of the banks at Centerhill. He said the potential of flooding near the floodplain is increased for the homes near the flood zone. He said we have not acted on the options that were previously discussed because they are so expensive. Mr. Swims said he is sure we have 25 year designs in the subdivision. He said we required the developer to install culverts where we normally require homeowners to put them in.

Mr. Swims said that since the culverts have been in place, the water has started coming through and he thinks the culverts are backing up on Mr. Webb's property. Mr. Webb agreed that the problem started once the culverts were put in. Mr. Swims said there is no way to contain the water uphill. Most of the developers are east of Centerhill Road. Mr. Swims said he has been told that the culvert on Burton Road is undersized.

Supervisor Jessie Medlin said that Mr. Webb's house is on the north side of the cove on Hedge Row Cove.

Mr. Swims said that we can put in wing walls or a ditch on the side where Mr. Webb is and tie it into the culvert. He said the only way to help the quantity of water is to put detention upstream.

Supervisor Medlin said, if we had a bridge and all of the homeowners agreed to re-do their driveways, it would hold back the water.

Mr. Swims proposed eliminating the culverts by putting in a common drive.

Mr. Webb said, the last time we met, there was a thirty minute rain from a very small storm cell. He said it completely flooded this road.

Supervisor Medlin said, one lady across the road, had a lot of water also. He said there is no ditch for the water to flow into.

Mr. Webb said the water always followed the contours of the flood plain on the GIS map. After the culverts were installed, the flooding started on his property as well as his neighbor's property.

Mr. Swims said we do not want to have this problem with people near the floodplain and their house is too low. We are trying to stop the problems before they start.

Supervisor Bill Russell said the water is affecting the road. If we stop that, the house will not be flooded. He asked if we can hold the developer responsible. Board Attorney Tony Nowak said he does not think so, because the developer did everything they were required to do previously pursuant to a court order.

Supervisor Medlin suggested instructing the County Engineer Andy Swims and Road Manager Russell Dorris to work together to work out an alternative.

Supervisor Russell asked if we could get with the people upstream to get them to go ahead and add detention to help stop flooding.

Supervisor Medlin said he is all for that if it will stop the water.

The Board of Supervisors directed the County Engineer and Road Manager to bring alternatives back to the Board.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to ask the County Engineer Andy Swims and the Road Manager Russell Dorris to look into the situation at Centerhill Estates and come back to the Board with alternatives to fix the problem including meeting with landowners in Centerhill Estates and adjacent landowners

and to hire Smith, Phillips, Mitchell, Scott and Nowak Law Firm to assist in the process. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to recess the meeting until October 20, 2008, at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 8th day of October 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors