

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**BILL RUSSELL, PRESIDENT 2010 PRESIDING**

**October 6, 2010**

**A. CALL TO ORDER**

The October 6, 2010, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Bill Russell, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff’s Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Supervisor Jessie Medlin-----District 1
- Supervisor Eugene C. Thach-----District 2 Absent
- 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**

Sheriff Bill Rasco presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. PLANNING COMMISSION AGENDA**

DeSoto County Board of Supervisors  
Planning Agenda  
**October 6, 2010**

**NEW BUSINESS**

**Minor Lot**

***District 1***

**Hankins/Longstreet Minor Lot (6798)** - Application is for final subdivision approval of one (1) lot of 10.1 acres, one (1) lot of 7.27 acres, and one (1) lot of 3.1 acres out of 20.29 acres. Subject property is located at 13196 Fairview Road on the north side of Fairview Road and east of Red Banks Road in Section 29, Township 2, Range 5 and is zoned Agricultural (A). (District 1)

Mr. McDougal presented the application above and stated the application appears to be in compliance with the County’s Zoning and Subdivision Ordinances. He added that the Planning Commission voted unanimously to recommend to the Board that approval of the application be granted.

Supervisor Medlin asked if this minor lot includes the property Ms. Longstreet’s house is located on.

Mr. McDougal confirmed one of the lots included in the Hankins/Longstreet Minor Lot is the one that Ms. Longstreet's house is located on. Supervisor Medlin asked if the Hankins/Longstreet Minor Lot will clean up the property situation with the mobile home as well. Mr. McDougal confirmed that the minor lot application presented will allow the mobile home to be located on one of the lots.

Supervisor Medlin made a Motion to approve the application for Hankins/Longstreet Minor Lot, subject to and conditioned upon staff recommendations, required dedication of public road right-of-way and Health Department approvals. Supervisor Latimer 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>

**Other Items:**

**DeSoto Rifle Club**

Mr. McDougal stated DeSoto Rifle Club was granted a Conditional Use for a shooting range in 1985. He then stated the Conditional Use expired in 1987 and the applicants appeared before the Board of Adjustment two more times and were denied a Conditional Use. He added that the applicants appealed the Board of Adjustment's decision to the Board of Supervisors, and the Board of Supervisors upheld the Board of Adjustment decision.

Supervisor Lewis stated he thinks the location of the shooting range that was denied was a different location than the location of the shooting range that was approved in 1985.

Mr. McDougal confirmed the site that Conditional Use expired for is a different site than the one that was denied a Conditional Use by the Board of Adjustment. Supervisor Lewis asked if a Conditional Use is needed for a shooting range at DeSoto Rifle Club's current site.

Supervisor Medlin asked if there is berm on the property that the Club members shoot into. Supervisor Lewis confirmed there is berm on the property to shoot into.

Supervisor Medlin stated that Mr. DePreist, the adjoining property owner, stated that when there were problems in the past with the shooting range he would get in touch with Mr. Hawks, owner of the property the shooting range is located on. He then stated Mr. DePreist said he and Mr. Hawks had a verbal agreement that shooting could take place anytime at the shooting range, but that the shooting would stop during hunting season.

Mr. McDougal stated he would contact DeSoto Rifle Club about applying for a Conditional Use.

Supervisor Latimer asked if Planning staff can look into when Mr. DePreist purchased his property to learn if it was before or after the original Conditional Use was approved for the shooting range.

Supervisor Medlin asked if any action can be taken to make the Desoto Rifle Club stop shooting guns on the property. Mr. Nowak, Board Attorney, stated absolutely, if DeSoto Rifle Club is violating a law, they can be made to stop shooting guns on the property.

Sherriff Bill Rasco asked if the property the shooting range is located on is owned by Mr. Hawks. Supervisor Lewis stated to the best of his knowledge the property is owned by Mr. Hawks.

Mr. McDougal stated he will contact the DeSoto Rifle Club and let them know they will need to cease all activity at the shooting range until a Conditional Use is obtained.

**1. Ranch Meadows, Section D – Andy Swims**

Mr. Andy Swims, County Engineer, stated the Board of Supervisors took in two phases of Ranch Meadows Subdivision, which leaves one phase, Phase D, remaining to be taken in by the County. He then stated he is asking the Board to take in Phase D at this time, as he has spoken with Bancorp South Bank and they indicated that Dan Brown, the developer, is not planning to renew the bonds for this phase.

Supervisor Russell asked for clarification as to whether Amanda May Drive was originally suppose to extend another 80-feet to Mr. McMaster’s property. He then indicated that Mr. Brown stated previously that it was a mistake that the road was not extended and they intended to continue the road the additional 80-feet to Mr. McMaster’s property when they laid the final lift of asphalt for the phase. Supervisor Russell asked if now that Mr. Brown is no longer over the subdivision can the County extend the road. Supervisor Medlin asked if the County could legally extend the road. Mr. Swims stated yes the road could legally be extended as it was recorded that way on the plat. Supervisor Russell then asked if Mr. McMaster could be contacted and given the opportunity to contact the contractor who will be working on the roads in Ranch Meadows Subdivision to work out something with them to extend the road.

Sherriff Rasco stated there is a problem with people dumping trash at the end of the road. Supervisor Russell asked if a barrier could be constructed at the end of Amanda May Drive to stop people from dumping trash at the end of the road. Russell Doris, Road Manager, stated he would suggest posting an end of the road sign, instead of constructing a barrier for safety reasons. Mr. Swims stated a barrier would block access to Mr. McMaster’s property. Mr. Nowak advised the Board needed to meet with Andy Swims, Russell Doris and Jim McDougal and discuss the Amanda May Drive issue in Ranch Meadows.

Supervisor Russell made a Motion to pull the Road Bond for Ranch Meadows Subdivision, Phase D. Supervisor Latimer 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>

2. I-69/I-269 International Trade Corridor Study – Update

Mr. McDougal stated he is working on getting the contract for the I-69/I-269 International Trade Corridor Study with McBride Dale Clarion to Mr. Nowak for review and that he hopes to bring the contract to the Board of Supervisors by the November 3, 2010 meeting.

Mr. McDougal stated the Memphis MPO has had a staff change. He then stated Martha Lott went to work for the City of Memphis and that the MPO has set up a committee to start looking into a replacement for Ms. Lott.

**See Exhibit D**

**E. CONSENT**

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

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the Consent Agenda as follows:

- 1. Make Part of Minutes: Interlocal Agreement with City of Horn Lake for Tax Collections**
- 2. Accounting: Approve Registration Fees for Environmental Services**

The motion passed by a vote as follows:

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

**See Exhibit E**

## **F. OLD BUSINESS**

### **1. Circuit Clerk: Designate Office as Election Commission**

Board Attorney Tony Nowak said that Circuit Clerk Dale Thompson has approved the modifications to the resolution to designate the Election Commission offices at the Gale Center as an extension of the Circuit Clerk's office. Mr. Nowak said it does not solve the problems with the cards, but it accomplishes the Clerk's other concerns regarding the handling and security of ballot boxes.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the resolution to establish the Election Commissioners' office at the Gale Center as an extension office as an annex and extension of the Circuit Clerk's office and as fully described in Exhibit F.1. The motion passed by a vote as follows:

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

**See Exhibit F.1**

### **2. Letter of Agreement for Community Emergency Shelter**

County Administrator Michael Garriga explained that Mr. Cecil Sowell appeared before the Board at the last meeting to discuss a grant for an emergency shelter. Mr. Garriga said Mr. Sowell presented a letter and an agreement outlining the terms and conditions for his firm to handle the grant and engineering on the shelter. Mr. Garriga said the Board Attorney has reviewed the document and some changes may need to be made before the Board can approve it. He said the grant writing fee will be \$2,500 whether or not the county gets the grant.

Supervisor Tommy Lewis asked if the county will be committed to building a shelter at the EMA location if we get the grant. Board Attorney Tony Nowak said it is unclear what the terms of the agreement are at this point. Mr. Nowak said the Board may not be required to build a shelter, but they may have to pay for some of the firm's fees, regardless. Further, the exact fees are unclear.

Supervisor Bill Russell said some questions will need to be answered before the Board considers this item.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to hold this item over until October 18<sup>th</sup> or whenever the information is clearly defined regarding the grant and building an emergency shelter. The motion passed by a vote as follows:

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

Supervisor Tommy Lewis-----YES

See Exhibit F.2

**G. NEW BUSINESS**

**1. Contract: Household Hazardous Waste Day**

Vanessa Lynchard presented a contract in connection with DeSoto County Household Hazardous Waste Day being held on October 23<sup>rd</sup>. Vanessa said, in the past, this work has been approved on a purchase order, but it is difficult or impossible to know on the front end the collections, quantities and items that will be taken in. She said the contract spells out the terms of the items that are taken in on that day as well as pricing associated with the different items.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the contract with Pollution Control Industries for them to provide waste disposal services and services ancillary to disposal services on Household Hazardous Waste Day in DeSoto County as fully described in Exhibit G.1 and to make the agreement part of the minutes. The motion passed by a vote as follows:

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

Supervisor Jessie Medlin asked about the county charging different prices for truck tires at the rubbish pit. He said it may encourage people to bring the to the rubbish pit if the prices are consistent.

See Exhibit G.1

**H. EXECUTIVE SESSION**

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

**I. OTHER ISSUES**

**1. GO Bonds-2003**

County Administrator Michael Garriga said the 2003 GO Bonds went to market and the results are as follows: Old rate 3.75% New rate 2.125% Bond Amt. \$600,085,000 Term 2011-2018

Mr. Garriga said, according to Financial Advisor Demery Grubbs this will represent a \$415,000 savings to the county.

Supervisor Jessie Medlin said he would like to get an update every six months to a year so the Board will know the status of the bonds. Mr. Garriga said he can provide that information and will be happy to present it at any time the Board prefers. Mr. Garriga said there is a higher year end balance than was projected in the ending cash. He said the cash balance is getting close to where it was before the debt was paid off in 2009.

Supervisor Allen Latimer asked if the county still has a good rating with the bonding companies. Mr. Garriga said yes, he received a new rating for these bonds. Mr. Garriga said the rating was very healthy for operations and there is also a safety net. There was no change in the county bond rating.

Chancery Clerk Sluggo Davis said he received a letter yesterday which stated the county has an

AA bond rating.

**2. Sheriff's Department-Jail Expansion -2010**

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize getting quotes on the additional renovation to the house on the new jail site property for the Special Investigations Division. The motion passed by a vote as follows:

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

**3. Resolution of Appreciation for Joshua Ose**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve a Resolution of Appreciation and Respect for Joshua Ose to acknowledge his military service in the U.S. Marines and to DeSoto County. The motion passed by a vote as follows:

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

**4. Sheriff: Jail Expansion 2010-2011**

The Board of Supervisors authorized County Administrator Michael Garriga to make a statement to the press that the parties involved in negotiations for the conveyance of right of way to the County for an additional access road to the future DeSoto County Jail site have been unable to come to a mutual agreement at this point. The Board is considering building a road off of Packing Plant Road as the main access and to invite the public to come to the Board Meeting on October 18<sup>th</sup> to make their comments.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to recess the meeting until October 18, 2010, at 9:00 a.m. The motion passed by a vote as follows:

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

THIS the 6<sup>th</sup> day of October, 2010, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Bill Russell, President  
DeSoto County Board of Supervisors