

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

DISTRICT ONE JESSIE MEDLIN, PRESIDING

October 1, 2012

A. CALL TO ORDER

The October 1, 2012 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

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

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

B. INVOCATION

Deputy Carl Hurt presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZEN REMARKS

Supervisor Jessie Medlin asked if anyone was present who wished to address the Board of Supervisors regarding an item not listed on the Agenda.

No one came forward.

1. Resolutions of Appreciation

a. Mr. Barry Carter, Handicap Compliance Grievance Committee

Supervisor Lee Caldwell said, years ago, she suggested to her husband who was a DeSoto County Supervisor, that he consider appointing Mr. Barry Carter to the Handicap Compliance Grievance Committee. She said that John asked Mr. Carter and he accepted and took the appointment very seriously. Supervisor Caldwell said she spoke with Mr. Carter often and he was such a wonderful servant to DeSoto County.

Supervisor Caldwell introduced Mr. Carter's wife and presented the Resolution of Appreciation to her and thanked her for appearing today. Appearing with Mrs. Carter was their son and his wife.

See Exhibit D.1.a

b. Mr. Clarence Sparks, BOS Appointee for Northwest MS Community College Board of Trustees

This presentation was carried over.

E. APPROVAL OF SEPTEMBER MINUTES

The Board of Supervisors considered the minutes for September as presented.

The official minutes of the Board of Supervisors were read for the month of September 2012.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to accept the minutes of the Board of Supervisors for September, 2012, as presented this date with changes previously submitted pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated.

The motion passed by a vote as follows:

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

See Exhibit E

F. APPROVAL OF AGENDA AND DELETIONS

Supervisor Jessie Medlin asked if there was anyone who wished to add or delete items to the Agenda.

- 1.) Chancery Clerk Sluggo Davis presented a notice for consideration to correct an error in a tax sale
- 2.) Supervisor Lee Caldwell requested tabling the Public Hearing regarding the use and possession of firearms in the Recreational Districts
- 3.) Environmental Services Manager Ray Laughter requesting adding Adjudication of Assessments related to Code Enforcement to the Agenda.
- 4.) County Administrator Vanessa Lynchard requested to carry over item number I.2 for the Siemens Energy Project Update to the October 15th Board meeting to allow for more preparation
- 5.) Ms. Lynchard requested to remove item number I.8.b regarding flu shots
- 6.) Supervisor Jessie Medlin asked to add remaining district park funds to the Agenda
- 7.) Board Attorney Tony Nowak asked to add an agreement with Tippah County for the purchase of body armor an item under number G.6.c on the Consent Agenda
- 8.) Supervisor Bill Russell asked to add clarification on absentee voting
- 9.) Chief Financial Officer Tom Arnold requested adding Budget Amendments as follows:
 - a. District Park Funds - Carry over remaining park funds form the 2012 fiscal year
 - b. Greenways and Parks Funds – Reallocate the Greenways funds for various line items
- 10.) Supervisor Bill Russell requested adding signage to Hernando DeSoto River Park and Overlook on Hwy 61

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

The motion passed by a vote as follows:

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

1.) Chancery Clerk Sluggo Davis presented a notice for consideration to correct an error

At the recommendation of Chancery Clerk Sluggo Davis and to correct a clerical error, Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to approve correcting the mistake between the Chancery Clerk's Office and the Tax Collector's Office and to reimburse the tax payer in the amount of \$549.94 regarding parcel number 2074-1900.0-00030.09 as detailed in Exhibit F.1.

The motion passed by a vote as follows:

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

See Exhibit F.1

2.) Supervisor Lee Caldwell requested tabling the Public Hearing regarding the use of firearms in the Recreational Districts

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve tabling the Public Hearing regarding the use and possession of firearms in the Recreational Districts until further information could be gathered.

Supervisor Bill Russell said he opposed postponing the Public Hearing because there is no ordinance prohibiting firearms and it puts liability on children.

Supervisor Caldwell said one area that we are talking about is the levee and there is already a sign that says no shooting.

Supervisor Russell said the Sheriff cannot enforce a sign unless there is an ordinance in place.

Supervisor Harvey Lee said he thought it was already a state law.

Board Attorney Tony Nowak said he did not know about the levee board. He said the hearing is set for October 15th and Supervisor Caldwell is trying to be proactive by continuing that matter to another date rather than having a number of people come before the Board just to have the Board continue the matter at the October 15th hearing.

Supervisor Caldwell reiterated that information is being misconstrued and she recommends getting more information including state laws that are already in place.

Supervisor Jessie Medlin asked who put the no shooting sign on the levee. Greenways Coordinator Larry Jarrett said the levee board placed the sign and firearms are strictly forbidden.

Supervisor Russell said the levee board owns the property and Greenways leases it and they still control patrolling the property.

The Board discussed what happens if the levee board files a complaint, fines and what happens is the Sheriff is called out to respond to concerns. Supervisor Russell said he is very concerned about the kids.

Supervisor Caldwell said she is also concerned about kids and their safety. She would like to have all the information compiled so citizens could be informed correctly and they receive good information.

Supervisor Russell said we are just delaying the process. The citizens and the NRA want an explanation and the purpose of the October 15th hearing is to gather information; not necessarily to take any action on that day.

Supervisor Lee said the Board of Supervisors need to communicate to the masses. Supervisor Russell said he did not know how that could be done.

Supervisor Medlin asked if there was already an advertisement posted for the Public Hearing for October 15th. He discussed how the process would work if it is postponed.

Supervisor Caldwell said she would prefer to wait until November. Supervisor Gardner said he too received calls and he has talked to Sheriff Rasco and he said we are only talking about Greenways and not Public Parks. He said there is some fear that people think we are trying to ban firearms and that is just not the concern.

Supervisor Russell said the Public Hearing will inform the people and if it is delayed, it gives time for rumors to build.

Supervisor Caldwell said she would like to get more information from the public, have them email concerns and give more time to explain before holding the Public Hearing. She said there has not been enough time to give details and explain the ordinance.

Supervisor Russell said that is the purpose of a Public Hearing and the Board does not have to vote that day.

Supervisor Gardner said he agreed with Supervisor Russell about the timing, but he would like more time to gather information and post it on the County web site for the public to view.

Supervisor Caldwell withdrew her motion and said perhaps a committee could be formed to gather information and inform the public.

Supervisor Gardner withdrew his second to the motion and said he would be on the committee.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to form a committee and appoint Supervisor Mark Gardner and Supervisor Harvey Lee to the committee to gather information on all aspects of the possession of firearms on DeSoto County Greenways including state laws and permits.

The motion passed by a vote as follows:

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

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Greenways firearms committee to work with the Smith, Phillips, Mitchell, Scott and Nowak Law Firm and Sheriff Bill Rasco regarding Greenways firearms ordinance.

The motion passed by a vote as follows:

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

3.) County Administrator Vanessa Lynchard requested adding Environmental Services Manager Ray Laughter to the Agenda regarding Adjudication of Assessments related to Code Enforcement

Ms. Lynchard said Mr. Laughter has 3 adjudications of assessments for the cleanup of certain properties.

Board Attorney Tony Nowak said the statute requires that after the property is cleaned the Board determines the costs and expenses incurred and make the same a lien on the property.

Supervisor Jessie Medlin asked if these are on the claims docket to be paid. Mr. Laughter said no, not until the Board approves putting the lien on the property.

Mr. Nowak said they wanted to bring this first one to the Board to demonstrate the process and afterwards these may become Consent Agenda items.

Environmental Services Manager Ray Laughter presented the three orders as follows:

- 1) 4616 Holly Springs Road, Hernando, MS 38632
Cost to cut & clean - \$250 does not include legal or administrative fees
Service done on August 6, 2012
Contractor-Complete Lawn Service
- 2) 7180 Broken Hickory, Walls, MS 38680
Cost to cut & clean - \$200 does not include legal or administrative fees
Service done on August 6, 2012
Contractor-Complete Lawn Service
- 3) 6107 Broken Hickory, Walls, MS 38680
Cost to cut & clean - \$200 does not include legal or administrative fees
Service done on August 6, 2012
Contractor-Complete Lawn Service

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve the three Adjudications of Assessments related to Code Enforcement as detailed above and to authorize the Board President to sign orders declaring the costs to be liens against the properties.

The motion passed by a vote as follows:

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

See Exhibit F.3

4.) County Administrator Vanessa Lynchard requested to carry over item number I.2 for the Siemens Energy Project Update to the October 15th Board meeting to allow for more preparation

This item was carried over to October 15, 2012

5.) Ms. Lynchard requested to remove item number I.8.b regarding flu shots

6.) Supervisor Jessie Medlin asked to add remaining District One Park Funds to the Agenda

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve allocating \$20,000 to Olive Branch Parks from the District One Park Fund.

The motion passed by a vote as follows:

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

7.) Board Attorney Tony Nowak asked to add an agreement with Tippah County for the purchase of body armor under item number G.6.c on the Consent Agenda

This item and Exhibit appear under the Consent Agenda as item number G.6.d

8.) Supervisor Bill Russell asked to add clarification on absentee voting

Supervisor Bill Russell said he has received several calls about absentee voting and he asked Mr. Danny Klein Election Commissioner to appear before the Board to clarify the confusion about absentee voting ballot. He said he would like for the newspapers to hear so they can help clear up the confusion.

Mr. Klein said there are two elections being held on November 6th. He said the qualifying deadline for the special election is October 8th and the state will consider approval on October 9th or 10th and that is what is causing confusion. When someone uses an absentee ballot now, only the general election positions are listed. He said people want to know why the special elections are not listed.

Supervisor Jessie Medlin confirmed that if a person wants to vote on an absentee ballot now, they would have to return to get the other ballot for the special election. Mr. Klein said that is correct. Supervisor Medlin asked if the process will still work the same way for handicap people and Mr. Klein responded yes.

Supervisor Lee Caldwell asked if polls are open to vote two Saturdays before Election Day. Mr. Klein said yes, they are open until noon.

Supervisor Gardner asked if all media options are being used to inform the public about the absentee ballot and the election. IT Specialist, Mary Jane Thaxton accessed the County web site for everyone to view the information.

Supervisor Russell said the information on the County web site definitely needs to be more detailed.

Supervisor Gardner asked Mr. Klein if he could meet with Ms. Thompson to get more information to publish on the County web site.

Supervisor Caldwell said if someone already has a ballot then they will need a new ballot to vote in the special election. Mr. Klein said that is correct.

Supervisor Gardner asked if there will be two ballots on November 6th. Mr. Klein said the one general election ballot will have all listed and for people who voted absentee prior to November 6th they could vote after October 10th on the special election ballots.

No motions were made nor votes taken on this issue.

9.) Chief Financial Officer Tom Arnold requested adding Budget Amendments as follows:

- a. District Park Funds - Carry over remaining park funds form the 2012 fiscal year

Mr. Arnold presented the budget amendment detailing the park funds to be carried over from 2012 fiscal year and fully described in Exhibit F.9.a.

See Exhibit F.9.a

b. Greenways and Parks Funds – Reallocate the Greenways funds for various line items

County Administrator Vanessa Lynchard said the budget amendment changed to put utilities in line items.

The Board discussed various park funds and expenditures including expenditures as follows:

REMAINING FUNDS IN PARK FUND		
AS OF 9-30-12		AVAILABLE
LINE		BALANCE
ITEM	DISTRICT 1 (JESSIE MEDLIN)	
751	Parks	\$21,813
510	Utilities	\$1,994
751	Allocation to Olive Branch	(\$20,000)
	TOTAL	\$3,807
	DISTRICT 2 (MARK GARDNER)	
751	Parks	\$35,000
	Allocated to City of Olive Branch-Ivy Trails	(\$17,500)
	TOTAL	\$17,500
	DISTRICT 3 (BILL RUSSELL)	
751	Parks	\$22,274
	Robertson-Donald Park	(\$5,000)
	Horn Lake Parks	(\$4,000)
	Southaven Parks	(\$4,000)
	Hernando DeSoto Park benches & gazebo	(\$9,274)
	TOTAL	\$0
	DISTRICT 4 (LEE CALDWELL)	
510	Utilities	\$2,500
751	Parks	\$22,493
	Eudora tennis courts	(\$10,000)
	Eudora Fire Dept.	(\$2,500)
	Nesbit picnic tables and walking trails	(\$2,500)
	Agriculture Center	(\$5,493)
	Horn Lake volleyball courts	(\$2,000)
	TOTAL	\$2,500
	DISTRICT 5 (HARVEY LEE)	
	No funds available to carry over.	

Ms. Lynchard said she met with Greenways Coordinator Larry Jarrett and Tom Arnold to set up parameters for the Recreational District. She said they will allocate \$142,500 to the Economic Council for Greenways.

Ms. Lynchard said when the District needs to make a purchase, it will go before their Board for approval and then to the Board of Supervisors for final approval. She said purchasing for the District will follow state guidelines including emergency purchases.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the budget amendments with corrections as follows:

DeSoto County, Mississippi					
BUDGET AMENDMENT REQUEST					
FOR BOS MTG.	Fund/Department #	099			Updated 8/09
ON	Date:	10/1/12			
10/1/12	DISTRICT PARKS FUND				
ACCT #	LINE ITEM	ANNUAL BUDGET	INCREASE	DECREASE	NEW ANNUAL BUDGET
531-001	Cash on hand		(106,075)		(106,075)
531-751	Parks		21,813		21,813
531-510	Utilities		1,870		1,870
532-751	Parks		34,875		34,875
533-751	Parks		22,649		22,649
534-510	Utilities		2,375		2,375
534-751	Parks		22,493		22,493
	TOTALS	0	0	0	0
Reason for Request: To carry-over the remainaing park funds from the 2012 fiscal year.					
Requested by: Board of Supervisors					

DeSoto County, Mississippi					
BUDGET AMENDMENT REQUEST					
FOR BOS MTG.	Fund/Department #	101			Updated 8/09
ON	Date:	10/1/12			
10/1/2012	FOR GREENWAYS AND PARKS FUND				
ACCT #	LINE ITEM	ANNUAL BUDGET	INCREASE	DECREASE	NEW ANNUAL BUDGET
530-751	Parks	308,750		298,750	10,000
660-760	Allocation to Desoto County Economic Council		142,500		142,500
530-510	Utilities		5,000		5,000
530-550	Legal Fees		10,000		10,000
530-559	Other professional services		25,000		25,000
530-907	Other improvements < \$25,000		111,250		111,250
530-639	Signs		5,000		5,000
	TOTALS	308,750	298,750	298,750	308,750
Reason for Request: To reallocate the Greenways funds for various line items.					
Requested by: Vanessa Lynchard					

The motion passed by a vote as follows:

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

See Exhibit F.10.b

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to authorize the Greenway Administrator Larry Jarrett and the Comptroller Tom Arnold to sign purchase requisitions for the Recreational District.

The motion passed by a vote as follows:

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

10.) Supervisor Bill Russell requested adding signage to Hernando DeSoto River Park and Overlook on Hwy 61

Supervisor Bill made the motion and Supervisor Jessie Medlin seconded the motion to authorize the County Administrator to contact MDOT regarding signage on new Hwy 61 for the Hernando DeSoto River Park and Overlook.

The motion passed by a vote as follows:

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

G. CONSENT AGENDA

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

County Administrator Vanessa Lynchard said the specifications for item number G.8.a, for the annual bid for sand and gravel are incomplete and distributed a corrected copy for the Board's consideration.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve the Consent Agenda as follows:

1. Dept. of Human Resources: Monthly Health Claims

Funding Request	Date Paid	Amount	Claim Type
Date			
9/1/12	9/4/12	\$81,336.41	Administration Fees
9/4/12	9/5/12	\$77,066.63	Medical
9/4/12	9/6/11	\$7,484.40	Dental
9/4/12	9/6/11	\$13,359.32	Pharmacy
9/10/12	9/11/12	\$24,014.09	Medical
9/10/12	9/11/12	\$3,252.17	Dental
9/10/12	9/11/12	\$12,424.48	Pharmacy
9/17/12	9/19/12	\$78,080.79	Medical
9/17/12	9/19/12	\$7,780.50	Dental
9/17/12	9/19/12	\$11,893.61	Pharmacy
9/24/12	9/25/12	\$67,460.94	Medical
9/24/12	9/25/12	\$2,547.05	Dental
9/24/12	9/25/12	\$10,406.59	Pharmacy
	TOTAL	\$397,106.98	

2. Justice Court Report

Criminal Cases Filed	121
Civil Cases Filed	697
Traffic Tickets Filed	1,451
Total Cases Filed	2,269

State Assessments	\$81,508.35
County General Fund	\$118,810.85
Total Collections	\$200,319.20

3. Bailiff Pay

Liz Medlin	\$190.00
Bobby Holloway	\$190.00
Brandon Hylander	\$600.00
Chris Plumlee	\$95.00

4. Publication of Board Proceedings

5. Office of Finance & Accounting

a. Quarterly Budget Allocations for Quarter ending December 31, 2012

QUARTERLY BUDGET ALLOCATIONS

For Quarter Ending December 31, 2012

TAX ASSESSOR:

Department 103 **\$323,888.75**

TAX COLLECTOR:

Department 104 **\$321,055.50**

SHERIFF:

Department 200 (Sheriff Administration)	\$ 282,891.25
Department 201 (Aviation)	\$ 55,176.25
Department 202 (Patrol/Law Enforcement)	\$ 2,537,163.75
Department 214 (Highway Safety Grant)	\$ 49,309.25
Department 215 (Occupant Protection Grant)	\$ 2,505.75
Department 220 (Custody of Prisoners)	\$ 1,297,556.75
Department 222 (Prisoners' Medical Expense)	\$ 355,814.00
Department 223 (Juvenile Detention)	\$ 264,093.25
TOTAL	\$ 4,844,510.25

b. Recap of Final Amended Budget

c. Inventory Control

1.) Sheriff's Department-Declaration of Forfeiture

Agency	Case#	Name	Date Declared	MFGR	Year	Description	Serial#	Value
SID	2012-40689	Magdaleno Zuniga	9/20/12	Ford	1999	Expedition- white	FMRU1768XLC31633	\$175.00

2.) IT-Final Disposition

ASSET #	DESCRIPTION	SERIAL #	REASON FOR DISPOSAL	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE	DISPOSED OF BY	LOCATION OF FINAL DISPOSAL
8306	HP LaserJet Printer	USDK011148	Broken/Disposal	IT DEPT	09/04/12	FELICIA	EWASTE
30790	Lexmark 2391 Printer	119L104	Broken/Disposal	"	"	"	"
31256	Nokia speaker dock	045c	Broken/Disposal	"	"	"	"
31320	Radius Monitor	1540SBC09604861	Broken/Disposal	"	"	"	"
31398	Radius Monitor	7138TD006423	Broken/Disposal	"	"	"	"
31399	Radius Monitor	7138TD006456	Broken/Disposal	"	"	"	"
31400	Radius Monitor	7138TD006486	Broken/Disposal	"	"	"	"
31804	Gateway PC	0028668343	Broken/Disposal	"	"	"	"
32560	Lexmark 2490 Printer	9N53082	Broken/Disposal	"	"	"	"
32583	Samsung Monitor	GH17HMF309366E	Broken/Disposal	"	"	"	"
32584	Samsung Monitor	GH17HMF308580J	Broken/Disposal	"	"	"	"
33401	Dell Optiplex PC	FYYFP31	Broken/Disposal	"	"	"	"
33423	Gateway Monitor	TL519A330001663	Broken/Disposal	"	"	"	"
33484	Howard Laptop	0616280504	Broken/Disposal	"	"	"	"
33547	Lexmark 2480 Printer	8NK7657	Broken/Disposal	"	"	"	"
33558	Dell Monitor	CN02Y31571618455AC6V	Broken/Disposal	"	"	"	"
35589	Mag Monitor	E9EZ4560182U	Broken/Disposal	"	"	"	"
35814	HP Deskjet Printer	SMY5655P276	Broken/Disposal	"	"	"	"
37026	Lenovo laptop	L3C7952	Broken/Disposal	"	"	"	"
37031	HP Inkjet Printer	TH624440G9	Broken/Disposal	"	"	"	"
37103	Acer Monitor	ETL790C0704610C5014001	Broken/Disposal	"	"	"	"
39171	Viewsonic Monitor	QY8075020118	Broken/Disposal	"	"	"	"
39190	Acer PC	PSV520601280802A3A2701	Broken/Disposal	"	"	"	"
39290	HP Inkjet Printer	C8154A1	Broken/Disposal	"	"	"	"
39369	Franklin Data Card	270113179200101096	Broken/Disposal	"	"	"	"
39651	Soyo Monitor	MMABWYA08037520	Broken/Disposal	"	"	"	"
39951	Fujitsu Laptop	R9301980	Broken/Disposal	"	"	"	"
41427	Motorola Cell phone	268435459403000822	Broken/Disposal	"	"	"	"
41432	Motorola Cell phone	268435459406674734	Broken/Disposal	"	"	"	"
41686	Motorola Cell phone	268435460403703467	Broken/Disposal	"	"	"	"

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

a. Quitclaim Deed to Southaven

b. Hernando TIF-Hampton Inn Project

c. Agreements for Purchase of Body Armor

1.) City of Leland 2.) Itawamba County 3.) Tate County 4.) Tippah County

7. Department of Road Management

a. Road Report

b. Work Schedule

c. Road Bond Report

8. Office of Procurement

a. Accept and Approve Official Proposal Form and Bid Specifications and Solicit Annual Bids-Sand Gravel

b. Procurement Card Log for August

9. Chancery Clerk Allowance (1) \$1,766.00

The motion passed by a vote as follows:

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

See Exhibit G

H. OLD BUSINESS

1. DHS Purchases

Terry Phillips Regional Director of the Department of Human Services (DHS) appeared before the Board and introduced Mary Vernon, Supervisor for DHS in DeSoto County.

Supervisor Jessie Medlin said the Board has questions about purchases and wanted to see if they can use more generic supplies instead of name brand.

Ms. Vernon said in reviewing the concerns about brands, these items are on the state approved purchasing lists. She said the Cottonelle brand of tissue is the cheaper brand on the list. She said the facial tissue is the same as they have ordered through the years and it is also on the list. They do order the more expensive paper towels because it takes more towels when using the cheaper brand. She said in the long run, it probably is cheaper using the more expensive brand.

Ms. Vernon said they do use a lot of Advil and Aleve. There are forty women in the office and it helps to keep them there. She said she wants to do anything she can to keep them working.

Supervisor Medlin confirmed that Ms. Vernon is saying she lets the employees use Advil and Aleve that is bought with taxpayer money.

Ms. Vernon said Advil and Aleve are in the Emergency Kits and they have permitted the employees to use them in the past, but this practice is being stopped.

Supervisor Lee Caldwell asked how many employees they have. Ms. Vernon said about 40 in the DHS office. She said Family and Children Services have increased so the number of employees has increased. She said they did take a 5% cut and reduced housekeeping staff.

Supervisor Mark Gardner said he appreciated them appearing before the Board. He said we have three new members and they are still learning and wanted Ms. Vernon to know that the Board is not trying to micro-manage DHS. Supervisor Gardner said they had questions and requested representatives from DHS to come to the Board meeting, but only a letter was sent. The letter did not answer the questions the Board asked and really wanted to meet with them face to face.

Supervisor Gardner reiterated that no one wanted to micro-manage them, but he did have questions. He said his perception from the last two dockets is that they were ordering a lot of office supplies. Supervisor Gardner said the last docket was even more. He said he thought maybe they were spending end of budget year money but the letter did not say that. It just said that it was mostly reimbursed by the state. Supervisor Gardner said it is still taxpayer dollars. He said if he votes to approve something, he is saying it is okay to spend taxpayer money.

Supervisor Gardner said there was a claim for 45 pocket calculators and wall calendars that was of a concern. He also stated that if he has a headache and does not have medicine, he stops at the drug store on his way to work and buys his own medicine. He said his philosophy is to be frugal.

Teresa Fleming with DHS said she buys supplies for the office. She said she has been in the position for 20 years. She said they have not asked for a budget increase in 15 years. Ms. Fleming said they wait to see what money has not been used and then order office supplies. The calendars are At-A-Glance Daily calendars that are very helpful in keeping appointments. The ones ordered were for the forty employees for the year 2013. She said they plan and order ahead and then they do not have to ask.

Supervisor Gardner confirmed that Ms. Fleming was saying they loaded up on supplies because of need, not because of end of year budget.

Ms. Fleming confirmed Ms. Vernon's explanation about the paper towels.

Supervisor Medlin asked why they are buying Aleve from a paper company. Ms. Fleming explained that they order under the purchasing laws and these products were bid items.

Supervisor Medlin asked if the Cottonelle Towels were on the approved list. Ms. Fleming confirmed that the county gets bids to prices and they came from purchasing. She said Cottonelle is on the bid list. Ms. Fleming said there are 38 women and two men using two bathrooms.

Supervisor Caldwell said the other tissue is what County employees use. She said when she sees a floral monthly calendar, she questions if there is a cheaper one that is not floral.

Ms. Fleming said they have ordered new furniture for adding new staff. She said they are filling offices with two to three people along with desks and filing cabinets.

Supervisor Gardner said that information is very helpful to know

Supervisor Caldwell said the Board wanted communication with DHS to get answers to questions and they should be frugal with tax dollars.

Supervisor Gardner said the letter did not answer any of these questions.

Ms. Fleming apologized for not appearing and not giving detail in the letter.

Supervisor Gardner said DHS does a good job and they just want to make sure good use is made with taxpayer dollars.

Mr. Phillips said they have completely outgrown the space and have needed a larger facility for quite some time. He said he would like to come back to the Board to discuss possibilities.

Supervisor Medlin asked Mr. Phillips to work with the County Administrator. Supervisor Medlin said then they can let the Board know what they might be able to do about more space.

The Board discussed that since the payment was not made, this payment will come out of the 2013 budget instead of the 2012 budget.

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to approve the payment in connection with DHS office supplies.

The motion passed by a vote as follows:

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

Ms. Fleming said because this is coming out of the 2013 budget, it will put them in a bind.

Supervisor Medlin said for DHS to come back to the Board if there is a need.

See Exhibit H.1

I. NEW BUSINESS

1. Tax Collector: Insolvency Report & Tax Sale

Tax Collector Joey Treadway of the Tax Collector's Office presented a 2011-2012 Insolvency Report in accordance with the Mississippi Code section 27-49-14 as follows:

27-49-1. Insolvent and delinquent taxpayers list

The tax collector shall present to the Board of Supervisors, at its meeting on the first Monday of October in each year, a report of all insolvent and delinquent taxpayers in his county, with the amount due from each. Such report shall be verified by the affidavit of the collector, that he has made, in person or by deputy, a legal demand for taxes of all delinquent taxpayers found in his county by going to their place of abode or business and searching for something to seize and sell for taxes; that the taxpayers mentioned in the report have failed to pay their taxes; that such taxpayers have no effects known to him which can be seized and sold for such taxes; that he has

made diligent inquiry after such of said delinquents as have not been found and cannot find them in his county. The tax collector shall also include in his report any checks, drafts or orders for the payment of money which he has received in payment of ad valorem taxes and which has been returned to him because of insufficient funds in the account on which such checks, drafts or orders were drawn. Such checks, drafts or orders shall be accompanied by the affidavit of the collector that he has exhausted all legal means of collecting such instruments, including the filing of a civil suit.

Separate lists of delinquents shall be made for each election district and for each city, town and village.

Miss. Code Ann. Sec. 27-49-1, Insolvent and delinquent taxpayers list
----- Excerpt from page 17197h

Mr. Treadway presented the Insolvency Report and Tax Sale as follows:

**OCTOBER 1, 2012
2011-2012 INSOLVENCY REPORT**

A REPORT OF INSOLVENT AND DELINQUENT TAXES FOR THE 2011-2012 FISCAL YEAR IS PRESENTED BELOW PURSUANT TO SECTION 27-49-1 OF THE MISSISSIPPI CODE ANNOTATED.

PERSONAL PROPERTY TAXES		
NET TAXES BILLED	27,388,365.60	
TAXES DELINQUENT:		
COUNTY	225,741.28	
CITY	195,438.26	
SCHOOL	275,056.04	
TOTAL UNCOLLECTED		696,348.67

TOTAL DELINQUENT PERSONAL TAX 2.50%

PUBLIC UTILITIES		
TOTAL AMOUNT BILLED	4,242,424.34	
TOTAL COLLECTED	4,242,050.15	
UNCOLLECTED		374.19
TOTAL DELINQUENT PUBLIC UTILITY 0%		

MOBILE HOMES	124,045.62	
NET BILLED		
TAXES DELINQUENT:		
COUNTY TAX	15,842.05	
CITY TAX	4,801.74	
SCHOOL	18,690.06	
TOTAL DELINQUENT		39,333.85
TOTAL DELINQUENT MOBILE HOME TAXES 32%		

TOTAL REALTY BILLED:	125,102,521.58	
TOTAL SOLD TO STATE	585,952.84	
TOTAL BANKRUPTCIES	22,990.13	
TOTAL REALTY UNCOLLECTED		608,942.97

TOTAL DELINQUENT REALTY ADV TAX 0.50%

SEE ATTACHED SOLD TO STATE (INCLUDING SPECIAL ASSESSMENT LISTING)

Presented this 1st day of October, 2012

Mr. Treadway said the State issues new license plates every five years. He said they received the plates today and showed the Board a new plate.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the 2011-2012 Insolvency Report in accordance with the Mississippi Code section 27-49-1 as fully described in Exhibit I.1. The motion passed by a vote as follows:
The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
--	------------

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

See Exhibit I.1

2. Siemens Energy Project Update

This item was carried over.

3. Fairhaven Cell Tower Agreements

a. Option and Lease Agreement

b. Communications Equipment Site Agreement

Mr. Lou Katzerman of TV6-W, LLC appeared before the Board of Supervisors Seeking approval of an Option and Land Lease Agreement and a Communications Equipment Site Agreement.

Supervisor Jessie Medlin asked if the tower will have a lot of cable connected to it. Mr. Katzerman said no, it is a straight up tower.

Board Attorney Tony Nowak explained there is a need for the Tower on the Fairhaven Fire Department property. Mr. Nowak said the agreement is a five year term with nine options of five years each to renew. The County will be allowed to place a transmission system on the tower to assist with emergency management communications. There is no rent charged for TV-6 to use the property and TV-6 will not charge the County to locate its transmission system on the tower. TV-6 will maintain the Tower and the County will maintain its transmission equipment.

Mr. Katzerman said the County can use the top 21 feet of the tower and ground space for equipment is 7 feet by 7 feet.

Supervisor Medlin said there is very poor cell service in that area and asked Mr. Katzerman if the Tower would help. Mr. Katzerman said yes.

Mr. Nowak said the County can locate anything it would like on the top 21 feet of the Tower.

Mr. Katzerman said he is spoken to the neighbors in the area and they requested the Tower be painted a good color and they will do that. Mr. Katzerman said they like to be good neighbors with everyone concerned when they install a tower. Supervisor Medlin said he really appreciated the way they handled everything with the people it affected. Supervisor Lee Caldwell agreed with Supervisor Medlin. Mr. Katzerman said that is the best way to work everything out.

Supervisor Medlin confirmed that the County donated the property.

Mr. Nowak said in reference to the Communication Equipment Site Agreement, the five year extensions are automatic unless one of the parties opts out. If the company opts out prior to term, they are responsible for taking down the Tower and will remove the county equipment at their cost.

Supervisor Medlin confirmed that no money had been involved. Mr. Nowak said that is correct.

Supervisor Medlin said it is hard to get channels and radio reception for EMS and the Fire Department. Mr. Katzerman confirmed that cell phones do not work and neither does the emergency frequency.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Option and Land Lease Agreement and the Communications Equipment Site Agreement with TV6-W, LLC, for locating a Tower in Fairhaven, MS. as fully detailed in Exhibit I.3.

The motion passed by a vote as follows:

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

See Exhibit I.3

4. Environmental Services: Stormwater Awareness Week & Declaration

Environmental Services Manager Ray Laughter said in years past, the Supervisors have worked with the School Board and read books to the students during Stormwater Awareness Week. He said this year the name of the book is Follow the Water from the Brook to the Ocean.

Mr. Laughter requested the Board of Supervisors declare October 15 – 19 as Stormwater Awareness Week.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to declare October 15 – 19 as Stormwater Awareness Week.

The motion passed by a vote as follows:

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

See Exhibit I.4

5. Office of Finance & Accounting

a. Grants Administration: Request Approval of Domestic Preparedness Cooperative Agreement with Mississippi Department of Safety

Grants Administrator Tom Haysley presented the Domestic Preparedness Cooperative Agreement with the Mississippi Department of Public Safety. Mr. Haysley explained that the agreement outlines responsibilities of the County and State during Homeland Security response operations as well as training exercises. He said the agreement is directly related to two Homeland Security Grants, the Regional Response Grant of \$29,500 and the Task Force Grant of \$116,000 and both have been previously approved by the Board of Supervisors. The grants require no match.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve the request to approve entering into the Domestic Preparedness Cooperative Agreement with Mississippi Department of Public Safety and to acquire signatures of the Board of Supervisors, Board Attorney and signature and attested by the Chancery Clerk.

The motion passed by a vote as follows:

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

Supervisor Harvey Lee, Fifth District

YES

Mr. Haysley thanked the Board of Supervisors for hiring him as Grants Administrator as he is leaving the position to become Deputy of Planning in the Planning Department.

See Exhibit I.5.a

b. Claims Docket

Chief Financial Officer Tom Arnold, of the Office of Finance and Accounting, presented the claims docket to the Board. He noted that claims for Coroner were listed under the Board Attorney’s fund 130 on page 12 and need to be added to fund 167 on page 78 for the Coroner.

Mr. Arnold read the items on the claims docket individually and the Board discussed these items.

1.) Sheriff Bill Rasco said on page 1 there is a claim to pay Crimestoppers \$775. He asked if that is a monthly fee. Sheriff Rasco if that should be checked on because when he headed Crimestoppers, the fee was a flat \$10,000 annually. Mr. Arnold said normally they just settle assessments every month, but he would check into it. The fee is paid by assessments collected through various courts throughout the County.

Supervisor Bill Russell said he would like to see a complete report on how Crimestoppers works and the funding for the program.

2.) Supervisor Gardner asked about the insurance claim on page 7. He said it is for the repair of a vehicle but there is also a rental car fee. Mr. Arnold explained that the County a persons vehicle and they had to rent a car and the other claim is for the EMA truck that hit a deer.

3.) Supervisor Mark Gardner asked about the claim on page 18 under Williams Scotsman Rental. He asked what is being rented. County Administrator Vanessa Lynchard explained that it is for PODS at the jail and for aviation for storage.

4.) Supervisor Gardner noted the claim to Ameriprise on page 18 and if it would eventually go away. Ms. Lynchard said it would. She said it is for uniforms for the cleaning people.

5.) Supervisor Gardner asked about the claim on page 57 to Impact Missions in the amount of \$125,000. Mr. Arnold said it is a partial payment to Impact Missions. Mr. Gardner confirmed that the total to Impact Mission is \$225,000. Mr. Arnold said previously it was \$305,000 but it has been reduced to \$225,000.

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

The motion passed by a vote as follows:

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

6. Office of Procurement: Approval to Reject Bids for the Eudora Fire Station

Procurement Clerk Karen McNeil said they are recommending rejecting all bids for the addition of the Eudora Fire Station in connection to bid number 12-151-006.

County Administrator Vanessa Lynchard said in evaluating the bids, the amount of the bids submitted exceeded the budgeted amount. She said the bid law states that if the amount is not more than 10%, the bid can be negotiated. This amount was 23% over the bid. She spoke to the

Board Attorney and we cannot negotiate the bid. The budgeted amount is \$385,495.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to reject the bids for bid file number 12-151-006 for the addition to the Eudora Fire Station and to rebid the project.

The motion passed by a vote as follows:

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

See Exhibit I.6

7. Department of Road Management: Finding of Fact – 6383 Braybourne Place, Braybourne Subdivision

Road Manager Andy Swims presented an issue with damage to private property associated with drainage and erosion, affecting the health, safety and welfare of the public. Mr. Swims said the estimated cost of repairs is \$2,615.00.

Supervisor Lee Caldwell reminded Mr. Swims to make sure tape or some kind of blocking in the area to be safe so no one gets hurt.

Supervisor Jessie Medlin agreed and said especially when there is a hole and it is in a front yard.

Mr. Swims said they are already working on that.

Supervisor Medlin asked if this is like the other issues they have seen in Braybourne. Mr. Swims said yes. The photos show the sink holes and separation of pipe. Supervisor Medlin asked if it is plastic pipe and Mr. Swims said yes.

At the recommendation of the Road Manager, Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to declare the damages caused by drainage and erosion on the property located at 6383 Braybourne Place in Braybourne Subdivision as a health, safety and welfare issue to the citizens of DeSoto County as outlined in Mississippi code section 19-5-92.1 and to repair the damages at an estimated cost of \$2,615.00.

The motion passed by a vote as follows:

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

See Exhibit I.7

8. County Administrator

a. Impact Missions

County Administrator Vanessa Lynchard said it is time to renew the contract with Impact Missions. Ms. Lynchard said Impact Missions is showing a 19% decrease in their budget for 2012-2013. Ms. Lynchard said their budget went from \$305,000 to \$255,000. She said they got a \$55,000 grant for the emergency shelter. Ms. Lynchard said some time ago they asked for various payment schedules and the County accommodated them. She explained this contract is requesting \$125,000 up front and the remaining portion starts November 1st in equal monthly installments. Ms. Lynchard said the Board Attorney has reviewed the contract and

everything looks okay. She said the dates will need to be updated.

At the recommendation of the County Administrator, Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve renewing the contract with Impact Missions with the County allocating \$125,000 up front and the remaining portion starts November 1st in equal monthly installments and appropriate date changes made to the agreement.

The motion passed by a vote as follows:

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

See Exhibit I.8.a

b. Flu Shots for the County

County Administrator Vanessa Lynchard requested this item be removed from the Agenda.

See Exhibit I.8.b

9. Legislative Requests 2013

County Administrator Vanessa Lynchard presented the 2013 Legislative Request List to the Board of Supervisors. She explained that DeSoto County will host the Legislators sometime around December. Ms. Lynchard said the list is from last year and includes topics discussed throughout the year that could be considered on the List. She said the Board may add or amend the list in any manner they want too. Ms. Lynchard said she is also working with MAS to see what topics they are presenting and she will bring that to the Board.

Supervisor Jessie Medlin said he questioned school bus turnarounds last year. He said they tried to get approval without waiting for minutes from the Board of Education. Vanessa she will look into it.

Board Attorney Tony Nowak said he has been talking to Supervisor Bill Russell about homeowners associations. Mr. Nowak said there needs to be a statute regulating homeowners associations and most states do have one. He said Attorney Leslie Scott general counsel to the Mississippi Association of Supervisors, has agreed to work with him in an effort to address a set of laws and recommended adding this item on the List.

Supervisor Bill Russell said the Board should authorize the Board Attorney to work with Leslie Scott on this matter.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to authorize Board Attorney Tony Nowak to work with Attorney Leslie Scott regarding draft legislation for Homeowners Associations.

The motion passed by a vote as follows:

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

Supervisor Medlin said he still has concerns about infrastructure and there is a need for a red light at Bethel Road and Hwy 305.

Ms. Lynchard said the target date for the Legislators to appear before the Board is December 1st.

J. PLANNING COMMISSION AGENDA

**DeSoto County Board of Supervisors
Planning Agenda
October 1, 2012
9:00 a.m.**

Old Business

Appeal

The DeSoto County Board of Supervisors will consider an appeal by Mr. Morris Casey to overturn the action of the Board of Adjustment and deny the application for a Conditional Use for Phyllis Brown (1442) to allow a second mobile home to be installed due to a legitimate hardship under Article V, Paragraph 2, Section C (11), Page 27 of the DeSoto County Zoning Ordinance. Subject property is at 6112 Honeysuckle Lane, on the east side of Honeysuckle Lane and north of Nail Road West in Section 35, Township 1, Range 9 and is zoned Agricultural-Residential (A-R). (District 3) Staff has received a written request from an affected party asking that the Appeal be continued to the October 15, 2012 meeting of the Board of Supervisors.

Mr. Garrod stated Ms. Brown, the applicant, cannot be at the meeting today and recommended this item be continued to the October 15, 2012 meeting.

Supervisor Russell made a Motion to continue the Public Hearing until the October 15, 2012 meeting at 11:00 a.m. Supervisor Lee seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Final Subdivision

Lake Forest Commercial Subdivision, First Revision (Lot 3) (6854) – Application is for final subdivision approval of a revision to the Lake Forest Commercial Subdivision (#3685) to split Lot 3 into two lots. This revision would create one (1) lot of 3.86 acres (Lot 3) and one (1) lot of 1.12 acres (Lot 3A) out of 4.98 acres. Subject property is located on the north side of Goodman Road and west of Poplar Corner Road in Section 25, Township 1, Range 8 and is zoned Neighborhood Commercial (C-1). (District 3)

Mr. Garrod stated this item was continued from the September 24, 2012 meeting to allow the applicant the opportunity to meet with the church on the adjacent property to discuss the plans for the division of Lot 3.

Supervisor Russell stated the applicant met with the church and the church is fine with the project moving forward. He stated the applicant agreed to build a fence along the property line between their property and the property belonging to the church. Mr. Ben Smith, representative for the applicant, stated the applicant will build the fence along the entire property line.

Supervisor Russell made a Motion to approve the final subdivision of Lake Forest Commercial Subdivision, First Revision of Lot 3-, conditioned upon to build a fence along the entire property line between their property and the property belonging to the church. Supervisor Lee seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>

THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Other Items:

1. Environmental Services - 10705 North Cockrum Road Hernando, MS 38632

Mr. Laughter stated that the mortgage company has been mowing some, but not all of this property. Mr. Laughter stated he visited the property at 10705 North Cockrum Road in Hernando, MS on two occasions and found the property to be in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

Supervisor Medlin asked if there was anyone present to speak for or against this item.

A representative with Morris and Associates came forward to represent the mortgage company, Wells Fargo. He stated the mortgage company thought the property in whole was being cut as that was what the contractor hired the mow lot had told the mortgage company. He stated now that Wells Fargo has found out that the entire lot has not been mowed they have placed a rush order to have the entire lot mowed and plan to have it mowed by Friday. Supervisor Lee stated with the chance of rain in the forecast for this week he would like to give the mortgage company until October 10, 2012 to have the work completed.

Mr. Laughter recommended the Board go ahead and approve the cutting of the lot in case the mortgage company fails to take care of the matter by October 10, 2012.

Supervisor Russell made a Motion to declare 10705 North Cockrum Road in Hernando, MS a nuisance, based on the property being in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community, and to authorize cleaning to property in a manner consistent with M.C.A. 19-5-105, and to approve the resolution to clean said property. Supervisor Gardner seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

See Exhibit

2. Environmental Services - 6623 Liberty Estates Drive Walls, MS 38680

Mr. Laughter stated the above item is a request of approval to correct a scrivener's error. He stated at the September 4, 2012 meeting the property at 6623 Liberty Estates Drive in Walls, was incorrectly identified as being on Broken Hickory Drive.

Supervisor Medlin asked if there was anyone present to speak for or against this item. There was no one present.

Supervisor Russell made a Motion to approve a scrivener's error for 6623 Liberty Estates Drive Walls, MS to correct the address. Supervisor Lee seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

FIFTH DISTRICT SUPERVISOR, HARVEY LEE

YES

Supervisor Medlin made a Motion to close the Public Hearing. Supervisor Lee seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN

YES

SECOND DISTRICT SUPERVISOR, MARK GARDNER

YES

THIRD DISTRICT SUPERVISOR, BILL RUSSELL

YES

FOURTH DISTRICT SUPERVISOR, LEE CALDWELL

YES

FIFTH DISTRICT SUPERVISOR, HARVEY LEE

YES

K. EXECUTIVE SESSION

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

L. OTHER ITEMS

1. Mineral Wells – Box Culvert

Supervisor Jessie Medlin asked Road Manager Andy Swims to work with the City of Olive Branch to see what they want to do about the box culvert for Mineral Wells.

Road Manager Andy Swims said he would contact the City Engineer regarding the matter.

2. Highway 78 – Wreck

Sheriff Bill Rasco commended the Road Department, Olive Branch Fire Department and Police for such a great job with the recent wreck on Highway 78.

Road Manager Andy Swims commended the Sheriff’s Department for doing a good job as well.

Supervisor Jessie Medlin made the motion to recess the Board meeting until October 15, 2012 at 9:00 a.m. The motion was seconded by Supervisor Harvey Lee.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District

YES

Supervisor Mark Gardner, Second District

YES

Supervisor Bill Russell, Third District

YES

Supervisor Lee Caldwell, Fourth District

YES

Supervisor Harvey Lee, Fifth District

YES

THIS the 1st day of October 2012, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie Medlin, President
DeSoto County Board of Supervisors