

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT, 2011 PRESIDING

OCTOBER 3, 2011

A. CALL TO ORDER

The October 3, 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
- 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 REMARKS

Joe Thompson appeared before the Board of Supervisors and said he appeared before the Board a couple of weeks ago regarding repairing the drop off on Pleasant Hill and Sidewinder Roads. He said the drop off has really gotten bad. He said he asked the Board to fix that area. Mr. Thompson said the area in question is in the City of Southaven. He said he called Mayor Johnson and asked for a meeting and Mayor Johnson did not show up. Mr. Thompson said he sees the County working in the other cities and knows the Board can work in each city. He said he called the Attorney General and they said the County would not be in violation of any laws for fixing or not fixing the road. Mr. Thompson said he is asking the Board to fix the area and is asking the Board for a decision and vote either to fix it or not to fix it. He said after Mayor Johnson did not come to the meeting, he called him back three times, but never got through.

Supervisor Tommy Lewis said this is the first he has heard about this problem. He said usually the County only does work in the cities if the city requests the work.

Road Manager Russell Dorris said the area in question is in the City of Hernando and not Southaven. Mr. Dorris said Mayor Johnson rode over there six or eight times and did not see any reason to do repairs.

Mr. Thompson said, last week, Kenny Woods called him and asked to see the parts of the road that need to be fixed. He said they came later to fix another part of the road that had deteriorated, but not the area of his concern. He said their road has not been overlaid in seven years according to the County’s records.

Supervisor Jessie Medlin clarified whether Memphis Stone and Gravel paved Pleasant Hill Road and did not put a skirt on the side. Mr. Dorris said Pleasant Hill is higher than Sidewinder. He said they did put a skirt on it, but it could be bigger.

Supervisor Medlin asked how much it would cost to fix the issue. Mr. Dorris said between \$8,000 and \$10,000.

Supervisor Allen Latimer said the cities get half of their road millage. The County does sometimes participate on a 50/50 cost sharing to fix problems within cities. He said the County could check with the city to see if they want to partner on the issue.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to authorize Supervisor Tommy Lewis Lewis and the Road Manager to look at the area and to talk to the City of Hernando to see if they want to participate with fixing the problem and come back to the Board.

The motion passed by a vote as follows:

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

Board Attorney Tony Nowak said the County could not work on a road located in the city unless the city gives permission to do so.

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 2011.

Supervisor Allen Latimer asked the Board of Supervisors if there were any revisions to the September minutes. Supervisor Tommy Lewis said he did not have a chance to read the minutes because his computer was not working.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the minutes of the Board of Supervisors for September 2011 and 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-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit E

F. CONSENT

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

Supervisor Jessie Medlin said the August health claims were much higher than September. He asked the reason for the deviation. County Administrator Michael Garriga said, when considering the insurance cost, they look at everything from a yearlong perspective. Mr. Garriga there were three payrolls in September and that could account for some of the difference.

Supervisor Allen Latimer said it looks like we are below budget for the year. Mr. Garriga agreed.

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

1. Dept. of Human Resources: Monthly Health Claims

The following is a recap of all insurance claims funded for the month of September and paid to Humana:

Funding Request	Date Paid	Amount	Claim Type
Date			
9/1/11	9/1/11	\$75,007.56	Administration Fees
9/6/11	9/6/11	\$48,822.16	Medical
9/6/11	9/6/11	\$5,968.10	Dental
9/6/11	9/6/11	\$10,916.62	Pharmacy
9/12/11	9/13/11	\$25,856.09	Medical
9/12/11	9/13/11	\$1,784.45	Dental
9/12/11	9/13/11	\$11,421.16	Pharmacy
9/19/11	9/19/11	\$36,957.06	Medical
9/19/11	9/19/11	\$2,442.50	Dental
9/19/11	9/19/11	\$19,350.59	Pharmacy
9/26/11	9/27/11	\$42,631.08	Medical
9/26/11	9/27/11	\$4,664.30	Dental
9/26/11	9/27/11	\$13,553.29	Pharmacy
	TOTAL	\$299,374.96	

2. Justice Court Report

Criminal Cases Filed	95
Civil Cases Filed	576
Traffic Tickets Filed	925
Total Cases Filed	1596
State Assessments	\$57,881.19
County General Fund	\$98,414.80
Total Collections	\$156,295.99

3. Bailiff Pay - Liz Medlin - \$380.00

4. Publication of Board Proceedings

5. Office of Finance & Accounting

a. Quarterly Budget Allocations

October 3, 2011

QUARTERLY BUDGET ALLOCATIONS
For Quarter Ending December 31, 2011

TAX ASSESSOR:

Department 103.....\$319,231.00

TAX COLLECTOR:

Department 104.....\$336,368.50

SHERIFF:

Department 200 (Sheriff Administration).....\$ 275,218.00
Department 201 (Aviation).....\$ 59,514.25
Department 202 (Patrol/Law Enforcement).....\$ 2,476,593.00
Department 212 (Highway Safety Grant).....\$ 47,054.25

Department 213 (Occupant Protectin Grant).....	\$	2,503,75
Department 220 (Custody of Prisoners).....	\$	947,320.50
Department 222 (Prisoners' Medical Expense)	\$	366,687.00
Department 223 (Juvenile Detention).....	\$	248,513.25
Department 225 (Rescue Unit).....	\$	<u>6,840.50</u>
TOTAL.....		<u>\$4,430,244.50</u>

b. Approve Interfund Loan

From: General County Fund	001-000-054	\$756400.00
To: 2010 Refunding Bonds I&S	227-000-149	\$756400.00

6. Office of Procurement

a. Solicit to Rebid Sale of Excess Copiers

b. Solicit Bids for Jail Food

7. Make Part of Minutes: Changes to Official DC Road Map & Register-Detailed in Exhibit C

Fairview Lane	Fairview Trail-End	410	20(cove 45')
Fairview Trail	Fairview Road-End	1746	20(cove 45')

8. Approve Emergency Children's Shelter Agreement: Impact Missions, Inc.

9. Appointment of Part Time Intake Workers-Sandy Kimmleman

10. Department of Road Management

a. Road Report

b. Work Schedule

c. Road Bond Report

d. Road Bonds to be Released

e. Selection Committee for Star Landing Corridor Consulting Engineer 10-3-2011

f. School Bus Turnarounds for 2011 – 2012 School Year (2)

Location	Bus #	Owner	Phone
2388 Starlanding W. Nesbit	432	Bobbie Harrison	901-268-6335
Tulane Road. North of Hwy 304	095	County	

11. Chancery Clerk Allowance (1) \$1,750.00

12. Appointments: Facilities Management-Reby Johnson as Receiving Clerk

The motion passed by a vote as follows:

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

See Exhibit F

G. OLD BUSINESS

County Administrator Michael Garriga said there is a timing conflict with the Public Hearing in the Planning portion of the meeting and the Groundbreaking Ceremony for the new DeSoto County Detention Facility at 11:00 a.m. Mr. Garriga said, if it pleased the Board, the Public Hearing could

be opened at 11:00 a.m., and the Board could leave for the Groundbreaking after the hearing is opened. He said the Groundbreaking would be short.

The Board of Supervisors agreed.

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

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to open the Public Hearing for property cleanup at 6960 Poplar Corner Road and 7090 Goodman Road. The motion passed by a vote as follows:

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

a. 6960 Poplar Corner Road

b. 7090 Goodman Road

Code Enforcement Officer Ray Laughter said he has been working with landowners of both properties to clean up their property. He said they have made a lot of progress and both properties are close to being completed, but there are still a few things that need to be done. Mr. Laughter recommended carrying these issues over to the next Board meeting.

At the recommendation of the Code Enforcement Officer, Supervisor Bill Russell made the motion to continue the Public Hearing until the October 17th to allow for cleanup to be completed on properties located at 6960 Poplar Corner Road and 7090 Goodman Road . The motion passed by a vote as follows:

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

See Exhibit G.1

2. Bar-E-Ranchettes Subdivision – Request to Pull Road Bond

County Engineer Andy Swims said we have given the landowner of Bar-E-Ranchettes Subdivision plenty of time to do road repairs and they have still not been completed them. He said we do not have a new bond.

Supervisor Allen Latimer said someone from the bank came by before the Board meeting to report they were unable to process the paperwork because someone from the bank was off work last week. The bank representative said he would not know before Thursday whether the bond would be approved or not.

Mr. Swims said the situation with the road conditions is not terrible, but it is in need of some repairs and the County has been working with the developer for some time. Mr. Swims presented pictures to the Board.

Supervisor Tommy Lewis said the bond is due November 1. He said if repairs are not done by then, why not pull the bond at that time like we always do.

Mr. Swims said we have done that in the past, but we have been working with the developers to get the repairs done since so many of them have not been completed because of the economy. Mr. Swims explained that they will ask the developer to do repairs, then they will send a letter giving the deadline. If they do not respond to the letter, they contact them and try to work with them. If they do not do the work, they can pull the bond and the County will do the work.

Supervisor Lewis asked if they could give the developer until November 1 and then pull the bond December 1. Mr. Swims said he would do whatever the Board wants him to do.

Board Attorney Tony Nowak said it might be better to give them until October 31st and then pull the bond by November 1st.

Supervisor Russell asked if they could do that.

Chancery Clerk Sluggo Davis clarified he must pull the bond November 1st according to previous directions by the Board.

Mr. Swims said, allowing the developer until November 1st may not be the best option because it may be too cold to lay asphalt.

Supervisor Jessie Medlin said he was looking at the pictures and wanted to know if the County will have enough money to fix the roads next summer.

Mr. Swims said that is a good point. He said the road repairs will likely get worse and exceed the money. Mr. Swims said, right now, we do have enough money.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to give the developer of Bar-E-Ranchettes Subdivision until October 31, 2011, to get a new bond and if that does not happen, to instruct County officials to pull the bond. The motion passed by a vote as follows:

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

See Exhibit G.2

H. NEW BUSINESS

1. Homeland Security Task Force-Forced Protection Coordinator Agreement

Board Attorney Tony Nowak said there is a Task Force in place in connection with the previous grant, which pays for the coordinator who had been appointed. He said, last year, the Board appointed Fred Randall to act as coordinator. Mr. Nowak presented an agreement to continue the prior agreement with Mr. Randall. He said the only change is a slight increase in pay and it is paid in full by the grant. He said the term of the agreement is from August 1, 2011 through July 31, 2012.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the Homeland Security Task Force Forced Protection Coordinator Agreement between DeSoto County Regional Task Force and Fred Randall as Homeland Security Task Force Coordinator and authorize the Board President to sign the agreement. The motion passed by a vote as follows:

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

See Exhibit H.1

2. Purchase of Materials Agreement

- a. City of Hernando
- b. City of Olive Branch

Board Attorney Tony Nowak said, at the last Board meeting, the Board of Supervisors authorized him to draw up agreements with the City of Hernando and the City of Olive Branch to transfer surplus dog boxes from the DeSoto County Animal Shelter to each city. Mr. Nowak presented the agreements to achieve each transfer. He said the boxes would be transferred for \$1.00 each.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the agreements between DeSoto County Board of Supervisors and the City of Olive Branch and the City of Hernando for the transfer of an animal control box for each city as described in Exhibit H.2, such transfer being found to be in the best interest of the taxpayers of the County. The motion passed by a vote as follows:

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

See Exhibit H.2

3. Grenada Rail Line Closure

County Administrator Michael Garriga said the owners of the Grenada rail line have filed to close a section of the rail line from Grenada to Canton. Mr. Garriga this could have a negative effect on the economy in DeSoto County. Mr. Garriga said he believes the County needs to develop a strategy to protect the County's interest. He explained that some counties have already taken action on this issue. Mr. Garriga said they are developing the Northwest Rail Authority. He said another option could to adopt a resolution to close the rail.

Supervisor Jessie Medlin asked if this is the same rail connected to the Starlanding Bridge. Mr. Garriga said yes.

Supervisor Eugene Thach said the County spent a lot of money in that area.

President and CEO of DeSoto County Economic Development Council Jim Flanagan said the people who have bought this line also bought a line between Canton and Natchez. He said there are 11 counties between Madison and DeSoto County. Mr. Flanagan said closing this line could affect a large business in DeSoto County known as Newlywed Foods.

Mr. Garriga said if the Board of Supervisors wants to join the Northwest Rail Authority, the Board would appoint commissioners.

Board Attorney Tony Nowak said, once established, this is a separate authority. He said every county would have five commissioners and there is a list of things the rail authority can do. Mr. Nowak said if the Board wishes to participate, they would have to set a Public Hearing before it could take any action to join in the proposed rail authority.

Supervisor Medlin asked if Grenada appointed five members from their Board as commissioners. Mr. Flanagan said no. They are not Board members, but they could be.

Mr. Nowak said the Board might want to look into other filings. He said he could assist if the Board desires him to do so.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize County Administrator Michael Garriga and President and CEO of DeSoto County Economic Development Council Jim Flanagan to look into the County's options opposing the closure of the Grenada rail line, and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to research the extent to which the County can participate in the filing to close the rail, and review issues relating to the County participating in the formation and operation of a

railroad authority, and report back to the Board of Supervisors. The motion passed by a vote as follows:

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

See Exhibit H.3

4. Road Department: Finding of Fact

a. 4258 Starlanding Road

b. 13097 Braybourne Cross

Road Manager Russell Dorris presented pictures of drainage issues for two properties in the County located at 4258 Starlanding Road East and 13097 Braybourne Cross. Mr. Dorris said the pictures show damages associated with both properties caused by drainage and erosion. He said a finding of fact has been conducted on both properties and he believes these conditions constitute a public health and safety hazard.

Supervisor Jessie Medlin said that Braybourne Subdivision has small lots. They used bands and plastic pipes for drainage and the bands are popping off. Mr. Dorris agreed and said that is correct.

Supervisor Allen Latimer asked if the neighbors have the same kind of problems. Mr. Dorris said yes.

Supervisor Medlin said he thinks they need to get a cost estimate and bring it back to the Board.

Supervisor Bill Russell asked if the pipes are carrying water from the street. Mr. Dorris said yes.

The Board of Supervisors discussed the fact that \$1 million is budgeted to handle drainage issues on private property. It is likely that money will not last the entire year, since many of the drainage issues are costly to repair. They also discussed how to remedy future drainage issues.

Supervisor Medlin asked the Road Manager to present a running total of the cost on a regular basis.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve doing the work to correct drainage issues on properties located at 4258 Starlanding Road and 13097 Braybourne Cross, after determining the drainage issues on both properties are in accordance with Mississippi Code section 19-5-92 due to they do affect the health, safety and welfare of DeSoto County. The motion passed by a vote as follows:

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

See Exhibit H.4

5. Office of Finance & Accounting: Claims Docket

Finance Clerk Stephanie Hanks, and Chief Financial Officer Tom Arnold, of the Office of Finance and Accounting, presented the claims docket to the Board. Ms. Hanks and Mr. Arnold read the items on the claims docket individually and the Board discussed these items.

Supervisor Jessie Medlin questioned the charges on page 53 to Siemens. Mr. Arnold said this is for the purchase of drug testing supplies for the drug court. He said that Siemens Healthcare is the former Dade Behring Company.

Supervisor Bill Russell asked about the allocation to the Health and Wellness Center. Mr. Arnold said this allocation is now made directly to the Health and Wellness Center. County Administrator Michael Garriga said this would be the last year of the local and private legislation allowing the contribution to the Health and Wellness Center. The Board of Supervisors asked that this item be placed on the Legislative Request for 2012.

Supervisor Latimer asked about the claim to Flintco Construction on page 108. He asked if this is for work that has already been done. Mr. Arnold said yes. The work is done in phases and it is detailed and signed off on.

Supervisor Latimer asked about which bonds were being paid on page 105. Mr. Arnold said it is the 2010 Refunding Bond that was sold to get a lower interest rate.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach 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-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

6. Insurance/Benefits Committee Report

a. Aviation Insurance Renewal Recommendation

County Administrator Michael Garriga said the insurance committee has reached a conclusion on the aviation insurance renewal. Mr. Garriga said that several companies submitted proposals for providing aviation insurance for the County. He said David Buchannan is the current broker for the County aviation insurance and he recommended them for the Board's consideration to provide future aviation insurance needs in the County.

Mr. Garriga said the new insurance proposal premium is lower than last year. However, during the proposal process it was discovered that the hull on one of the aircraft is not insured. He said adding the hull coverage would bring the cost of insurance to \$27,490, which is still a savings from the previous year.

Supervisor Jessie Medlin said a lot of people did not respond to the bid because it is a specialty. He said the Sheriff is very comfortable working with this company. In addition, other companies who do not specialize in aviation, recommended this company to the County.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the aviation insurance renewal, including current coverage and hull coverage for \$27,490 with the David Buchannan Insurance Group. The motion passed by a vote as follows:

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

b. Brokerage Services Procurement Update

County Administrator Michael Garriga said a couple of years ago they looked at methods and

measurements for procuring insurance. Subsequently, the Board of Supervisors established a Benefits Committee to secure insurance brokerage services. This committee would work to ensure future renewals and that the County is acting in the best interest of the citizens and making good decisions for county employee insurance. Mr. Garriga said they secured brokerage services for property and casualty, workers compensation, health, supplemental and aviation. He said the committee has worked diligently and worked many hours on this process. Mr. Garriga said several companies submitted proposals on all of the product lines. The committee evaluated each proposal and determined which ones would be best to interview. Mr. Garriga said once interviews were held and evaluated, the onsite visits were determined.

Mr. Garriga said they met with sales people as well as the people behind the scenes who make decisions on behalf of the insured.

Supervisor Jessie Medlin said he has attended some of the meetings but not all of them. He said a lot of work was put into the process. Supervisor Medlin said everyone learned a lot and he thought the committee did a very good job. He said it is a big decision concerning a lot of money.

Mr. Garriga said the goal is to have a recommendation for the Board of Supervisors next meeting. He said the committee members include Supervisor Jessie Medlin, Sheriff Bill Rasco, Janna Rogers, Vanessa Lynchard, Tom Arnold, himself, and employees from the Road Department, Administration and Human Resources. He said it has been a very lengthy process and he thanked the Board for allowing a consultant to participate in the process.

7. Tax Collector: Insolvency List

Tammy Rhoda of the Tax Collector's Office presented a 2010-2011 Insolvency Report on 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; and that they have no effects known to him which can be seized and sold to pay their taxes. 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 have 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

Ms. Rhoda presented the information as follows:

OCTOBER 3, 2011 2010-2011 INSOLVENCY REPORT

A REPORT OF INSOLVENT AND DELINQUENT TAXES FOR THE 2010-2011 FISCAL YEAR
IS PRESENTED BELOW PURSUANT TO SECTION 27-49-1 OF THE MISSISSIPPI CODE

ANNOTATED.

PERSONAL PROPERTY TAXES		
NET TAXES BILLED		18,371,437.72
TAXES DELINQUENT:		
COUNTY	375,115.70	
CITY	337,481.07	
SCHOOL	468,654.91	
TOTAL UNCOLLECTED		1,181,251.68
TOTAL DELINQENT PERSONAL TAX 7%		
PUBLIC UTILITIES		
TOTAL AMOUNT BILLED	3,804,038.48	
TOTAL COLLECTED	3,804,038.48	
UNCOLLECTED		.00
MOBILE HOMES		
NET BILLED		159,321.33
DELINQUENT		
COUNTY TAX	15,839.89	
CITY TAX	5,918.43	
SCHOOL	18,601.93	
TOTAL DELINQUENT		40,360.25
TOTAL DELINQUENT MOBILE HOME TAXES 26%		
TOTAL REALTY BILLED:		
		122,677,963.94
SPECIAL ASSESSMENTS UNPAID	566,127.11	
SOLD TO STATE(PREVIOUS YEAR)	27,138.23	
TOTAL BANKRUPTCIES	22,076.89	
TOTAL REALTY UNCOLLECTED		615,342.23
TOTAL DELINQUENT REALTY ADV TAX 1%		

SEE ATTACHED BANKRUPTCY & SOLD TO STATE INCLUDING SPECIAL ASSESSMENT LISTING

Presented this 3rd day of October, 2011

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the 2010-2011 Insolvency Report in accordance with the Mississippi Code section 27-49-1 as fully described in Exhibit H.8. The motion passed by a vote as follows:

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

See Exhibit H.7

8. Board Attorney: Authorization to Review Humana Documents

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to review documents in connection with certain aspects of Humana insurance that were inadvertently omitted earlier this year. The motion passed by a vote as follows:

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

9. 11:00 a.m. – Groundbreaking Ceremony – New Detention Facility

The Board of Supervisors recessed the Board Meeting at 11:00 a.m. until 11:45 a.m. to attend

the groundbreaking ceremony for the new DeSoto County detention facility.

I. PLANNING COMMISSION AGENDA

**DeSoto County Board of Supervisors
Planning Agenda
October 3, 2011**

Supervisor Thach made a Motion to open a Public Hearing. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Supervisor Russell made a Motion to recess until 1:30 p.m. The Motion failed due to lack of a second.

Supervisor Medlin made a Motion to recess until 11:45 a.m. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Supervisor Russell made a Motion to reopen a Public Hearing. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

PUBLIC HEARING

Rezoning Revision

Villages at Hawk’s Crossing PUD, Rezoning Revision (716) – Application is for approval of a revised Phasing Plan for the PUD and text amendment to allow a 200-square foot reduction of minimum house sizes for all residential lots of the PUD on the west side of Craft Road. Subject property is located east and west of Craft Road and north of Byhalia Road in Sections 29, 30, 31 and 32, Township 2, Range 6 and is zoned Planned Unit Development (PUD). (District 5)

Ms. Gina Tynan presented the application for a rezoning revision for Villages at Hawk’s Crossing PUD. She stated the applicants are requesting a revised phasing construction plan and a revised minimum house size to be 200 square feet less than what was originally approved. She stated the request for front loading garages could be addressed when the pattern book is submitted. She stated the applicant for this item is CB&S Bank and Mr. Bob Ginn is present to represent the application.

Ms. Tynan went over the status of items that were requirements as conditions of approval of the original rezoning application.

Ms. Tynan stated the Planning Commission denied the application in whole. She then stated a large number of residents attended the Planning Commission meeting to register concern about the lower minimum square footage, the residents did not feel it would benefit the neighborhood.

Ms. Tynan stated the applicants presented a letter to the Planning office communicating they would like to amend the application to only request square footage change in areas 12 and 14 which is the new proposed Phase 1. Supervisor Russell asked for clarification of the typical house size in the east section of the subdivision. Ms. Tynan stated it is her understanding that if the reduction in minimum house size is approved there will be no homes smaller 2000 square feet in that section of the subdivision. She then reiterated that the applicants are not requesting a change in lot size only a change in the minimum square footage of some of the homes.

Supervisor Russell asked for clarification of the phasing plan. Ms. Tynan pointed out the old and new phasing plans located in the packets and stated the number of lots to be built out within the phases has changed.

Supervisor Latimer asked if any homes have been built in the subdivision. Ms. Tynan stated there are no homes built in the subdivision as it has not been platted and recorded at this time.

Supervisor Latimer asked where the concerned neighbors were from if not from within the subdivision. Ms. Tynan stated the neighbors who were present at the Planning Commission meeting were from the community.

Supervisor Thach asked for clarification that the applicants are requesting to reduce the minimum house size for only one area of the subdivision. Ms. Tynan confirmed that only 37 lots will be reduced to 2000 square feet if the reduction is approved.

Supervisor Medlin asked if the original Phase 1 was on the east side of the subdivision. Ms. Tynan clarified that the original Phase 1 was located on both the east and west sides of the subdivision.

Mr. Bob Ginn came forward and stated that when Villages at Hawk's Crossing was approved in 2005 the housing market and economy were a lot different. He stated at that time there was a market for larger homes; now the housing trend is for smaller, more environmental friendly homes. He stated he is requesting to record 73 lots at this time of which 70 lots are residential and 3 lots are common open space.

Mr. Ginn stated that in 2006 the minimum house size approved was 2000 square feet in parts of the subdivision. He stated after the bank inherited the property they met with some of the local builders who expressed the housing trend at this time is for smaller house. He stated the bank is requesting to asking to lower the minimum house size in Areas 12 and 14 which will consist of a total of 37 lots as follows, the lots that are 2350 sqf lowered to 2150 sqf and the lots that are 2500 sqf lowered to 2350 sqf. He stated the bank is trying to respond to the current housing market. He went on to state that they are only requesting a reduction in house size for 8% of the number of homes in the entire subdivision.

Supervisor Medlin stated what he is hearing is that in Area 12 the original minimum house size is 2500 sqf and you are requesting to reduce the minimum to 2350 sqf. Mr. Ginn confirmed that is correct.

Supervisor Russell stated that even though he would desperately like to do something to help the local builders get back to building; he feels the original application had a lot of input from the public and he feels the bank should go back to the neighbors and discuss this change. He then asked if there is anything the bank could offer that would help the neighbors be more willing to compromise, such as an entry feature or fencing. Mr. Ginn stated they are working on the plans for the entry monument. Supervisor Russell asked if the entry monument was already in the plans. Mr. Ginn stated the entry feature was already in the original plans.

Supervisor Latimer asked if there was anyone present to speak for or against the application.

Sean Green - 4925 Cherry Tree – stated he is President of the North Mississippi Homebuilders Association, as well as being a builder and developer. He stated he developed a subdivision a few years back and the minimum house size of that subdivision is 2800 sqf, but he really should have requested a

minimum of 2200 sqf. He then stated when the subdivision was approved the trend was for bigger homes and now the trend is for smaller homes.

Mr. Green stated when building a house in the \$200,000 plus range, the difference in price for the 200 square foot difference is \$16,000 - \$20,000. He then stated houses that larger will not sell as quickly and will stay on the market longer due to the price difference.

Richard Powell – 1850 Wood Lane – came forward and stated he lives in Carter’s Plantation where the minimum house sizes range from 2400 sqf to 3600 sqf and that he would hate to see 2000 sqf homes built around Lewisburg Schools. He went on to state he is concerned with how the smaller homes will look in 10 years and that they will reduce the values of the homes in his subdivision.

Supervisor Russell asked Mr. Powell where his subdivision is in relationship to Villages at Hawk’s Crossing. Mr. Powell stated Carter’s Plantation is approximately two miles from the Villages at Hawk’s Crossing. Supervisor Thach asked if Mr. Powell felt that the reduction of minimum house size at the Villages at Hawk’s Crossing would affect his property value 2 miles away from the development. Mr. Powell confirmed that he does feel the reduction in house size will negatively affect his property value. Supervisor Lewis stated 2000 sqf is already an approved minimum house size in the subdivision.

Norman Scott – 1803 Wood Lane – stated he also lives in Carter’s Plantation and attended the Planning Commission meeting on September 1, 2011 and that one of the commissioners expressed concern with the developer trying to have concessions made on the subdivision. He went on to state the neighbors have not seen this new plan being presented and feels like the developer should meet with the neighbors again to discuss the new plan.

Supervisor Medlin and Supervisor Russell also agreed that the developer should meet with the neighbors again to discuss the new plan being presented.

Mr. Ginn asked if approval could be given for the phasing plan today and let the bank go back and meet with the neighbors about the reduced minimum house size. Ms. Tynan stated the Board could approve the application in whole or in part.

Mr. Todd Wetstone, with CB&S Bank came forward and stated the bank would like to work with the community, and would like to go and talk to the neighbors again to discuss the reduced square footage. Mr. Wetstone stated one of the reasons they are requesting the change in phasing is that curb and gutters are already installed at the 70 lots in the proposed Phase 1.

Supervisor Latimer asked Mr. Nowak if the Board could act on part of the application and request that the applicant take the reduction of minimum house size portion of the application back before the Planning Commission. Mr. Nowak stated that if the Board approved the phasing plan, they could refer the reduction in minimum house size back to the Planning Commission.

Supervisor Medlin asked if Mr. Powell and Mr. Scott had any concerns with the proposed Phasing Plan. Mr. Powell asked if the proposed phasing plan would include allowing front loading garages. Supervisor Medlin stated no it would only include the change in the phasing plan. Ms. Tynan stated the pattern book would address front loading garages. Mr. Ginn stated he would like to clarify that there will not be front loading garages in the development. Mr. Scott stated he did not have a problem with the phasing plan, but is concern is the reduction in minimum house size.

Supervisor Thach stated he feels the concern is with changing the minimum square footage. Supervisor Latimer stated the reduction of the minimum square footage should go back before the Planning Commission. Supervisor Lewis stated he does not feel the public has been sufficiently informed of the reduction in minimum house size.

Supervisor Lewis made a Motion to approve the revised Phasing Plan for the Villages at Hawk’s Crossing PUD and to refer the new application for the minimum square footage of homes back to the Planning Commission. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN

YES

SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

Supervisor Russell made a Motion to close the public hearing. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

CONSENT AGENDA

Minor Lots

Carr Minor Lot (6829) – Application is for final subdivision approval of one (1) lot of 5 acres and one (1) lot of 15.19 acres out of 20.19 acres. Subject property is located on the north side of Ranch Road and west of Glade Road in Section 36, Township 3, Range 8 and is zoned Agricultural (A). (District 5)

Joyce Harris Minor Lot (6830) – Application is for final subdivision approval of two (2) lots of 1.77 acres each out of 3.53 acres. Subject property is located on the south side of College Road and east of Alexander Road in Section 14, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 1)

Ms. Tynan presented the applications above and stated they appear to be in compliance with the County’s Zoning and Subdivision Ordinances, subject to right-of-way dedication and Health Department approval. She noted that the Planning Commission voted unanimously to recommend approval of these applications.

Supervisor Medlin asked why two homes are showing on one parcel of the Joyce Harris Minor Lot. Ms. Tynan stated the applicant is requesting the minor lot subdivision to make the property more conforming to the Subdivision Ordinance, if approved one house will be located on each lot.

Supervisor Lewis made a Motion to approve the Consent Agenda subject to staff recommendations and required dedication of public road right-of-way and Health Department approvals. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

NEW BUSINESS

Final Subdivision

Mitchell’s Corner Subdivision, Residential East, Phases 2 & 3 Final Subdivision (6820) – Application is for final subdivision plat approval of 18 residential lots and 1 common area as Residential East, Phase 2; final subdivision plat approval of 35 residential lots and 2 common areas as Residential East, Phase 3; and approval of subdivision entry features adjacent to Highway 305. Subject property is located on the south side of College Road and east of Highway 305 in Section 15, Township 6, Range 2 and is zoned Residential Single-Family (Low Density) (R-30). (District 1)

Ms. Tynan presented the application for Final Subdivision of Mitchell's Corner Subdivision, Residential East, Phases 2 & 3. She stated the Planning Commission voted unanimously to recommend approval of this application, with the following recommendations, Phase 2 be platted and recorded subject to work on Highway 305 being started and Phase 3 not recorded until work on Highway 305 is completed. She then stated Mr. David Shores is present to represent the application.

Supervisor Medlin asked if Mr. Shores as spoken to Ms. Stallings, the neighbor across the street from the development. Mr. Shores stated he has not spoken to Ms. Stallings, but that he has met with Mr. Andy Swims, the County Engineer, and that Mr. Swims is satisfied that the stormwater run-off from the development is equal to or less than the original run-off prior to the work being done in the subdivision.

Mr. Shores stated that he is requesting to plat and record Phase 2 and 3 because Grant Home Builders have bought and sold all but two lots in Phase 1 and are looking to buy more lots to increase their inventory in the subdivision.

Supervisor Medlin made a Motion to carry this item over until the November 7, 2011 meeting of the Board of Supervisors to allow Mr. Shores time to meet with Ms. Stallings regarding her stormwater concerns. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Other Items:

1. I-69/I-269 International Trade Corridor Study Update

Ms. Tynan stated the Planning Staff along with the consultants from McBride Dale Clarion will be hosting a Stakeholders Workshop for the I-269 International Trade Corridor Study on October 6, 2011 at the DeSoto Civic Center. She stated as of this time the Planning office has received confirmation from 81 people wishing to attend the workshop.

She thanked Mr. Henry Bailey for the nice article about the workshop he wrote for the DeSoto Appeal.

J. EXECUTIVE SESSION

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

K. OTHER ISSUES

1. Vietnam Wall Update

The Board of Supervisors discussed the upcoming Vietnam Wall event. Supervisor Bill Russell said he received a request for bulldozer work and grading at the property where the Wall will be located at the DeSoto Civic Center. The Board discussed that the Civic Center would need to give permission for any work to be done on their property and it would be good to have plans for the Vietnam Wall to go through the County Administrator's office.

2. Park Fund – District 3

Supervisor Bill Russell said there is final work to be done on the Lake Cormorant Park.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to purchase lights, one fan and for electrical work to be done by Whitfield Electric in a total amount of \$4,871.62 and for the clerk to write the check from the District 3 Park Fund. The motion passed by a vote as follows:

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

3. Veterans Benefits

Supervisor Jessie Medlin asked why the amount of veteran's expenditures is so low compared to other counties with the number of veterans as we have in DeSoto County.

Supervisor Allen Latimer noted that some of the local veterans use their benefits in Memphis and at the Veteran's Hospital. These are part of DeSoto County's numbers according to the interpretation of a recent report.

County Administrator Michael Garriga said hospitals with large veteran benefits could also influence the numbers too. He said those numbers are hard to monitor.

The Board expressed commitments to veterans and their desire to have veterans receive all benefits that are available to them.

4. Korean War Memorial Update

Supervisor Allen Latimer said from the comments he heard, the Korean War Veterans thoroughly enjoyed the Korean War Memorial Event held last Saturday. Supervisor Latimer said it was a great way for the Board of Supervisors to show how much they appreciate the Veterans and their families.

5. Drainage Issue – 8298 Whites Crossing

County Engineer Andy Swims said he has been talking with Marissa Whitman who lives in Belmor Lakes Subdivision regarding silt in the subdivision that has been an issue for several years. He said Ms. Whitman is concerned about the development located north of her property and the silt and water that flows in the direction her property for the development. Mr. Swims explained that the development is located in the City of Olive Branch because it is on the north side of College Road. Mr. Swims said Ms. Whitman wants someone to fix the silt on her property. Mr. Swims said the City of Olive Branch says they have taken all measures that they can to resolve the issue. Mr. Swims said, in his opinion, Ms. Whitman's issue is with the City of Olive Branch and not DeSoto County.

Supervisor Bill Russell verified that in Mr. Swims' opinion, the issues lie with Olive Branch. Mr. Swims said yes. He said the silt and water are going onto her property from the development, which is in the City of Olive Branch.

Supervisor Bill Russell asked if the County has any responsibility or authority over or against another government entity.

Board Attorney Tony Nowak said this issue as presented is between the resident, developer and the City of Olive Branch since the cause of the problem is a result of the development in the City limits. Mr. Swims said the bank has taken over that development. Mr. Nowak said, in that case, it is the bank's responsibility instead of the developer, because the bank has now become the developer.

There was no action necessary on this item.

See Exhibit K.5

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until October 17, 2011 at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 3rd 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