

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT, 2011 PRESIDING

October 17, 2011

A. CALL TO ORDER

The October 17, 2011 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 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 Absent
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZEN COMMENTS

Joe Thompson appeared before the Board of Supervisors to follow up on his previous request for work on Sidwinder and Bankston Roads. Mr. Thompson said he was at the Board Meeting two weeks ago and he wanted to know the Board's answer to his request for work on these roads.

Road Manager Russell Dorris said he sent a letter to the Mayor of Hernando. Mr. Dorris said the Mayor responded that the City determined there were other places needing repairs more than this particular location. The money could be used better somewhere else.

Supervisor Tommy Lewis said the area Mr. Thompson is talking about is located in the City of Hernando and it is their decision. He said the County is willing to pay 50% of the cost if the City wants to participate.

Supervisor Allen Latimer asked if the County is required to have the City of Hernando make this request. Board Attorney Tony Nowak said the County must have permission before the County can do work inside the city limits.

Supervisor Latimer said it seems like the County would be willing to do the work or share in the cost if the City were willing to do so. Mr. Thompson said he could not go to the City because he does not live in the City.

Supervisor Latimer said that Mr. Dorris might want to check the figures on the original estimate of \$7,000. Mr. Dorris said the engineers did the estimate and he did not know the person Mr.

Thompson checked with on the price. He said we also included striping in our estimate. Mr. Dorris said they figured on the safe side and Mr. Thompson could be correct.

Mr. Thompson said asphalt costs \$77.50 per ton.

Supervisor Allen Latimer asked if the County can do work in a city. He said he thought the city had to agree with doing the work and participate in paying for it. Mr. Nowak said the County would have to get permission from Hernando because it is a city road.

Supervisor Latimer confirmed that the County normally requires the city pay half when the County works inside the city.

Mr. Thompson said he is not in the city; he is in the County. He has talked to the County and they never follow through.

Mr. Dorris said the state actually paved that road.

Supervisor Latimer asked Mr. Dorris if he still wanted to check his figures to see if the cost is actually lower than his initial estimate.

Mr. Thompson interjected that it would take 40 tons and that comes to \$3,100. He said he is not going to quit coming to the Board meetings until this is fixed. He said the easiest and simplest thing to do is for the County to fix it. He said the County let it get into this mess and they should straighten it out.

Supervisor Eugene Thach suggested that Mr. Thompson bring this matter back when the new Board is in office.

Mr. Thompson said that is right, but the Board ignoring the request to do the repair is not right.

Supervisor Latimer asked Mr. Dorris to check his figures and report to the Board at the November 7 meeting.

E. CONSENT

The Board of Supervisors considered the items on the Consent Agenda.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda as follows:

1. Office of Finance & Accounting

a. Budget Amendments

b. Approve Interfund Loan

From: General County Fund	001-000-054	\$2,012.41
To: 2010 G.O. Bonds I&S	228-000-149	\$2,012.41

2. Make Part of Minutes

a. IT Approval of Contract with Data Systems Management, Inc.

(1.) Chancery Court

(2.) Tax Collector

(3.) Justice Court

b. Easement & Construction Agreement with MDOT for Section of I-269/SR 304

c. Homeland Security Task Force-Forced Protection Coordinator Agreement-Fred Randall

b. Revision of Selection Criteria and Weight – Star Landing Road Corridor Consulting Engineer

c. Road Bonds to be Released

7. Chancery Clerk Allowance (2) \$1,866.66 \$1,350.00

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 E

F. OLD BUSINESS

1. 9:00 a.m. Public Hearing – Code Enforcement: Property Cleanup

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to open the Public Hearing regarding the two property cleanup matters at 7090 Goodman Road and 6960 Poplar Corner Road. 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

a. 7090 Goodman Road

Code Enforcement Officer Ray Laughter said on September 19th the Board of Supervisors voted to authorize cleanup of properties located at 7090 Goodman Road and 6960 Poplar Corner Road. He said the work was completed on both properties.

Mr. Laughter presented an invoice from Broadway Construction for completed work at 7090 Goodman Road for \$1,600.

At the recommendation of the Code Enforcement Officer, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize paying Broadway Construction \$1,600 for cleaning the Chris Korge property at 7090 Goodman Road, to assess the cost of the cleanup as a lien on the taxes of Mississippi Investment LLC and approve the necessary Board orders consistent with the motion. 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-----ABSENT

See Exhibit F.1.a

b. 6960 Poplar Corner Road

Mr. Laughter said the grass at 6960 Poplar Corner Road has been over-grown and neglected for about two years. He said the work to clean the property is now complete as directed by the Board of Supervisors.

At the recommendation of the Code Enforcement Officer, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize paying Broadway Construction \$550 for cleaning the Chris Korge property located at 6960 Poplar Corner Road,

to assess the cost of the cleanup as a lien on the taxes of Mississippi Investment LLC and approve the necessary Board orders consistent with the motion. 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 F.1.b

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to close the Public Hearing regarding property cleanup at 7090 Goodman Road and 6960 Poplar Corner Road. 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

2. Bar-E-Ranchettes Update – Bond Expiration Date

County Engineer Andy Swims said the County never got an increase in the bond for Bar-E-Ranchettes Subdivision. Mr. Swims said it comes due on Wednesday October 19 instead of October 31.

Supervisor Allen Latimer asked if they have heard from Mr. Ross at the bank or Mr. Earnhart about the increase. Mr. Swims said no, he has not heard from anyone. Mr. Swims said they do know the bond comes due on October 19, however, Mr. Swims said their records previously indicated the bond came due on November 1. He said, upon clarifying the information, it does come due on October 19.

Supervisor Bill Russell asked if any work has been done to make repairs on the roads in the subdivision. Mr. Swims said no work had been done.

Chancery Clerk Sluggo Davis said he would verify when the bond comes due using his records. He later confirmed the date the bond is due is October 19.

Supervisor Russell said he wanted to make sure that Mr. Earnhart is notified of the date when the bond is due.

Supervisor Tommy Lewis said the minutes reflect November 1.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion that if the bond on Bar-E-Ranchettes is not renewed by October 19, 2011, to instruct the Chancery Clerk to pull the bond. 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

Later in the meeting, Chancery Clerk Sluggo Davis said he received a current bond on the Bar-E-Ranchettes Subdivision.

See Exhibit F.2

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to close the Public Hearing. 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

G. NEW BUSINESS

1. Justice Court Report for Fiscal Year End 2011

DeSoto County Justice Court Clerk Shirley Beshears presented the fiscal year end Justice Court Report for 2011 as follows:

DESOTO COUNTY JUSTICE COURT
 2010-2011 FISCAL YEAR END REPORT

<u>MONTH</u>	<u>COLLECTED</u>	<u>COUNTY MONEY</u>
October 2010	\$193,028.74	\$110,839.26
November 2010	\$180,029.67	\$107,502.17
December 2010	\$165,673.10	\$101,400.98
January 2011	\$109,739.41	\$ 71,459.91
February 2011	\$204,424.68	\$126,751.12
March 2011	\$170,841.57	\$101,170.57
April 2011	\$172,997.47	\$102,605.47
May 2011	\$145,520.82	\$ 93,323.32
June 2011	\$150,325.55	\$ 97,167.61
July 2011	\$143,795.92	\$ 92,880.31
August 2011	\$179,888.97	\$113,953.25
September 2011	\$156,295.99	\$ 98,414.80
TOTALS:	\$1,972,561.89	\$1,217,468.77

Criminal Cases Filed: 10,847

Civil Cases Filed: 6,405

Outstanding Fines 2010-2011: \$114,387.16

94% Collection Rate

Ms. Beshears said this represents a 94% collection rate in Justice Court.

Supervisor Bill Russell asked if the amnesty program is over. Ms. Beshears said it is over for the past year.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to accept the Justice Court Year End Report for 2011. 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 G.1

2. Inventory Control

a. Final Inventory Report for Fiscal Year End 2011

Chief Financial Officer Tom Arnold presented the Inventory Control Report for Fiscal Year End 2011 and he said it reflects changes made in FY 2011. In accordance with Mississippi

Code Section 31-7-107, which states that the Inventory Control Clerk, pursuant to regulations promulgated by the State Auditor, shall perform physical inventories of assets of the county on or before October 1 of each year and shall file with the Board of Supervisors, in triplicate, a written report of such inventory, as follows:

	BEGINNING BALANCE October 1, 2010	ADDITIONS	DELETIONS	ENDING BALANCE September 30, 2011
MOBILE EQUIPMENT	\$17,107,823.78	\$1,581,838.68	\$1,036,810.24	\$17,652,852.22
FURNITURE AND EQUIPMENT	\$9,439,735.78	\$605,667.27	\$288,547.31	\$9,756,855.74
LAND	\$2,424,895.96	\$1,142,374.26		\$3,567,270.22
BUILDINGS	\$42,531,215.54	\$894,798.42		\$43,426,013.96
IMPROVEMENTS OTHER THAN BUILDINGS	\$749,645.08	\$19,905.00		\$769,550.08
CONSTRUCTION IN PROGRESS	\$1,042,146.43	\$3,470,052.49	\$829,136.94	\$3,683,061.98
INFRASTRUCTURE	\$139,447,463.95	\$4,669,128.27		\$144,116,592.22
TOTALS	\$212,742,926.52	\$12,383,764.39	\$2,154,494.49	\$222,972,196.42

See Exhibit G.2.a

b. Sheriff's Department: Declaration of Forfeitures

Mr. Arnold presented a declaration of forfeitures for the Sheriff's Department for items that should be added for inventory.

At the recommendation of the Chief Financial Officer, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the Final Inventory Report for Fiscal Year End 2011 as presented and in accordance with Mississippi Code Section 31-7-107, and to approve the Declaration of Forfeitures for the Sheriff's Department as detailed in Exhibit G.2.b. 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 G.2.b

3. Office of Finance & Accounting

a. Supplemental Claims Docket

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

b. Audit Proposal

Chief Financial Officer Tom Arnold presented audit proposals for 2011 and 2012 fiscal years as follows:

AUDIT PROPOSALS FOR 2011 AND 2012 FISCAL YEARS			
	2011 FY	2012 FY	TOTAL
Williams, Pitts and Beard, PLLC Hernando, MS	\$ 39,000	\$ 39,000	\$ 78,000

Fortenberry & Ballard, PC Brandon, MS	\$ 41,600	\$ 39,650	\$ 81,250
Watkins, Uiberall, PLLC Memphis, TN	\$ 47,500	\$ 49,000	\$ 96,500
F.O. Givens & Co. Senatobia, MS	\$ 50,000	\$ 50,000	\$100,000
Clifton Gunderson, LLP Jackson, MS	\$ 57,000	\$ 57,000	\$114,000
Alexander, Thompson & Arnold CPA's Jackson, MS	\$ 64,000	\$ 64,000	\$128,000
Eubank Betts Jackson, MS	\$ 93,534	\$ 86,505	\$180,039

We recommend that we contract with Williams, Pitts and Beard for the 2011 and 2012 fiscal year audits.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer. Included in the motion is approval of awarding the contract to Williams, Pitts and Beard for the 2011 and 2012 fiscal year audits as the lowest and best bid, as recommended. The motion passed by a vote as follows:

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

See Exhibit G.3.a.b

c. Final Amended Budget

Chief Financial Officer Tom Arnold presented a recap of the Final Amended Budget for 2010-2011 Fiscal Year. Mr. Arnold said the recap needs to be accepted and made part of the Board minutes.

At the recommendation of the Chief Financial Officer, Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve the final amended budget for FY 11 as detailed in Exhibit G.3.c and to make it part of the minutes. The motion passed by a vote as follows:

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

See Exhibit G.3.c

4. Board Attorney

a. Approval of Interlocal Agreement for Town of Walls Animal Control

Board Attorney Tony Nowak presented the interlocal agreement with the Town of Walls for Animal Control. Mr. Nowak said the County has provided animal control services and animal shelter housing at the DeSoto County Animal Shelter, to the Town for the past couple of years through an interlocal agreement, which will expire December 31, 2011. Mr. Nowak presented a renewal agreement through calendar year 2013.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve renewing the interlocal agreement with the Town of Walls for the DeSoto County Animal Shelter to provide assistance with animal control and to house animals at the County's Animal Shelter. The motion passed by a vote as follows:

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

b. Approval to Draft Inter-local Agreement with City of Horn Lake for Allocation to Various Road Projects (\$400,000)

Board Attorney Tony Nowak said the City of Horn Lake has identified the projects they will undertake with the funding provided by DeSoto County and there would need to be an interlocal in place before the money is paid.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft an interlocal agreement with the City of Horn Lake to provide funding from the County to the City for various road projects within the City of Horn Lake. The motion passed by a vote as follows:

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

5. Planning Department

a. Lewisburg School - Waive Fees for Construction of Press Box by Booster Club

Interim Planning Director Gina Tynan said they received a request from the Lewisburg School Baseball Booster Club for the County to waive building permit fees for the Booster Club to build a press box. Ms.Tynan said the estimated cost of the building permit is \$336.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve waiving permit fees to build a press box at Lewisburg High School by the Booster Club. The motion passed by a vote as follows:

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

b. Ellendale Electric Company - Request Refund for Pool Permit

Ms. Tynan presented a request to refund permit fees for a pool that was originally to be installed at 8 Crocket Loop East. She said the pool had never been installed and no work was completed by the applicant.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to refund the \$50 electrical permit fee to Ellendale Electric Company connected to work that was never done at 8 Crocket Loop East. The motion passed by a vote as follows:

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

Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

c. MDEQ-Update on Implementation of Ozone Standards

Interim Planning Director Gina Tynan said, in early September, they received information regarding the new air quality standards and ozone attainment. Ms. Tynan stated representatives from MDEQ are here today to explain how this would affect DeSoto County. She introduced Keith Head and Elliott Bickerstaff of the Air Quality Division of MDEQ.

Mr. Bickerstaff said, during the Bush Administration, they implemented certain standards for air quality and an accountable measure was set at 75 ppb. Mr. Bickerstaff said the Obama Administration and the EPA have decided that 75 ppb would be the attainment score and it should be implemented. He said the Federal Government is going on an expedited time line to implement the new standards.

Mr. Bickerstaff said the numbers for DeSoto County are better than in recent years. He said if the County wants to submit a revised Governor's recommendation, the state could do that by October 28, 2011. He said it is not mandatory, but the state does want to do that. From there, the EPA will be looking at December 15 to issue the 120 day letter which lets local jurisdictions know how the EPA proposes to designate the municipalities and allows local jurisdictions to request modification to the data, if needed. In February 2012, they could use the 2011 data by choosing to certify that data. He said the EPA would make final designations by April 2012.

Mr. Bickerstaff said, since 2007 there has been a decrease in the numbers. He said the three-year average for DeSoto County is below the standard. He said the EPA is trying to include DeSoto County in the non-attainment area including Memphis, Shelby County and western Crittenden County, Arkansas. He said MDEQ previously fought for DeSoto County to be removed and won. Mr. Bickerstaff said they hope to fight that again. He said they understand that Arkansas suggested that DeSoto County be included in the Memphis attainment area. He said, in addition to DeSoto County, MDEQ will also have to make the case that Tate, Tunica and Marshall Counties not be included in the Memphis attainment area.

County Administrator Michael Garriga asked if the County has a good case. Mr. Bickerstaff said the case is equivalent as was presented earlier. He said they think they could make an adequate case.

Supervisor Bill Russell asked if DeSoto County has anyone on the committees in Washington. Mr. Bickerstaff said he did not know.

Supervisor Allen Latimer said it looks like the other counties in the MSA want our low numbers to help average out their higher numbers.

Mr. Bickerstaff said the other counties in the MSA would say DeSoto County is contributing to their air quality numbers. He said MDEQ does not believe our numbers have a significant impact overall.

Supervisor Tommy Lewis thanked Mr. Head and Mr. Bickerstaff for the work they have done on behalf of DeSoto County. Supervisor Lewis said this is an extremely important issue for the County and the State of Mississippi. Supervisor Allen Latimer agreed with Supervisor Lewis.

Supervisor Russell said the County takes a Blue Ribbon Trip to Washington every year and if they need to talk about the air quality standards in DeSoto County with Washington, they can. He said, in addition, if the Board needs to go to Washington concerning this issue at another time, they could do that as well. He said the County has found that face-to-face contact with our representatives has been very effective to communicate the needs of the County. He said that Mr. Bickerstaff and Mr. Head might want to attend any trip on behalf of this issue.

See Exhibit G.5.c

d. Approval of Phase 2 Contract with McBride, Dale, Clarion I-69 Corridor Study

Ms. Tynan said they had a very successful stakeholders meeting for the I-69 corridor. She said more than 80 landowners and interested parties attended. She said they received many kind comments from the workshop and both newspapers did a great job reporting on the conference.

Ms. Tynan said they are working on closing out Phase 1 of the work program. She said in order for reimbursement of funds to the County, MDOT wants DeSoto County to use their contract document with McBride, Dale, Clarion. She said the contract format is typically for a construction project and changes have been made to accommodate this planning project.

Ms. Tynan presented the draft of the contract and requested approval in substantial form. She said she discussed the contract with both Mr. Garriga and Mr. Nowak. She said they are asking for the contract to be approved in substantial form allowing Mr. Nowak to make necessary revisions.

County Administrator Michael Garriga said they still have to get this contract approved so they would be eligible for reimbursement of funds. He said the County is in good shape on this issue.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the Phase 2 contract for consulting services for the I-69 corridor study, authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to review the contract in substantial form and to make necessary revisions to make the contract the final document, and to authorize the Board President to sign the final contract with McBride, Dale, Clarion. 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 G.5.d

6. Dept. of Road Management: Short Fork Creek Levee – Health, Safety and Welfare

Road Manager Russell Dorris presented pictures of Short Fork Creek Levee, which showed damage to the levee system. Mr. Dorris described the pictures and said there are four more areas of concern north of Holly Springs Road. He said working in this area would prevent Holly Springs Road from flooding during a normal rain event. He said DCRUA has agreed to allow us to push this dirt back onto their right of way. Mr. Dorris said they thought it would take about seven to ten days to complete the project at a cost of about \$25,000.

Supervisor Allen Latimer asked if there was some discussion about a grant for this work a few meetings ago. State Aid Engineer Tracy Huffman said the grant had been submitted to the state. Mr. Huffman said they presented the pre-application and are waiting to hear from them now. Supervisor Latimer asked if Short Fork Creek would be willing to reimburse the County if we get the grant. Mr. Joel Davis of Short Fork Creek Drainage District said he did not think it would be a problem, but it is a decision the Drainage Board would have to vote on.

Mr. Nowak said this would require an interlocal agreement.

Supervisor Latimer said he hopes the district gets the grant. Mr. Davis said the Board Members are David Lee, Joel Davis and Allen Scott.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the recommendation of the Road Manager to work on the Short Fork Creek Levee system to address a health, safety and welfare issue on Short Fork Creek Levee to address flooding on Holly Springs Road and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work on an interlocal agreement with DCRUA and any other agreements necessary, and to add that Short Fork Creek Drainage District would reimburse the County if that money becomes available. 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 G.6

7. Advertising County Resources: Homebuilders 5K – Benefitting Habitat for Humanity

County Administrator Michael Garriga said he spoke with organizers of the HomeRun 5K to benefit the Habitat for Humanity. Mr. Garriga said, last year, the Board sponsored the event with a contribution of \$250. He said he policy in place by the Board authorizes them to sponsor a regional event up to \$250, but there is authority to modify the contribution amount if the Board chooses to do so.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to provide \$250 for the HomeRun 5K run to benefit Habitat for Humanity after determining this was a good opportunity to advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County. 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 G.7

8. Grenada Rail Line Closure Update

County Administrator Michael Garriga said he did not have anything specific to present to the Board on this topic, but he wanted to talk a little more to the Board about the issue. Mr. Garriga said he has spoken to Jim Flanagan several times about the rail closure because it could adversely affect DeSoto County. He said he would like to know at what level of participation the Board would like to be involved.

Mr. Garriga said the owners of the Grenada rail line want to close 183 miles of rail from Grenada to Canton. He talked to the Board about the major concerns for the County. Mr. Garriga said he want to discuss the outcome of the Board’s action. Mr. Garriga said the Board previously discussed creating a new rail authority and he wanted them to be aware that the Rail Board could have an impact on DeSoto County residents in terms of taxes. Mr. Garriga said we wanted to make sure the rail is protected. He said he heard there could be recreational use for the line. He said he has talked with Board Attorney Tony Nowak about several methods in petitioning opposition to close that leg of the rail.

Mr. Garriga said, recently he talked with the Surface Transportation Board about a request they received to close the track.

Supervisor Bill Russell asked if Mr. Garriga is talking about joining in with other counties or just commenting from the perspective of DeSoto County. Mr. Garriga said he wanted to make sure the goals of the Board are identified and whether it is feasible and to make sure it is in the best interest of the County. Mr. Garriga said he would like to know everyone’s priorities on this issue.

Board Attorney Tony Nowak said the options to address the pending application to close the southern section of rail are:

- 1.) Seek to join in proceedings as a party. Mr. Nowak said he did not recommend this option because it would require DeSoto County to attend regular meetings in Washington, attend all

surface transportation board hearings and submit substantial documentation.

2.) File a written protest. This requires significant documentation as well but would not require being a party to the action.

3.) Provide comments on the issue. Mr. Nowak said that is the least burdensome of the options and he suggested that on this matter it would be appropriate. However, there would still be a need to pull together some information. Mr. Nowak noted MDOT is filing a written protest and the County could simply submit a concurrence in support of MDOT's position.

Mr. Nowak suggested the Board begin to form a plan in the event this portion of the rail is closed and indications grow that the northern line may close. Mr. Garriga said there had been no communication of plans to do so.

Supervisor Bill Russell asked if they proposed to close this section. Mr. Nowak said no. There is some talk that if a section closes this might be the next step.

Supervisor Russell said he could see the Board sending a letter of comments.

Supervisor Latimer said he would like to see the Board join in the comments of MDOT in support of keeping that section of rail open.

Mr. Garriga said the Board might want to consider what steps need to be taken in the event they do decide to close our portion of the rail.

Supervisor Russell said, if they are successful at closing any section of rail, there seems to be an issue about who owns the property. He asked if there was a way to protect that. Mr. Nowak said they could go to COG and discuss how the County might react to a threat of rail closure in this area and COG might decide to establish a committee. He noted there is a way to seek rail banking that could protect the existing right of way.

Mr. Garriga said he thought they should approach COG and the Economic Development Council about the issue.

Supervisor Russell said someone needs to explain what our rights are if the Board joins the rail authority. Mr. Nowak said he has already researched that.

Supervisor Latimer asked if the Board should contact Congressman Nunnelee's office.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the County Administrator and the Board Attorney to work on drafting comments if the Economic Development Council determines there is a negative economic impact in DeSoto County by closing the rail. 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-----ABSENT

See Exhibit G.8

9. Eudora Fire Station – Authorization to Negotiate with AERC for Architectural Services

County Administrator Michael Garriga reminded the Board that they authorized getting proposals for architectural services for the Eudora Fire Station. He said a committee was formed to rate the proposals and consisted of the Director of Procurement, Director of Emergency Services and Director of Facilities Management. Mr. Garriga said based on the ratings, they recommended negotiating with AERC Architects. He said once the terms and conditions are satisfactory, they would submit it for the Board's consideration.

Supervisor Bill Russell asked who owns the current building. Mr. Garriga said DeSoto County owns the building that now houses the Eudora Fire Station.

Supervisor Russell asked for clarification on renovating the current EMS area of the building or renovating the entire building. Mr. Garriga said the entire building is in need of major attention.

Supervisor Russell asked if they have talked to the Fire Department about their participation in the construction cost. He said there needs to be a standard for how the County participates in the Fire Department facilities. Supervisor Russell said it seems that some of the Fire Departments help more than others. He said the County needs to be careful about renovating the building for this Fire Department without coming up with a solution for all Fire Department buildings. Supervisor Russell said, since no decisions have been made, they could talk to Eudora about their participation. Mr. Garriga agreed and said all of them need to be assessed and the County's participation determined. Mr. Garriga said they have talked to Eudora and they are willing to contribute in-kind toward the construction, which is part of the reason for some of the problems. He said their efforts are very much appreciated and Mr. Garriga said he reacted immediately when the condition of the building was brought to his attention. Mr. Garriga said he wants the Fire Department to be involved because they are also in the building.

Supervisor Allen Latimer said he thinks drawing up an agreement would be best.

Supervisor Lewis said that works well for the entire County.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to authorize the County Administrator to negotiate a contract with AERC and authorize the Board Attorney to review the contract before submitting it to the Board of Supervisors. 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 G.9

10. 2012 Legislative Agenda – December 5, 2011

County Administrator Michael Garriga said it has been customary the last few years for the Board to address Legislators the first Monday of December. Mr. Garriga wanted to make sure that December 5, 2011 is a good date with the Board of Supervisors to meet with the Legislators for the coming session. He said he has had conversations with some of the Legislators and Derrick Surrette of MAS regarding that date.

Mr. Garriga presented a list of last year's requests. He said some of the items would be removed and some will stay on the current list. He said, for example, Section 42 Housing might be irrelevant because it is in litigation.

Supervisor Tommy Lewis suggested adding contacts for the new Board members to the list.

Mr. Garriga said a number of local and private contracts might need to be added since they are set to expire and need to be reauthorized for spending money in the County. He said it could include the Hernando Civic Center, Health and Wellness Center and the DeSoto Museum and others.

Supervisor Lewis said funding those areas would be a decision of the new Board.

Supervisor Russell said they do not have to fund the expense, but the authority to do so would be in place if they decide to fund these or other areas.

No action was necessary on this item.

See Exhibit G.10

11. Relocation of Polling Places

Miller Voting Precinct

Election Commissioners Paul Beale and Barry Chatham appeared before the Lewis Supervisors to request moving two polling places.

Mr. Beale said, in redistricting, people were added from Ingrams Mill to the Miller voting precinct. He said the Miller voting precinct now has 3,200 registered voters. He said that precinct is now too small to accommodate the number of voters and recommended moving it to Mineral Wells Methodist Church which is located one and one quarter mile from the present location. He said, in talking to Supervisor Medlin, he approves the relocation of the precinct to the Church. Mr. Beale said they would like it to be available from a convenience and safety standpoint.

Supervisor Lewis asked how long has the existing building been used as a precinct. Mr. Beale said it has been used for approximately ten years.

Supervisor Lewis suggested putting a sign up one week prior to the election to inform the voters of the new precinct location.

Mr. Beale said they did that this year and received more compliments on the 4 x 8 banners than anything else. Mr. Beale said he believed the signs helped increase the voter turnout.

Supervisor Eugene Thach Lewis motion and Supervisor Lewis Lewis seconded the motion to approve moving the Miller voting precinct to the Mineral Wells United Methodist Church, said move to be effective January 1, 2012, and to submit the necessary application to the Department of Justice seeking approval of the relocation. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT
Supervisor Eugene C. Thach-----YES
Supervisor Lewis Lewis-----YES
Supervisor Lewis Latimer-----YES
Supervisor Lewis Lewis-----YES

Greenbrook North Voting Precinct

Mr. Beale said the City of Southaven Golf Center is too small with 2,800-2,900 registered voters at the Greenbrook North voting precinct. He recommended moving the precinct to the new fire station at the corner of Rasco and Swinnea Roads.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to accept the recommendation of the Election Commission to approve moving the Greenbrook North voting precinct to the fire station located at Rasco and Swinnea Roads.

Supervisor Bill Russell asked if there was adequate parking at that location. Mr. Beale said he did not have an answer, but would check into it.

Mr. Chatham said the problem at the golf course is that voters would have to stand outside in the weather while waiting to vote.

Supervisor Russell asked if they thought about using the church at Stateline and Swinnea Roads. He recommended they talk to the church.

Mr. Chatham said he talked to the fire station and the mayor and he would be glad to talk to the church. He said he is sure the parking area would be adequate at the fire station.

Supervisor Russell withdrew the second.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to accept the recommendation of the Election Commission to approve moving the Greenbrook North voting precinct to the fire station located at Rasco and Swinnea Roads, effective January 1, 2012, and to submit the necessary application to the Department of Justice seeking approval of the relocation. The motion passed by a vote as follows:

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

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. Environmental Services: Household Hazardous Waste Day

County Administrator Michael Garriga said Household Hazardous Waste Day is scheduled for October 22 at the DeSoto Civic Center from 8:00 a.m. until 1:00 p.m.

The Board of Supervisors asked that this event be advertised appropriately.

2. Planning and Zoning Revisions: Dunn Lane

Supervisor Tommy Lewis said there is a private animal shelter in operation on Dunn Lane. Supervisor Lewis said he asked Board Attorneys Tony Nowak and Jody Neyman to research alternatives to alleviate the situation. He said he would like to see what it would take to make it a conditional use for property owners to own more than a certain number of pets. Supervisor Lewis said there are no regulations preventing a private animal shelter in the County. Supervisor Lewis said, it would be difficult to live next to a person who owns 70-80 dogs.

Supervisor Bill Russell said the Board might need to form a committee after Mr. Nowak has done the research.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work on researching the appropriateness of amending the zoning ordinance to require a conditional use for the keeping of more than a certain number of pets. 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

3. Nesbit Fire Department

Supervisor Allen Latimer asked the status of finding money to assist the Nesbit Fire Department.

County Administrator Michael Garriga said he recommends a local and private bill to provide assistance.

Supervisor Eugene Thach said if you provide assistance for one, you would have to do it for

everyone as well.

Supervisor Latimer said the County has already helped others.

Supervisor Allen Latimer made the motion to request a local and private bill to assist the Nesbit Volunteer Fire Department to construct a building and to add the issue to the legislative requests for 2011. The motion failed for a lack of second to the motion.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to adjourn the meeting until November 7, 2011 at 9:00 a.m. 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

THIS the 17th day of October 2011, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors