

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT, 2011 PRESIDING

September 19, 2011

A. CALL TO ORDER

The September 19, 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 COMMENTS

Supervisor Allen Latimer asked if anyone present in the audience wished to address the Board of Supervisors.

No one came forward.

E. CONSENT

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

Supervisor Jessie Medlin asked about the number of budget amendments. Chief Financial Officer Tom Arnold said there are more budget amendments than usual because it is the close out of the fiscal year.

Supervisor Medlin asked if people are buying things and trying to use their end of year budget balance. Mr. Arnold said that could be a possibility. County Administrator Michael Garriga said this type of year-end spending is not just in DeSoto County. Mr. Garriga said some line items have deficits and some Department Heads move money from one line item to another in order to make purchases. Mr. Garriga said there is no policy to prevent end of year spending.

Supervisor Medlin said he did not want people spending money just because it is there. Mr. Garriga responded that it is a trend with the private sector as well as government. It is a trend in

our country.

Chancery Clerk Sluggo Davis said they have moved money around and cleared out many deficits.

Mr. Garriga said money could be shifted from line items, which can be beneficial to the department. He said it does need to be looked at and a formal policy put into place with defined guidelines.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Consent Agenda as follows:

- 1. Office of Finance & Accounting – Budget Amendments-** Detailed in Exhibit E
- 2. Make Part of Minutes-Agreement with City of Hernando to Purchase Surplus Gnerator from DeSoto County**
- 3. Safety Report (2)**
- 4. Office of Procurement: Solicit Annual Bids**
- 5. Approve Gina Tynan to Sign Purchase Requisitions**
- 6. Emergency Services: Approval to Apply for Hazard Mitigation Grant**
- 7. Grants Administration: Sheriff’s Dept. - Accept Grants**
 - a. DUI Enforcement - \$165,000.00 Project No. 12-TA-117-1**
 - b. Occupant Protection - \$10,015.00 Project No. 12-OP-117-1**
- 8. Department of Road Management: Changes to DC Road Map and Register**

<u>Road</u>	<u>Location</u>	<u>Length</u>	<u>Width</u>	<u>Cove</u>
Fairview Trail	Fairview Road to End	1,746’	20’	45’ Radius
Fairview Lane	Fairview Trail to End	410’	20’	45’ Radius

- 9. Chancery Clerk Allowance (1) \$1,050.00**

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 E

F. OLD BUSINESS

- 1. 9:00 a.m. Public Hearing**

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

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

a. Property Cleanup

(1.) 7090 Goodman Road

Code Enforcement Officer Ray Laughter said the owner of this property lives out of town and we have continuously been working with him on cleaning the property for some time. Mr. Laughter said a house burned on the property and it has been taken down and the debris cleaned up. He said there is another dilapidated building on the property and it is full of old tires. In addition, the grass is very high. Mr. Laughter said it is a hazardous area and is a health, safety and welfare issue to the public.

Supervisor Bill Russell asked Mr. Laughter if he has been in discussions with the owner. Mr. Laughter said the Board Attorney’s office notified the property owner and said they need to move forward on addressing the issue. Mr. Laughter said the owner has taken some action, but it is still out of compliance. Mr. Laughter said he is before the Board today to get approval to clean the property.

Supervisor Russell asked what the property owner is saying about the cleanup. Mr. Laughter said he has not spoken to the property owner in quite some time, but the attorneys contacted him.

Supervisor Russell asked Board Attorney Tony Nowak, if there is any way there can be a standing Board Order to cut the grass every two months instead of having to go through this lengthy process each time. Mr. Laughter said this time it took eleven months.

Mr. Nowak said the County is not allowed to spend more than \$10,000 a year on cleaning the property. Mr. Nowak said the statute specifically requires a Public Hearing each time the County takes action on the property and there are stipulations. Mr. Nowak said the maximum number the County can clean a piece of property under the statute is twice per year and, while the County’s ordinance may allow more frequent cleaning, it also requires public notice each time.

Supervisor Tommy Lewis asked what surrounds the property. Supervisor Russell said other homes surround the property. Supervisor Latimer asked if this is pastureland. Supervisor Russell said this is a house and it is surrounded by other houses.

Supervisor Jessie Medlin asked Mr. Laughter when the pictures were taken that he presented to the Board showing the condition of the property. He said they were taken the prior Friday afternoon. Mr. Laughter said there are more tires than can be seen in the pictures and there are tires in the swimming pool as well.

Supervisor Lewis asked what will be done to the swimming pool. Mr. Laughter said the tires would be removed and then they would fill in the swimming pool.

At the recommendation of the Code Enforcement Officer and in accordance with Mississippi Code Section 19-5-92 and the issue affects the health, safety and welfare of the public, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to clean the property located at 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 F.1.a.(1)

(2.) 6960 Poplar Corner Road

Code Enforcement Officer Ray Laughter said the property located at 6960 Poplar Corner Road, Walls MS is in need of grass cutting and clean up. Mr. Laughter presented pictures and

said there is a vacant house and church on the property. He said it is approximately two acres that needs to be cut and cleaned. There is household garbage on a lot of the property. Mr. Laughter said it is a health, safety and welfare issue to the public.

At the recommendation of the Code Enforcement Officer and in accordance with Mississippi Code Section 19-5-92 and the issue affects the health, safety and welfare of the public, Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to clean the property located at 6960 Poplar Corner 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 F.1.a.(2)

2. Code Enforcement Update: 430 Getwell Road Cleanup

Code Enforcement Officer Ray Laughter said on August 15th the Board of Supervisors declared the property located at 430 Getwell Road to be a danger to the health, safety and welfare of the public and community. Mr. Laughter said he made his last effort with the property owner for them to clean the property. He said they responded and did clean up the property and he recommended removing this item from the Agenda for the Public Hearing.

At the recommendation of the Code Enforcement Officer and based on the fact the property owner has responded and cleaned the property, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to remove this item of Code Enforcement regarding the property located at 430 Getwell Road from the Public Hearing Agenda item. 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

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to close the Public Hearing. The motion passed by a vote as follows:

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

G. NEW BUSINESS

1. Stormwater: Declaration for Stormwater Awareness Week Sept. 25 – Oct. 1

Stormwater Coordinator Ray Laughter appeared before the Board of Supervisors to talk about Stormwater Awareness Week in DeSoto County.

Mr. Laughter said that every year the Stormwater Board, DeSoto County Board and other officials, team to raise awareness in the schools. He reminded the Board they also have participated in the schools by volunteering to read books to the classrooms which is very important to the students. Mr. Laughter said they are soliciting volunteers again this year. He said the Board is always good to declare a Stormwater Awareness week and he would appreciate it if they could do that again. Mr. Laughter asked the Board to declare the week

of September 25 thru October 1 as Stormwater Awareness Week.

At the recommendation of the Stormwater Coordinator, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to declare September 25 – October 1 as Stormwater Awareness Week. 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. Tax Exemptions

a. MVP Group International, Inc.

President and CEO of DeSoto County Economic Development Council Jim Flanagan said that MVP Group purchased the Sherwin Williams building in Olive Branch. He said they are appearing before the Board today to request a ten-year real property tax exemption, and ten-year personal property tax exemption and a freeport tax exemption. Mr. Flanagan introduced Judd Woody the Executive Vice President and Legal Counsel for MVP.

Mr. Woody thanked the Board for the opportunity to appear and request tax exemptions. He said that MVP is an international manufacturer of several thousand products. He said they are the largest candle distributor in the world. Mr. Woody said they have over 3,000 sites world-wide and in 48 states. They recently acquired the largest candle-making competitor in the world and another candle brand. He said there are two other sites that distribute seasonal products. Mr. Woody said they also have some offices in New York.

Mr. Paul Parker of MVP Group said they currently have 33 full time employees and 75 part time employees. Of the full time employees, 28 are hourly and 10 are salaried employees. Mr. Parker said hourly pay starts at \$9.50 per hour up to \$14.68 per hour. He said the salaried employee rate is \$29,000 to \$47,000 per year. They offer an educational assistance program, health insurance and 401-K plan with company match.

Mr. Parker said they have brought equipment from the site in Georgia that is closing. He said this equipment would allow them to fill detergents and other liquids. They have the ability to expand the current facility and will eventually move into a building for a long-term distribution center. Mr. Parker said they would appreciate any help the County can give in the expansion. They will hire people from DeSoto County. He said some of the employees would come with them from the facility that is closing down.

Supervisor Jessie Medlin asked if there is room to expand in the current area. Mr. Parker said there is some land they may be able to build on within close proximity.

Supervisor Bill Russell asked what he means by filling. Mr. Woody explained that they would be filling different liquid products that are private labels for other companies.

Supervisor Allen Latimer thanked the gentlemen for moving the business to DeSoto County. Supervisor Latimer said he makes customary remarks to companies regarding exemptions and just wanted to let them know the Board is delighted to have them here. It brings money into the County. In addition, the taxpayers are paying for fire and police protection, schools and other infrastructure that allows companies to relocate to an attractive, safe area. Supervisor Latimer said he would appreciate MVP Group investing in the citizens by hiring local people to work at the facility. Mr. Parker said they would certainly hire from DeSoto County.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion

to approve a ten-year personal tax exemption and ten-year real property tax exemption and a freeport warehouse tax exemption for MVP Group International, Inc. 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.a

b. NATUREPLEX, LLC

Mr. Flanagan introduced Victor Santos and Steve Alm representing NATUREPLEX, LLC. Mr. Flanagan said they are leasing the old Bentwood Building, which is in Olive Branch. He said Hunter Fan occupied the building for a couple of years. Mr. Flanagan said that NATUREPLEX is requesting a ten-year personal property tax exemption, a ten-year real property tax exemption and a freeport warehouse tax exemption.

Mr. Santos said they are very excited to be in DeSoto County, especially Olive Branch. He said they manufacture creams, ointments and personal hygiene products like shampoo. They fill and pack and market to Walmart, Fred's, Dollar General, Dollar Tree and others under their generic brand name.

Mr. Steve Alm said they currently have 48 employees and two of those are part time. Mr. Alm said they offer profit sharing from the time of hire. They want the employee to know they have ownership in the company. He said they are looking at a 401k program and provide one half hour of training each week, which is authorized by the FDA. Mr. Alm said they are happy to say they have a very low employee turnover.

Supervisor Allen Latimer asked if they provide a tuition reimbursement plan. Mr. Alm said they pay 100% if it is directly related to the job. Mr. Santos said the company has continued to have a 10% growth rate each year except for this year. The growth rate for this year is 50%. He said they want to look for growth opportunities and see where they are in eight years. They want to remain in DeSoto County because this is his home.

Supervisor Allen Latimer congratulated the representatives and welcomed them to DeSoto County. Supervisor Latimer also asked them to consider hiring DeSoto County residents.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve a ten-year personal tax exemption, ten-year real property tax exemption and a freeport warehouse tax exemption for NATUREPLEX, LLC. 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.b

c. Fiskars Brand Inc.

Mr. Flanagan said the Board of Supervisors previously approved Fiskars Brand Inc. for a freeport tax exemption. He said the building is multi-tenant and they are not asking for a real property tax exemption for Fiskars. Mr. Flanagan said Fiskars is before the Board today to request a ten-year personal property tax exemption.

Keith Shreiber of Fiskars Brand Inc. thanked the Board of Supervisors for helping their company last year by approving the freeport warehouse tax exemption. Mr. Shreiber said it was a very good year and they are at full capacity and now have 100 employees. He said

they consolidated the Wisconsin and North Carolina facilities into the Fiskars in Southaven. He said they brought some staff from Memphis.

Supervisor Allen Latimer asked Mr. Shreiber if they hire in DeSoto County. Mr. Shreiber said yes, they use a local agency in Southaven. He said their salaried positions in Wisconsin transferred to Southaven, but the hourly and temporary staff is hired locally.

Mr. Flanagan pointed out that Mr. Shreiber is a DeSoto County resident and lives in Olive Branch.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve a ten-year personal property tax exemption for Fiskars Brand Inc. 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.c

d. Soladigm, Inc.

Mr. Flanagan introduced the attorney for Soladigm, Otis Timms, and Chuck Tomlinson with Soladigm who is in Human Resources. He said they are requesting a freeport warehouse tax exemption and will come back later to request real property and personal property tax exemptions.

Mr. Timms said an MOU was approved on July 23rd between Soladigm and DeSoto County. He said Soladigm is a high tech, high wage, high benefits company based in Milpitas, California. He said they are receiving assistance as part of a project of the Mississippi Development Authority. The state funded \$50 million and Olive Branch has also offered assistance. They leased a building and refitted it to meet their needs. Mr. Timms said Soladigm develops insulated glass units for energy efficient windows employing electro chromic technology for commercial and residential use.

Chuck Tomlinson thanked the Board of Supervisors for their support for the first ever high volume facility in the world for producing this product. Mr. Tomlinson said he is happy to say he is the first Mississippi employee and he is from Jackson, MS. Mr. Tomlinson said they have 41 full time employees: 31 hourly and 10 salaried. The hourly wage is \$13.00 per hour and the salaried wage is \$30.00 per hour. They provide health, dental AD & D, life, and short term and long term insurance in addition to a 401K program. Every single employee hired is provided with stock options so they have immediate ownership in the company. A gym membership will be provided and they will build a facility for a gym in the future. Lunch is catered daily for every employee using local vendors. Employees are eligible for benefits on their first day and they expect to be fully operational by March 31, 2012.

Supervisor Jessie Medlin asked how long Soladigm has been in California. Mr. Tomlinson said Soladigm was founded in 2007. The Research and Development team developed the product and then they started manufacturing. When manufacturing transfers to Olive Branch, R & D would remain in California.

Supervisor Allen Latimer asked Mr. Garriga if the NWCC training program is also for high tech training.

Mr. Tomlinson responded that NWCC is doing that type of training geared toward Soladigm.

County Administrator Michael Garriga said he and Mr. Flanagan have been working with NWCC. Olive Branch also has assisted.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the

motion to approve a freeport warehouse tax exemption for Soladigm, Inc. 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.d

3. Greenways Update and Grant Proposal

Greenways Coordinator Larry Jarrett appeared before the Board of Supervisors to give an update on greenway projects and to discuss a grant proposal.

Mr. Jarrett said regarding the grant, Memphis asked Desoto County to participate in the program and they had been talking with the DC Planning Department Director, Jim McDougal. Mr. Jarrett said, after talking with Mr. McDougal, they did not think the County would get their share of the money. So they came up with their own plan.

Supervisor Bill Russell asked if there are other counties participating with this plan. Mr. Jarrett said yes, Tunica, Tate and Marshall County are also participating.

Supervisor Eugene Thach asked how they would get money with the state of the economy.

Mr. Jarrett said there is money already appropriated in the Tiger III grant in the amount of \$524,944.00. He said there is a county match and much of that can be in-kind through partnerships that would qualify. He said he talked to Mike Taggart on Friday and he said the match is up to \$10 million in land trusts, donations, easements and others.

Supervisor Russell asked how the match would work.

Mr. Jarrett explained that it has to be tangible. Each county has land to donate and that can be the match. Mr. Jarrett said they would get the commitments in writing. He said there is no additional funding needed from the Board of Supervisors. Mr. Jarrett said they are wanting to improve the intersections at I-55, I-61, I-269 and I-22. He said that Mr. Taggart liked the idea and they are meeting next month for more discussion.

Supervisor Jessie Medlin asked who would do the maintenance on the intersections. Mr. Jarrett said he needs to discuss maintenance with them. He said they also need to discuss species of plants they would use so that there is no hazard to traffic.

Supervisor Allen Latimer asked if flowers could be planted under this same program. Mr. Jarrett said yes, and some trees as well.

Supervisor Russell said he would like a commitment from MDOT to take better care of the intersections than they do now.

Supervisor Medlin asked Mr. Jarrett if there are matching funds from the state.

Mr. Jarrett said no. He would like to apply for the grant.

Supervisor Russell said he gets calls from citizens about the County applying for grants when the economy is in such a bad condition. The government should not be spending money because it does not help the problem. Supervisor Russell said the citizens say the federal government should cut everywhere. Supervisor Russell said he understands that, but other counties will get this funding that DeSoto County should receive and he wants this County to be able to get what it deserves.

Supervisor Medlin asked if the grant could be used for trails. Mr. Jarrett said yes. They have one land donor of 87 credits and he would get a tax credit.

At the recommendation of the Greenways Coordinator, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to apply for the Tiger III Grant as detailed in Exhibit G.3. 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.3

Mr. Jarrett presented a map of 40 acres at the Lewisburg School. He said there is interest in using that acreage for a park, outdoor classroom and walking trails. He said it is part of greenways and the county maintains it. Mr. Jarrett said the teachers proposed adding stormwater education, agriculture garden, weather station and an animal habitat. Mr. Jarrett said this fits right in with greenways.

Supervisor Bill Russell asked if there is money in the program for maintenance. Mr. Jarrett said there is money in the program, but if they keep buying property and have to maintain more property, eventually there would not be enough money.

County Administrator Michael Garriga said there is a segment of the property that is a linear trail system connected to County property. Mr. Garriga said that might present another option.

Supervisor Jessie Medlin said he is concerned the same thing might happen in other subdivisions. They want a park to come in and then it is not public. Since the County owns this land, what would happen in that situation?

Mr. Jarrett said it must have public access. It has been presented to Planning and it must be public when people build houses. They cannot spend County money if it does not have public access.

Supervisor Medlin said there needs to be something put in the deed to show it is not public.

Supervisor Russell said the County has no policy on parks like this situation per se. The County becomes involved in park issues of this type from time to time and he thinks the Board should focus on establishing a policy for parks like this in the next year.

Supervisor Tommy Lewis said, if the land could be transferred to Greenways or a land trust, it might be possible the landowners on the east side might swap. This would also be the ultimate goal.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Board Attorney to draw up an agreement with Greenways for them to be able to maintain the area of the park near Lewisburg School. 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

Mr. Joe Johnson appeared before the Board and said the County should be spending money on walkways and roads. Mr. Johnson said there is a crack in his road that is 100 feet or longer and there are roads near him that had been paved twice and his has not been fixed. He said he lives on Bankston Road.

Supervisor Allen Latimer said he appreciated Mr. Johnson's comments and thanked him for appearing before the Board.

Supervisor Bill Russell asked for clarification on the land swap.

Supervisor Tommy Lewis explained that there are 17 acres on the east side of the ditch adjacent the site discussed that is also owned by DeSoto County.

Supervisor Jessie Medlin said the whole area is open space.

Supervisor Lewis said the school could participate because they have available land.

Supervisor Russell said we could still work on the land swap. He said Greenways might have more authority to go to the landowner.

Mr. Jarrett said he does not want to proceed with the project if the Bank does not do their part in making certain improvements to the site.

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

DeSoto County Engineer Andy Swims presented a letter sent to Mr. Pat Earnheart, developer of Bar-E-Ranchettes Subdivision by the Board Attorney. Mr. Swims said it is regarding completion of improvements for Bar-E-Ranchettes Subdivision Sections C & D.

Mr. Swims said he is requesting that they pull the bond on this subdivision. The bond does not expire until November. However, Tony Nowak sent a letter in April, to Pat Earnheart, the developer, with a June 24th, 2011 deadline to increase the bond from \$119,700 to \$239,400. He referenced the attached letter excerpts as follows:

April 22, 2011

Mr. Pat Earnheart
4346 Hwy 304 West
Hernando, MS 38632

Re: Completion of Improvements for Bar-E- Ranchettes Subdivision, Sections C&D

Dear Mr. Earnheart:

Please be advised that I serve as legal counsel to the DeSoto County Board of Supervisors. In this capacity I'm contacting you regarding the status of the above matter.

I have been advised by the DeSoto County Road Department that the roads and/or certain other infrastructure for Bar E Ranchettes has not been completed in accordance with the Land Subdivision Ordinance of DeSoto County, Mississippi (the Ordinance). *Correspondence was sent to you by the DeSoto County Road Department, dated November 30, 2010, requesting that you complete the necessary road and infrastructure improvements for the above-referenced subdivision by April 29, 2011. To date, the required work has not been completed.*

Article VI of the Ordinance sets forth the required minimum improvements for subdivision developments. In particular, Section "B", Paragraph 3, of the DeSoto County Subdivision Regulations provides, in part, "All subdivision improvements shall be completed with final one and a half (1½) inch layer of asphalt for a total of three inches within four years from recording said subdivision plat." Your subdivision became 4 years old on 11-1-2010 and not all improvement are complete which includes, but is not necessarily limited to, the final 1½ inch layer of asphalt.

The DeSoto County Board of Supervisors recently discussed this matter and is allowing a time extension subject to the following criteria:

1. You post bond in the amount of \$239,400 to secure satisfactory completion of all the required subdivision improvements to County specifications. The increased bond will need to be received by DeSoto County no later than June 24, 2011.

2. Construction of the required improvements must be completed in a satisfactory manner and within a time period of 2 years (April 30, 2013) or until 90% of the homes in the subdivision have been developed, whichever occurs first.

3. Any maintenance and repair requests must be corrected to the satisfaction of the DeSoto County Road Department by the date specified. In the event such work is not ENTIRELY completed by this date, or appropriate alternative arrangements are not made with the DeSoto County Board of Supervisors, your bond is subject to being called.

The calling of the bond will not relieve you of your obligations to be responsible for the necessary subdivision improvements. DeSoto County may seek injunctive relief directing you to complete the work required to bring the subdivision into conformity with the Ordinance and applicable County regulations. Alternatively, DeSoto County may elect to use the bond proceeds toward the completion of the subdivision improvements, but may still seek to hold you responsible for any costs incurred that exceed the bond amount. Should DeSoto County undertake the work to complete the subdivision improvements, the Board of Supervisors may either return to you the bond proceeds not applied to the cost of the improvements, seek an order from the Court authorizing the County to retain the funds for use toward future repairs and/or seek injunctive relieve requiring you to post the mandatory maintenance bond set forth in Article VI, Section B, Paragraph 5 of the Ordinance.

Mr. Swims said he gave Mr. Earnheart some extra time because he was dealing with health issues. However, after numerous conversations with Mr. Earnheart and the bank, it has become apparent they are stalling and not willing to act. Mr. Swims said he feels they have given them plenty of time. Mr. Swims said, today, he advised Mr. Roe Ross with First Security Bank that they were putting this issue on the agenda today. He said there are 41 lots that have not had houses built on yet.

Supervisor Bill Russell asked what needed to be done. Mr. Swims said the last lift of asphalt needs to be done. Supervisor Russell asked if the money would cover the final lift. Mr. Swims said yes.

Supervisor Russell asked how many houses are already built. Mr. Earnheart said nine of 43 lots have been built.

Mr. Swims said we can either pull the bond and put down the last lift or the Board can extend the bond for two years and increase the bond to \$179,000.

Supervisor Bill Russell asked if the County could pull the bond and put down the last lift of asphalt, would the County have to maintain the roads while the rest of the houses are under construction. Mr. Swims said yes.

Mr. Swims said they have looked at different bonds for different developers and the history of problems with subdivisions. He said some developers take better care of the subdivisions than others.

Supervisor Allen Latimer asked if there was anyone present who wished to speak to the Board on this matter.

Mr. Pat Earnheart came forward. He said he lives at 4346 Hwy 304 West, Hernando, Ms. Mr. Earnheart said he has been ill and is having trouble getting the situation handled. Mr. Earnheart said he would like to leave the bond as it is and fix the bad spots that are there. He said he may be able to get money from the bank.

Supervisor Russell asked how long that would take. Mr. Earnheart said a couple of weeks.

Supervisor Latimer asked if there was any way they could extend the bond.

Mr. Swims said they must be fair and consistent with everyone. It would not be fair to those who have been held to the policy.

Supervisor Russell said the Board meets on October 3 and asked the Board if they were willing to wait until then to make a decision.

Supervisor Latimer said they are running out of time. This would be the third discussion.

Supervisor Russell asked Mr. Earnheart if the road repairs could be completed by then. Mr. Earnheart said yes.

Supervisor Latimer confirmed the amount of the proposed new bond is \$179,550. Mr. Swims said that is correct.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until October 3rd. 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.4

5. Inventory Dispositions – Donation & Preliminary: DC Animal Service

Inventory Clerk Charmaine McCool presented a preliminary disposition for the DeSoto County Animal Services to donate one large dog box and one small dog box used on the Animal Control trucks. She said the boxes are in bad shape and have been replaced with new ones. The old ones can be repaired and the Animal Services Director requested donating them to the City of Hernando and the City of Olive Branch because they do not have any. Ms. McCool said Olive Branch routinely donates food and supplies to our Shelter.

Board Attorney Tony Nowak said the boxes should be declared surplus and transferred for less than fair market values as opposed to being donated.

At the recommendation of the Inventory Clerk, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to declare two boxes as surplus property and approve transferring two dog boxes to Hernando and Olive Branch, for less than fair market value, such sale at below market value being found to be in the best interest of the taxpayers of the state, as follows:

Asset#	Serial#	Description	Reason for Disposal	Location at Preliminary
30668		small dog box	replace w/new	Animal Shelter
32777		lg dog box	replace w/new	Animal Shelter

Included in the motion was to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to handle any necessary documents or agreements. 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.5

6. Office of Finance & Accounting: Supplemental Claims Docket

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

Supervisor Jessie Medlin asked if there was any money left over from the Law Library. Chief Financial Officer Tom Arnold said yes, and it could be used to pay additional bills, like the one on the docket.

Supervisor Allen Latimer referred to page 66 for the Administrative Office of Courts. Mr. Arnold said the Districts share in the salary, but DeSoto County is the host county.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Eugene Thach made the motion and Supervisor Bill Russell 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

Mr. Arnold presented a bill from North Delta for bus transportation for payment.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve paying a bill from North Delta Planning and Development for \$10,298.94. 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.6

7. IT: Approval of Contracts with Data Systems Management, Inc.

- a. Chancery Clerk Court**
- b. Tax Collector**
- c. Justice Court**

Vanessa Lynchard said it is time to renew software agreements with Data Systems Management, Inc. for the offices of the Chancery Court Clerk, Tax Collector and Justice Court. She said this is essentially the same agreement as every year with very little change. She said the Board Attorney has looked at the agreement and the offices are satisfied with the agreements.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve software agreements with Data Systems Management, Inc. for the offices of the Chancery Court Clerk, Tax Collector and Justice Court for one 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

See Exhibit G.7

8. Correct Vote for Previous Minutes-July 18, 2011: Miller Station Subdivision Phase II

Board Attorney Tony Nowak said when the July 18, 2011 Board minutes were approved for Miller Station Subdivision Phase II the minutes reflected the motion made, but did not show the final vote. Mr. Nowak said it is just a matter of correcting the error.

The Board asked about the vote and it was unanimous.

At the recommendation of the Board Attorney, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to correct a clerical error on the vote on the July 18, 2011 minutes for item number F.2 Miller Station Subdivision Phase II to reflect the Board of Supervisors' final vote on the item was unanimous. 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. Anda, Inc. MOU

Board Attorney Tony Nowak said the Board of Supervisors previously approved an MOU for an industrial prospect then called Project Swan, which is the Anda, Inc., facility. Anda is a pharmaceutical company that relocated to Olive Branch. He said the Board approved an agreement to participate in infrastructure improvements not to exceed \$20,000. Mr. Nowak presented the final agreement for their consideration.

Mr. Nowak said he wanted to let the Board know that the number of jobs Anda projected was 72, but the MOU only requires 65 jobs at this time. He said the Board approved a property tax exemption and a freeport warehouse exemption based upon a representation there would be 72 jobs. Mr. Nowak explained Anda intends to have over 80 jobs, but did not specifically tie itself to that amount due to the current state of the economy. Mr. Nowak reminded the Board of Supervisors one of the commitments is for the Board to fund certain aspects of the project to benefit the public in the amount of \$20,000.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve an agreement between DeSoto County and Anda, Inc., and for the Clerk to write a check to the City of Olive Branch, when appropriate, in the amount of \$20,000 for the matching contribution for public infrastructure related to the project and for the benefit of the public, and dependent upon the State of Mississippi contributing their portion of relocation assistance funding. 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

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to amend the 2012 budget to add the expense for the commitment in the MOU to ANDA, Inc. 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.9

10. Appointment of Andy Swims to Serve as County Floodplain Manager

County Administrator Michael Garriga said, the previous Planning Director served as the County Floodplain Manager and the Board needs to appoint someone since that position is vacant. Mr. Garriga said he talked to MEMA and certain certificates are required. Mr. Garriga said he also spoke to Gina Tynan and Randy Williams about both of them becoming certified, which would be additional over site. He said the class is in November. He said he also talked to Andy Swims and Mr. Garriga recommended he serve as interim as he already has the credentials to provide the service.

Supervisor Bill Russell asked why Mr. Swims could not continue to serve as Floodplain Manager. Mr. Garriga said Mr. Swims could serve. He said there is a lot of paperwork that goes along with any floodplain change.

Supervisor Russell said Mr. Swims already looks at the subdivision plans so could he check for that as well.

DeSoto County Engineer Andy Swims responded that he already deals with it. He said the position has just always been in the Planning Department. He said he works closely with the building offices.

Supervisor Eugene Thach questioned Mr. Swim's workload. Mr. Swims said he is staying busy.

Supervisor Tommy Lewis said he thought it would be an improvement to have the building inspectors and planning involved. He said there have been some cases where floodplains were not identified and caused issues for the homeowner and the County. Fortunately, there was a grant to help with one situation. Supervisor Lewis said having an extra set of eyes with Andy over seeing as well, would be much better.

Mr. Garriga said there are a lot of permitting issues and floodplain needs and all input will help.

Mr. Swims said they all work together on building permits and it all has to be done the same way. He said his office does the technical part now and this may add an extra step, but they end up reviewing everything anyhow. He said they also advise Planning on what needs to be done so that would be no different.

Supervisor Lewis said he also thinks there needs to be more eyes when driving by houses. Supervisor Medlin said they need to get trained and then decide later who will be in charge.

Mr. Garriga said it is not complex, but a lot of details to look at.

Supervisor Allen Latimer said he would like to hear from the Road Manager since it would affect M. Swims' position.

Road Manager Russell Dorris said there would be no problem.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to appoint Andy Swims to serve as the County Floodplain Manager on an interim basis and to authorize Gina Tynan and Randy Williams to get the required certifications. The motion passed by a vote as follows:

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

11. Open and Vacant Positions: Authorization to Proceed with Hiring

County Administrator Michael Garriga presented a list of open and vacant positions for the Board's consideration as detailed in Exhibit G.11. Mr. Garriga said, if the Board approves, he would like to start hiring on October 1. He noted that although a couple of positions were added, other positions were eliminated.

There was no action necessary on this item.

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. Solid Waste Collection Update

Mr. Laughter said he would like to update the Board of Supervisors on the status of the solid waste changes. He said Waste Connections is now distributing the cans. They have delivered 1,609 cans in the County around Hwy. 301, the ballpark area and Lake Forest. Mr. Laughter said they are distributing to Eudora and then will distribute in the east this week and next week.

Supervisor Jessie Medlin asked how many cans will a resident get. Mr. Laughter said they will get however many cans they are currently paying for. If they are currently paying for one can, they will get one can and will receive two if they are paying for two cans.

Mr. Laughter said their service day would not change. He said, the last day that Allied Waste picks up trash at a residence, another truck will come by the same day and pick up the cans.

Supervisor Bill Russell asked about the status of the overbills by Allied Waste. He asked if residents would be reimbursed.

Mr. Laughter said he has been working with Allied Waste to speed up the process. He said over 7,000 customers were overbilled. Mr. Laughter said he and Mr. Garriga are working diligently to get the reimbursements quickly.

Supervisor Russell asked if they could force a time line.

Board Attorney Tony Nowak said Allied Waste could be in breach of the contract at this point. This may allow the Courts to require a timeline for Allied to complete the reimbursements. However, it would be a lengthy and expensive process to go through the courts.

Supervisor Medlin said, when you say some people pay for two cans, does that mean that is how many cans they will get with the new service. Mr. Laughter verified that residents would receive the number of cans they are currently billed for.

Supervisor Tommy Lewis asked how many cans the churches would receive. Mr. Laughter said they will receive one can free, but can pay for up to two additional cans at \$3 each.

Supervisor Allen Latimer thanked Mr. Laughter for the update and for doing a very good job.

See Exhibit I.1

2. National Rubbish and Landfill Day

Mr. Laughter said there would be a National Rubbish Day where people will pick up litter in the County. He said there is also a National Public Health and Fitness Day in the future. There are a lot of good things coming up in the County. He thanked the Board of Supervisors for their support.

3. Korean War Memorial Event Update

Vanessa Lynchard said the response to the event has been great. They now have over 80 Korean War Veterans signed up for the event. She said the event is going to be very interesting and exciting for the Veterans. Vanessa said it will be similar to the WWII Veterans Event, but would not mirror it exactly. It would be strictly Korean and the newspapers have been amazing in getting the word out to the public.

Supervisor Bill Russell asked if names are still being submitted. Vanessa said yes, the last day to a name could be submitted to be on the Roll Call is Wednesday.

Vanessa said Friends of the Korean Culture will sing and the Navy Jazz Band will appear as well. There are good speakers on the agenda and the DeSoto County Museum will be open to display artifacts.

4. Sheriff’s Department – Jail Construction 2012

Sheriff Bill Rasco said there is a culvert on the back access to the jail expansion. The culvert on the upper end is causing flooding and the culvert needs to be looked at.

Road Manager Russell Dorris said he would get with the Sheriff and look at the property.

Supervisor Bill Russell asked about the firing range at the jail expansion site. Sheriff Rasco said they are looking at having it there.

County Administrator Michael Garriga said they would need to look at the zoning requirements.

Supervisor Russell said, typically, notices are mailed to the residents and he wanted to be very careful not to upset anyone.

Supervisor Allen Latimer said he would like to know how the City of Hernando would react to a firing range.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to look into the potential of the Sheriff Department having a firing range at the new jail expansion site. 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

5. DeSoto County Regional Utility Authority

Vanessa Lynchard said it is time to consider renewing the contract between the County and DCRUA for the employee. She said the Board Attorney has already looked at the agreement.

Supervisor Jessie Medlin asked the term of the contract. Vanessa said, if the Board authorizes to do so, the Board Attorney could approach DCRUA on the agreement.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the contract with DCRUA as presented to assign Judy Marshall to work with DCRUA. 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. DCRUA

Board Attorney Tony Nowak said the Walls Western Treatment was built next to a sewer lagoon owned by the County. There was a bond on the lagoon and it cannot be transferred until the bond is paid off. He said Entergy wants to put a pole on the county property to service the DCRUA plant and he has received a proposed utility easements from Entergy. Mr. Nowak said everything looks fine.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the easement to Entergy for the purpose of placing a utility pole on County property near Walls Western Treatment. 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

7. DHS-Child Support

Board Attorney Tony Nowak said that that DHS-Child Support wants a contract for their postage meter.

Supervisor Allen Latimer asked why they cannot use stamps. Vanessa Lynchard explained that the machines are the best deal because it can be better controlled. If they use stamps, anyone can take those.

Vanessa said they are recommending a different contract with Memphis Communications and Hasler. She said the use of the machine is \$180 per month.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the lease agreement with Memphis Communications and Hasler for postage service at DHS-Child Support as described in Exhibit I.7. 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 I.7

8. Workplace Violence Update

Board Attorney Tony Nowak said, previously the Board discussed workplace violence. He clarified there have been no incidents. Mr. Nowak said he did do some research and it would be a pro-active measure to consider a policy to protect employees. He said the policy would also include how to respond when someone has been threatened.

Supervisor Allen Latimer said he would like the Department Heads to participate in the discussions.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board Attorney to work with the County Administrator and Human Resources Director to develop a policy for workplace violence. 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. Jail Expansion-Groundbreaking

County Administrator Michael Garriga said the groundbreaking for the new jail expansion will be held on October 3, 2011 at 11:00 a.m.

10. Chancery Clerk

Chancery Clerk Sluggo Davis said his office received a contract for a subdivision that needed the signature of the Board President. He said he does not recall his office ever receiving this type of contract.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Board President to sign the contract with Mike Bailey for Castle Creek, Phase I

Subdivision as presented by the Chancery Clerk. 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 I.10

11. DCRUA-Western Treatment Plant

Supervisor Bill Russell said the Western Treatment Plant has been completed and the Groundbreaking is scheduled for September 27th at 9:00 a.m., and is located at 4147 Hwy. 61, Walls, MS.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to adjourn the meeting until October 3, 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 19th day of September 2011, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors