

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**ALLEN LATIMER, PRESIDENT, 2011 PRESIDING**

**SEPTEMBER 6, 2011**

**A. CALL TO ORDER**

The September 6, 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. 9:00 a.m. Public Hearing for Tax Protests**

**1. Al Gilless**

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing for Tax Protests held over to this day. 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 Board of Supervisors asked for clarification about appraisals in a previous meeting.

Supervisor Allen Latimer asked if there was anyone who wanted to address the Board of Supervisors regarding tax assessments. No one came forward.

Piet Zee of the Tax Assessor’s Office said Mr. Gilless is not present and they have no other protests. Mr. Nowak said Mr. Gilless probably did not realize his presence was needed and reminded the Board Mr. Gilless has already presented his appeal to the Board, and the Board continued his appeal to this day.

Supervisor Bill Russell said he talked to the Tax Assessor's Office and was in favor of denying the tax protest from Al Gilliss.

Supervisor Jessie Medlin said he recalled at the last meeting, that the Tax Assessor's Office had gotten comparable appraisals close to the same type of property as Mr. Gilliss and they confirmed that Mr. Gilliss' assessment was fair.

Mr. Zee said the appraisals they have would be close in value. The area is very special. He said he felt most of their appraisals are conservative. Mr. Zee said that Mr. Gilliss said he would like to sell the lots for \$40,000 per lot and the Tax Assessor's Office appraised it at \$37,500. Mr. Zee said that is a fair and consistent appraisal.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to close the Public Hearing regarding tax protests in 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-----ABSENT

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to deny Mr. Gilliss' appeal and approve the Tax Roll for 2011. 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

**E. CITIZEN REMARKS**

Supervisor Allen Latimer asked if there was anyone in the audience who wanted to address the Board of Supervisors regarding any item not listed on the Agenda. No one came forward.

**F. APPROVAL OF AUGUST MINUTES**

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

The official minutes of the Board of Supervisors were read for the month of August 2011.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the minutes of the Board of Supervisors for August 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-----YES

**See Exhibit F**

**G. CONSENT**

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

Supervisor Jessie Medlin asked if the utilities permit has to do with widening Getwell Road. State

Aid Engineer Tracy Huffman said these easements are for the cities.

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 August and paid to Humana:

<b>Funding Request</b>	<b>Date Paid</b>	<b>Amount</b>	<b>Claim Type</b>
<b>Date</b>			
8/1/11	8/1/11	\$75,305.49	Administration Fees
8/1/11	8/2/11	\$69,233.70	Medical
8/1/11	8/2/11	\$6,266.35	Dental
8/1/11	8/2/11	\$14,126.28	Pharmacy
8/8/11	8/9/11	\$80,662.50	Medical
8/8/11	8/9/11	\$7,828.05	Dental
8/8/11	8/9/11	\$11,109.97	Pharmacy
8/15/11	8/16/11	\$47,073.82	Medical
8/15/11	8/16/11	\$5,497.60	Dental
8/15/11	8/16/11	\$13,379.74	Pharmacy
8/22/11	8/23/11	\$65,348.63	Medical
8/22/11	8/23/11	\$7,584.15	Dental
8/22/11	8/23/11	\$14,355.40	Pharmacy
8/29/11	8/30/11	\$50,422.02	Medical
8/29/11	8/30/11	\$6,988.90	Dental
8/29/11	8/30/11	\$11,818.68	Pharmacy
	<b>TOTAL</b>	<b>\$487,001.28</b>	

**2. Justice Court Report**

Criminal Cases Filed	125
Civil Cases Filed	681
Traffic Tickets Filed	745
Total Cases Filed	1551
State Assessments	\$65,935.72
County General Fund	\$113,953.25
Total Collections	\$179,888.97

**3. Bailiff Pay - Liz Medlin - \$380.00**

**4. Publication of Board Proceedings**

**5. Office of Finance & Accounting**

**a. Budget Amendments-Detailed in Exhibit G**

**b. Transfer Title for Fire Truck to Correct Error**

**6. Office of Procurement- Solicitor Bids for Auditor**

**7. Approve Agreements: Affiliation Agreement with NWCC & DC Sheriff's Dept.**

**8. Make Part of Minutes**

**a. Easement & Construction Agreement for I-269/305-Marshall County Line**

**b. Changes to Official DeSoto County Road Map & Register**

**9. Appointments: Planning Commission/District 2-Resignation of David Henley**

**10. Department of Road Management**

**a. Road Report**

**b. Work Schedule**

**c. Road Bond Report**

**d. Road Bonds to be Released**

**11. Sheriff's Dept.:**

**a. Special Investigations Division (SID): Declaration of Forfeiture-2000 Chevrolet Blazer (Red) Vin# 1GNDDT13W5Y2363318 (1) Sony Vaio Laptop Computer S#275281888028733**

**b. Street Crimes: Donation to the Sheriff's Dept.-Property Value-Approximately \$1,500**

**12. Inventory Control Dispositions-Final: Law Library**

Asset#	Description	Serial#	Reason for Disposal
32340	Minolta Copy Machine	311796275	Copier Non Available

**13. Tax Assessor's Office: Petition for Reduction of Assessments**

**Reduction of Assessment**

State of Mississippi  
Tax Assessor Parker Pickle

County DeSoto  
Real/ Personal 2010 Roll

PAGE	LINE	TAX DISTRICT	OWNER	PARCEL NUMBER	IMPROVEMENTS	LAND	TOTAL	AMT OF CHANGE	REASON FOR CHANGE
940	5	1000	Ronald Jeffrey McDermott Etux	3058 2803.00023.00	0	4500	4500	1500	2
1021	11	1000	Payne Jimmy L. Etux	3067-3501.0-00004.00	0	5250	5250	2625	2
3070	1	1300	Pecan Ridge Owners Assoc Inc.	1067-2628.0-00103.00	0	3750	3750	3675	2
			Totals Carried to Form 71-026		0	13500	13500	7800	
Reason For Change of Assessments									
(1) Duplicate Assessment			(2) Clerical Error		(3) Calculation Error				
(4) Erroneous Assessments			(5) Incorrect Acreage		(6) Buildings were not on the land				

**14. State Aid Engineer: City of Southaven Sewer Utility Permits (3): Getwell Rd. between Goodman & Stateline Road SAP 17-(21,22),Sta. 0+12Sta. 106+50**

**15. Chancery Clerk Allowance (1) \$1,816.66**

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

**H. OLD BUSINESS**

**1. UASI Preparedness Subgrant Agreement**

Board Attorney Tony Nowak said several months ago the EMA Office came forward to request an agreement with Shelby County to provide funds from Homeland Security Grant. Mr. Nowak said he has been working with them and they are prepared to allocate up to \$97,000 for EMA for training.

Supervisor Eugene Thach asked if Mr. Nowak thought the agreement was fair. Mr. Nowak said yes.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the Urban Area Security Initiative Cooperative Agreement between Shelby County Government Office of Preparedness and DeSoto County as detailed in Exhibit H.1. 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.1**

## **I. NEW BUSINESS**

### **1. Public Hearing: FY 2012 Budget**

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to open the Public Hearing for the FY 2012 Budget. 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

County Administrator Michael Garriga said a number of issues came up at the last budget work session during the last Board meeting. He said he is prepared to present the information regarding those items.

Director of the First Regional Library Catherine Nathan appeared before the Board to discuss the budget for the Library. Ms. Nathan thanked the Board for allowing her to talk to the Board about the budget. She said she knows there is a budget crisis. Ms. Nathan presented a report on the Law Library funding and the status of the library. She said the county recently sent \$125,000 for the Law Library. Ms. Nathan said they spent a portion of that money to buy computers and subscriptions and to pay the Law Librarian. She presented a report she uses on Powerpoint to promote the Law Library. She said she is proud of the way the Law Library looks in the Public Library. Ms. Nathan invited the Board of Supervisors to visit the Library to look at the Law Library.

Ms. Nathan thanked the Board of Supervisors for their support of the public library. She said they are bursting at the seams. She said there has been a 164% increase of computer use in the last six years and the weekly user count has increased 40% in the same six years. The County has not increased in population during that time to match those numbers. She said the additional money given to the Library by the Board of Supervisors in 2010 and 2011 was used as she promised it would be spent.

Supervisor Eugene Thach asked which library is the highest used library in the state. Ms. Nathan responded that Hattiesburg is the highest used library.

Ms. Nathan said the library asked for additional funding in the FY 12 budget. She said the Walls Library needs additional hours to be open. That gives us a good sense of how the dollars are used. She said there are 174 computers in DeSoto County that are at least four years old or older that must be replaced. That is just one of the things they want to use the money for. Ms. Nathan said that, even at the state contract price of \$800, you could imagine how expensive it will be to

replace those computers. Ms. Nathan introduced the county librarian. She said she would like the Board to consider helping the City of Horn Lake with either a new or a renovated facility. She said the library is flooding with people. She said people are in the library whenever it is open.

Supervisor Allen Latimer said he saw where Ms. Nathan went before the Horn Lake Board to request funding and asked if they had made a commitment. Ms. Nathan said no, they would meet again tonight to approve their budget.

Supervisor Jessie Medlin asked if there is any grant money to build libraries. Ms. Nathan said there is none at this time. She said she did a renovation project for Crenshaw with grant money. That grant was based on income and that DeSoto County would not qualify. Supervisor Medlin said he appreciates Ms. Nathan and the work she does at the Library.

Supervisor Latimer said we know what an asset the Library is to DeSoto County. Supervisor Latimer said there would be a new Board in January and he would hesitate to make any decisions to hinder the next Board. He said they could do a budget amendment in January. Ms. Nathan said she would come back in January.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to take funding for the First Regional Library under advisement. The motion passed by a vote as follows:

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

**See Exhibit I.1**

Mr. Garriga said there were two positions in Juvenile Court for this budget. He said that he spoke with Judge Wilson and she sent a letter that clarified this is not a DHS grant. Instead, it was a Juvenile Accountability Grant (JAG). He said law mandates both positions and DeSoto County has no choice.

Supervisor Eugene Thach asked who says that both positions have to be funded. Mr. Garriga said state law mandates both positions. Supervisor Thach verified that the state mandated the positions, but did not provide funding. Mr. Garriga said that is correct.

Mr. Garriga said that Judge Lynchard sent him a request for a commitment prosecutor. He said he asked Judge Lynchard what the prosecutor would be doing. Judge Lynchard sent a letter to the Board.

Supervisor Latimer asked if this position is mandated. Mr. Garriga said no. The Legislature changed statutory language and they are seeing more pro se lunacy mental health patients. Mr. Garriga said it takes a lot of time for process.

Supervisor Bill Russell asked if it is a patient's choice to hire someone or not. He asked what happens when they file their paperwork improperly.

Chancery Clerk Sluggo Davis said they tell them to redo the paperwork, which causes a delay to the next week. He said lunacies are sent to Region IV for evaluation. He said he thought Region IV helped with filing the papers.

Sheriff Bill Rasco said he did not know anything about the paperwork. He said Region IV has done a great job of keeping patients out of the jail. He said a patient may be there a day or two, but Region IV has been very good to get them out of the jail. Supervisor Russell asked if the patients stay out there with no help until the paperwork is done.

Mr. Davis said, if a person does not hire a lawyer, the person could go home unless they are violent.

Supervisor Thach confirmed that the County does not have to do this. Mr. Davis said that is correct. He said the County furnishes every person facing a commitment hearing with a Public Defender. He said there used to be a mandate for an attorney for people filing their paperwork.

Supervisor Tommy Lewis said he is trying to determine the costs and how much will be saved. He said Judge Lynchard's letter talks about savings and costs. He asked if it could be determined how much cost is there so the Board can make their decision.

Supervisor Thach asked Board Attorney Tony Nowak if he is familiar with this. Mr. Nowak said he does not know the numbers, but the number of commitments is going up with the rising population. Mr. Nowak said there are various ways they come before the court. He said, if someone wants to get help, they can file voluntarily without being held in the jail. However, if they are picked up in relation to the commission of committing a crime, or are presented to the hospital, or for threatening harm to themselves or others, they are involuntary commitments and are held in the jail until the proper paper work is done. Further, they cannot proceed with the commitment until any pending criminal charges are disposed of. Thus, pro se people are faced with a lot of matters to get resolved and they are not aware of what must be done to pursue the commitment once the initial application is filed.

Supervisor Thach said Mr. Nowak is closer to the issue than he is. He said we need a recommendation. He said he does not really know.

Mr. Nowak said he cannot comment on the costs because he does not know what they are. He said anyone going through the process would be well served to have an attorney. He said people do not know the process or documents that need to be filed or what they need to say in court.

Supervisor Jessie Medlin said, in the time he has been here, Judge Lynchard has not come and asked for something he did not need. He said, having the people in jail, is bad for them and the County. He said the longer lunacies are incarcerated the more likely there is to be an incident.

Supervisor Russell asked if this is a full time position. Mr. Garriga said no. It would be a flat rate, but would certainly be a part time job.

Sheriff Bill Rasco said Judge Lynchard works with the Sheriff's Department in every way and he did not think Judge Lynchard would ask for anything he did not need.

Supervisor Latimer asked if the money was in the budget. Chief Financial Officer Tom Arnold said yes, the money is in the budget.

Supervisor Latimer asked if anyone wanted to make the motion to remove funding from the budget. No motions were made to remove funding from the budget.

Mr. Garriga said the Board previously questioned the budget for Justice Court. He said he reevaluated the budget and consulted with Shirley Beshears. Ms. Beshears said they could do without the position of Office Manager. Mr. Garriga said, when Ms. Beshears became Justice Court Clerk in 2005, there were 13 employees. She reduced that number to nine so these two positions make 11 employees.

Mr. Garriga said three positions in the Planning Department were not filled. He said they are moving people from one department to another and not creating an overall increase in payroll.

Supervisor Russell asked if the positions in the Planning Department are permanently eliminated. Mr. Garriga said it would be monitored. He said Environmental Services might need help to haul recycling trailers. He said there is a lot going on in that department. They are down to bare bones and Environmental Services is very busy.

Supervisor Medlin said he was the one who brought this up about Justice Court. He said they still have the same amount of paper and the caseload is not increasing. The number of staff is increasing.

Mr. Garriga discussed Park Funds with the Board of Supervisors. He said the Park Funds were

rolled into a different fund. Mr. Garriga said he thinks it would be beneficial to move that money to the 099 fund and it is separated by District. This would avoid an impact on the General Fund in the future.

Supervisor Russell said his money in in the budget now. He said there might be a few outstanding bills remaining to be paid out of that money. Mr. Arnold said that is correct, and he tried to estimate the rest of the year considering the outstanding bills.

Supervisor Russell asked if there was any way to find money to help the Library.

Supervisor Thach said you open the doors for others when you help one department.

Mr. Arnold said, after all, of the changes, there was a \$30,000 surplus left in the budget. That amount is not enough to cover the entire request. He said they do try to keep some surplus in case a need arises.

Supervisor Thach said we should wait until the new Board comes in and then transfer the money.

Supervisor Latimer said he felt like Mr. Thach. He said he will not be on the Board next year either and he did not want to hamper the new Board coming in.

Supervisor Russell said he would like to move \$30,000 from the District 3 Park Fund for the Library.

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the 2012 budget as presented. The motion failed by a vote as follows:

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

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve the budget as presented and to move \$30,000 from the District 3 Park Fund into the Library Fund. The motion failed by a vote as follows:

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

Supervisor Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to reconsider the previous motion. 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 Eugene Thach made the motion and Supervisor Allen Latimer seconded the motion to approve the 2012 budget as presented. The motion passed by a vote as follows:

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

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to move \$30,000 from the District 3 Park Fund to the Library in the FY12 budget. The motion passed by a vote as follows:

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

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the position of a Committing Prosecutor for lunacy court as a part time position. 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 Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to set the tax levy as presented on the approved budget and to set the millage rate based on the 2012 budget as follows:

IN THE MATTER OF LEVYING COUNTY AND  
 AD VALOREM TAXES FOR  
 FISCAL YEAR 2011-2012  
 INCLUDING ROAD MAINTENANCE, SCHOOL DISTRICT  
 AND ANY OTHER TAXING DISTRICTS

It is ordered and adjudged by the Board of Supervisors of DeSoto County that the following ad valorem tax rates, or levies, be and the same hereby are, imposed and levied for fiscal year 2011-2012, upon all taxable property in DeSoto County, State of Mississippi, and in the County school district, drainage districts and any other taxing districts in DeSoto County as the same are now assessed and listed or may hereinafter be assessed and listed on the Assessment Rolls of said County, as of January 1, 2011 upon each dollar of valuation.

PURPOSE OF LEVY	LEVIED MILLS
<b>FOR DESOTO COUNTY GENERAL FUND:</b>	
(1) Levy authorized by Section 27-39-329, Mississippi Code of 1972 General County 3.00 mills General County Mandatory (current Expenses and maintenance authorized By Section 27-39-329 (2)(b), Mississippi Code of 1972) 1.00 mill	4.00
(2) For General County purposes (current expense and maintenance authorized by Section 27-39-303, Miss. Code of 1972)	22.88
This levy for 22.88 mills for General County purposes is for the following items: office and administration, judicial, law enforcement, assistance to individuals, farm and home services, operation and maintenance of buildings and grounds, economic opportunities, advertising county resources, libraries, county health, soil and water conservation and emergency medical services, as shown by the budget to be adopted by the Board of Supervisors in accordance with the regulations of the State Audit Department.	
<b>TOTAL GENERAL COUNTY.....</b>	<b>26.88</b>
(3) For maintenance and construction of roads, as authorized by Section 27-39-305, Code of 1972.	3.00
(4) For county-wide maintenance and construction of bridges and culverts, as authorized by Section 65-15-7, Code of 1972	4.54
<b>TOTAL MAINTENANCE OF ROADS AND BRIDGES.....</b>	<b>7.54</b>
(5) For operation of the solid waste disposal program and the rubbish pit, authorized by Section 19-5-21, Code of 1972	1.22
<b><u>TOTAL SOLID WASTE.....</u></b>	<b><u>1.22</u></b>

(6)	2004 \$22 million bonds (Section 19-9-9) (Fund 222)	1.10
(7)	2005 \$6.960 million refunding bonds, interest and sinking (Section 19-9-9) (Fund 223)	.55
(8)	2007 \$8.755 million refunding bonds, interest and sinking (Section 19-9-9) (Fund 216)	.55
(9)	2009 Public Improvement refunding bonds, interest and sinking (Section 19-9-9) (Fund 224)	.70
(10)	2009 \$16 million general obligation bonds, interest and sinking (Section 19-9-9) (Fund 225)	1.00
(11)	2009 Refunding bonds-Mississippi Development Bank (Section 19-9-9) (Fund 226)	.50
(12)	2010 Refunding Bonds (Section 19-9-9) (Fund 227)	.63
(13)	2010 5 Million Bonds (Section 19-9-9) (Fund 228)	.35
	<b>TOTAL DEBT SERVICE.....</b>	<b>5.38</b>

**TOTAL DESOTO COUNTY.....41.02**

**FOR DESOTO COUNTY SCHOOL OPERATIONS:**

(1)	For the operations of all public schools in the DeSoto County School District, as required by the State Department of Education, and as authorized by Section 37-57-104, et. seq., Code of 1972	39.35
(2)	Board of Education Notes interest and sinking fund (Section 37-59-107)	3.00
(3)	Board of Education Bonds interest and sinking fund (Section 37-59-23)	11.22

**TOTAL DESOTO COUNTY SCHOOLS MILLAGE.....53.57**

**FOR NORTHWEST MISSISSIPPI COMMUNITY COLLEGE OPERATIONS:**

(1)	Support of Northwest Mississippi Community College, as authorized by Section 37-29-141, Code of 1972	1.99
(2)	Support of Northwest Mississippi Community College Building and Improvement Fund, as authorized by Section 37-29-141, Code of 1972	2.12

**TOTAL NORTHWEST MISS. COMMUNITY COLLEGE MILLAGE.....4.11**

**TOTAL EDUCATION MILLAGE.....57.68**

**TOTAL COUNTY-WIDE MILLAGE.....98.70**

**OTHER LEVIES:**

(1)	For support of County Fire Protection Districts, in accordance with Section 19-5-189, Code of 1972, as follows:	
	a. Brights/Lewisburg Fire Protection District (real property only)	1.00
	b. Walls Fire Protection District (real property only)	1.00
	c. Summershill Fire Protection District (real property only)	1.00
	d. Eudora Fire Protection District (real property only)	1.00
	e. Love Fire Protection District (real property only)	1.00
(2)	For support of Volunteer Fire Departments in accordance with Section 83-1-39, Code of 1972, as follows:	
	All property, exclusive of municipalities	2.00
(3)	For providing fire protection, a forest acreage tax on all timbered and uncultivated lands in DeSoto County is hereby levied as authorized by Section 49-19-115, Code of 1972.	.09 per acre
(4)	Yazoo Mississippi Delta Joint Water Management District	

- (5) Drainage tax against all property liable therefore, as authorized by Orders of Records as of this date, and as authorized by Section 51-31-65, Code of 1972
  - a. Cane Mussacuna Drainage District 8.00
  - b. Northwest Mississippi Consolidated Drainage District 3.50
  - c. Short Fork Creek Drainage District 0.25
  - d. Lake Cormorant Drainage District 0.00
  - e. Horn Lake Creek Watershed Drainage District 2.60
- (6) Walls Sewer District interest and sinking fund acreage assessment (HB 39, Local and Private laws of 1990) \$29,000

None of these levies exceed any of the limitations set out in Title 27, Chapter 39, Code of 1972, or amendments thereto.

STATE OF MISSISSIPPI, DESOTO COUNTY

I, W.E. Davis, Chancery Court Clerk and ex-officio Clerk of the Board of Supervisors, in and for said County and State, do hereby certify that the above is a true and correct copy of the taxes levied by the Board of Supervisors at its September 6, 2011 meeting.

Given under my hand and official seal this the 6th day of September, 2011.

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 Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to close the Public Hearing for the 2012 Budget. 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.1**

**2. Horn Lake Public Works Projects**

Spencer Shields of Horn Lake Public Works and Vince Malavasi also of Horn Lake, appeared before the Board of Supervisors to discuss the \$400,000 that the Board had set aside for a school road in Horn Lake. Mr. Shields said they are not having any accidents in the area of the school roads. He said the City would like to take that money and use it throughout the City for their streets.

Supervisor Bill Russell said the total is \$992,000. He said if \$400,000 is moved to Horn Lake, the difference is \$592,000. Supervisor Russell said the money has been held for many years and it appears it does not need to be used for the original purpose.

Supervisor Jessie Medlin said the County has been holding the money for several years. He said the County has helped other cities in the County as well.

Supervisor Allen Latimer thanked the Board members for their support in this matter with the City of Horn Lake.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve a \$400,000 allocation, previously set aside for the school road, to the City of Horn Lake and to authorize the Chief Financial Officer to transfer the money to the City of Horn Lake. 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

**3. Extension Service**

Director or the Extension Service Joy Anderson appeared before the Board of Supervisors to request approval for an existing position for an Extension Agent. Ms. Anderson said this position is in the County budget. The County is mandated to pay a portion of the salary plus its' pro rata share of the employee benefits which totals \$22,956.00.

Ms. Anderson said the position covers row crops and livestock. She said the position would directly help farmers in the area.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve filling the position of Extension Agent and for the Board President to sign the County's commitment for 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

**See Exhibit I.3**

**4. State Aid Engineer**

**a. FY2012 State Aid Bridge**

State Aid Engineer Tracy Huffman said the FY2012 Program Agreement that designates the number of bridges to be inspected in DeSoto County is before the Board of Supervisors for approval. Mr. Huffman said 56 bridges would be inspected at a cost of \$19,280.00. He said 80% would be paid through the Federal Bridge Replacement Funds requested program and 20% would be paid through the Federal Off-system Bridge Credit requested program. Mr. Huffman said there is no cost to DeSoto County.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the FY2012 State Aid Bridge Program Agreement and Project Order for inspection of designated bridges and authorize the Board members to sign the document. 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.4.a**

**b. Oak Crest Road Drainage**

State Aid Engineer Tracy Huffman said this issue was brought to his attention regarding a drainage complaint located at 1895 Oak Crest Road. He presented pictures showing the rain runoff and the effects on the road and yard. He said the periods when water tops the road, are infrequent. Mr. Huffman said some neighbors said it happens two to three times per year. Mr.

Huffman said the County could replace the pipe across the road to alleviate the problem. He said the pipe is located at 1892 Oak Crest Road. It may help the situation to replace that pipe, but the next pipe located at 2315 Oak Crest Road may not be large enough to carry the water either. Mr. Huffman said that one is made of concrete so to replace it would be costly.

Supervisor Bill Russell asked, when a development goes in, does a subdivision inspector inspect the last pipe. He asked if the County approved these pipes.

Road Manager Russell Dorris said he did not think so. He said the subdivision went in 20 years ago.

Supervisor Russell said, if the County had participated by inspecting the pipe, in his opinion, the Board has a responsibility to fix the issues. If the County had no part in the approval, then the County should not replace the driveway culverts.

Supervisor Tommy Lewis said this is something to investigate further.

Supervisor Allen Latimer said he thought that driveway pipes are the landowner's problem.

Board Attorney Tony Nowak said, if the pipe is on private property, in order for the County to fix or replace it, a determination would have to be made that the pipe was a hazard to the health, safety and welfare to the public or there is a damage being done to the road due to bad drainage.

Supervisor Latimer asked if it is damaging the road. Mr. Huffman said no.

Supervisor Russell said he needs to know if it is legal to help the landowners. He said he does not think it is a health, safety and welfare issue.

Mr. Dorris said we do not have any history to look at. He said they are asking to replace the pipe across the road.

Supervisor Lewis asked if that is a 25 year design. Mr. Huffman said it could probably carry a 25 year flood, but because the road is lower than the top of the culvert it will not carry it.

Supervisor Eugene Thach said he does not see how the Board can vote on this without more information.

Mr. Dorris said extreme events create that problem. He said normally, it takes the water very well.

Supervisor Latimer asked if the water has gotten into the houses. Mr. Dorris said no. Supervisor Russell asked the recommendation of the Road Manager. Mr. Dorris said he recommended leaving it alone because it is intermittent.

Supervisor Latimer said, if he understands correctly, the situation does not create a danger to the public.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to deny the request for assistance on Oak Crest 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 I.4.b**

**c. Designation of Applicant's Agent for Hazardous Mitigation Grant**

State Aid Engineer Tracy Huffman said there needs to be a Designation of Applicant's Agent for the Hazardous Mitigation Grant. He said he has been working with Short Fork Drainage District and the DeSoto County Regional Utility Authority. Mr. Huffman said they talked to FEMA who led them to Hazardous Mitigation at the state level. The state suggested filing for the grant. The local government has to designate an applicant for authorization. Mr. Huffman said it is a 75/25 cost share.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to designate the Short Fork Creek Watershed Drainage District as the Applicant's Agent for the Hazardous Mitigation Grant. 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.4.c**

### **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 asked about the claims to State Farm on page eight. Mr. Arnold said Deputy Clerks at the Tax Collector's Office are now required to have surety bond.

Supervisor Medlin asked County Administrator Michael Garriga about the \$3,000 fee paid to Jail

Consultant, Irb Benjamin from the Board of Supervisors budget. Mr. Garriga said the consultant's agreement was set up for the jail expansion originally and Mr. Benjamin is still working with the Sheriff on the Jail Accreditation. He said they have almost completed that process and it should go away in a few weeks. He recommend to the Board to retain Mr. Benjamin on an hourly rate contract.

Supervisor Bill Russell said we have 300 poll workers for the next election which is \$30,000. Supervisor Russell asked if it will actually cost that much. Mr. Arnold said yes. He said runoff elections are very expensive.

Chancery Clerk Sluggo Davis asked if a bill was received from the Walls Sewer. Mr. Arnold said he would check on it.

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 Tommy Lewis 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

**See Exhibit I.5**

### **6. Inventory Dispositions: Preliminary & Final-Generator**

Chief Financial Officer Tom Arnold presented the preliminary and final inventory disposition for one surplus generator as follows:

Asset#	Serial#	Description	Reason for Disposal
32215	C910373458	Emergency Generator	Surplus

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the preliminary and final inventory disposition for a surplus generator. 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.6

**7. Board Attorney**

**a. Approve Agreement w/City of Hernando to Transfer Property- Generator**

Board Attorney Tony Nowak presented an agreement between DeSoto County and the City of Hernando for the Purchase of the surplus generator.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the agreement between the County and the City of Hernando for the City to purchase one of the County’s surplus generators as outlined in the agreement. 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.a

**b. Approve Lease Agreement with South Central Development for Aviation**

Board Attorney Tony Nowak presented a renewal agreement with South Central Development for storing County aviation equipment. Mr. Nowak said the terms and conditions are the same as the previous agreement.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve a lease agreement with South Central Development LLC for County aviation purposes under the same terms and conditions as the previous agreement. 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.b

**8. DCRUA: Contract for Assignment of Employee**

Vanessa Lynchard said the contract for an employee of DCRUA is up for renewal.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to look into renewing the contract for assignment of the DeSoto County Regional Utility Authority employee. 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.8**

**9. Road Department**

**a. Request to Paint Center Hill Rd. & Mustang Rd. – Ms. Raina Hanna**

Road Manager Russell Dorris said Ms. Raina Hanna is requesting approval from the County for her to paint horseshoes on portions of Center Hill and Mustang Road between the elementary school and the high school for a quarter of a mile. Mr. Dorris said it might distract attention of drivers from the highway and he would not recommend it.

Supervisor Jessie Medlin said a different lady called him about the same matter. He said they built the elementary school on the south end of the property. Now the people at the high school north of there want to paint them as a sign of school spirit. He said he is concerned that it would result from taking drivers attention away from the roadway. He said that road is terribly busy. He said the people want to do it as a sign of school spirit.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion, based on the recommendation of the Road Manager, to deny the request to paint horseshoes on Center Hill and Mustang Roads. 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.9.a**

**b. Finding of Fact**

**(1.) 13251 Braybourne Parkway**

Road Manager Russell Dorris said a finding of fact was conducted at 13251 Braybourne Parkway. He said a manhole has sunk and the water it carries has caused damage to private property associated with drainage and erosion. He said it looks like the pipe is disjoined and they should dig down to make sure the water continues to drain. Mr. Dorris said this is a health, safety and welfare issue and they need to make sure this water continues to drain from the area. He requested the Board’s approval to do the work on the property.

At the recommendation of the Road Manager and based on the finding of fact 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 Jessie Medlin seconded the motion to fixing the pipe at 13251 Braybourne Parkway. 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.9.b.(1)**

**(2.) 7410 Vaiden Road**

Road Manager Russell Dorris presented pictures of property located at 7410 Vaiden Road. He said this is a driveway pipe and he does not believe the pipe’s condition is a hazard to the health, safety and welfare to the public. Mr. Dorris said, without the Board’s authority, he does not want to replace the pipe.

Supervisor Jessie Medlin said he rented this man’s place. He said he has no interest in the driveway. He said he goes to check on the man from time to time and the property is in Supervisor Lewis’ District. He said he does have a circle driveway so the man has access to his property. Mr. Dorris said it is difficult to replace a driveway pipe.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to uphold the recommendation of the Road Manager to deny the request to replace a pipe at 7410 Vaiden Road. 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 I.9.b.(2)**

**10. DHS – Shredding Contract With Cintas**

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve a contract with Cintas for shredding needs for Department of Human Services Economic Assistance building as described in Exhibit I.10. 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. NRCS Johnson Circle Project – Authorize Title Searches**

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 contract for title searches on the Johnson Circle Project. 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.11**

**12. Lakeview Road – Authorize Board Attorney to Investigate Status**

Board Attorney Tony Nowak said attorneys contacted the Road Department and his office on behalf of the entity that purchased Lakeview Lake Mr. Nowak said the attorney said Lakeview Road crosses the railroad and extends to the lake. Mr. Nowak said they are trying to determine if the road from the railroad to the lake is public or private. He said he would like authority to research the issue.

Supervisor Bill Russell asked if they want the county to own the road to the lake.

Mr. Nowak said he did not get that detailed in the conversation since title to the road was not yet clear.

Supervisor Russell asked if they understand if that if we own the property, the public has access to the lake. Mr. Nowak said he does not know their position.

Supervisor Russell said, if we do own it, the public would have access to the lake. He said the public has been fishing there for many years. He asked if anyone knows who owns the property around the lake. Mr. Nowak said the Levy Board owns the south side of the lake.

Mr. Dorris said at certain times of the year, the water is high and the public does have access to the levy. He said, like it is now, there is no access from their road.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board Attorney to look into who owns the property around the lake and to see if the public has some access anywhere around the lake, including what is owned by the Levy 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

**13. Jailor Training – Authorize Attorney to Teach Class**

Board Attorney Tony Nowak said their firm has taught jailor training at the jail in the past and he requested authority to do so again this year.

Sheriff Bill Rasco said this allows the Sheriff’s Department to train their officers without having to send them for training.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to allow the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to teach jailor training at the DeSoto County Sheriff’s Department. 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

**J. PLANNING COMMISSION AGENDA**

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

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

**PUBLIC HEARING**

***Rezoning Revision***

**Mitchell’s Corner Subdivision, Residential East, Rezoning Revision (715) - The DeSoto County Board of Supervisors will consider an application for revisions to the Mitchell’s Corner Subdivision Rezoning (670) of 79 residential lots on 83.9 acres in Residential East to include a revised total of 82 residential lots on 83.9 acres in Residential East. 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. Gina Tynan presented the Mitchell’s Corner Subdivision, Residential East, Rezoning Revision application, which included an increase in the number of lots from 79 to 82, increased the number of common areas and other minor revisions to address changes in the subdivision’s layout to respond to the MDOT required improvements to Highway 305.

Supervisor Russell asked if there are any amenities in this phase of the subdivision. Ms. Tynan stated there are not any amenities in this phase, but that the applicant is requesting a subdivision entrance feature identical to the one located in the existing phase.

Supervisor Medlin asked for clarification of where the detention areas for this phase are located. Ms. Tynan stated Mr. Shores will need to clarify where the detention areas are proposed on the north and south sections of this phase of the subdivision.

Supervisor Russell asked if there are any sidewalks in the subdivision. Ms. Tynan stated there are no sidewalks in Mitchell’s Corner Subdivision, Residential East.

Mr. David Shores stated all 29 lots that were platted last year as Residential East, Phase 1, have been sold and the builder would like to purchase more lots that is the reason he is asking for the proposed revisions to plat and record the remaining lots of Mitchell’s Corner Subdivision, Residential East.

Mr. Tony Nowak, Board Attorney, clarified this application is not an actual rezoning; it is a text amendment and a request for a plat revision. He then stated that it should be determined whether or not adjacent property owners would be adversely affected by the changes requested before any amendments were approved.

Supervisor Medlin asked if there were any concerns expressed by the Planning Commission. Ms. Tynan stated the Planning Commission is concerned with the increased traffic that will be created by the additional lots using only the existing subdivision entrance on College Road prior to completing a second entrance to the subdivision at Highway 305. She then stated the Planning Commission is also concerned with how and when improvements will be made along Highway 305.

Supervisor Medlin asked when work will begin on Highway 305 improvements. Mr. Shores stated he will not be able to start the improvements until the plat revisions are approved, once that is done the work will take approximately 4-6 months to complete. Mr. Shores said he expects the work on Highway 305 revisions are to begin in October 2011.

Supervisor Russell asked if adversely affected landowners will need to sign the plat. Mr. Nowak advised that if the Board approves the density change an application for final plat approvals will go back before the Planning Commission and anyone adversely affected can come forward at that point. Mr. Garriga asked if the affected parties would need to sign on the plat or just be notified. Mr. Nowak stated that those who are adversely affected will need to sign-off on the plat. He went on to state that “adversely affected” is determined by the Board of Supervisors.

Supervisor Medlin made a Motion to approve a text amendment to the Mitchell’s Corner Subdivision, Residential East, to allow for the density to increase from 79 residential lots to 82 residential lots and revise the subdivision’s layout to address required improvements to Highway 305 subject to staff recommendations and to refer any request for approval of the final plat back to the planning commission for review and recommendation. 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  
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS

YES  
YES

*Appeal*

**Dale Block, John Romans & Myfis Wims (1355) – The DeSoto County Board of Supervisors will consider an appeal by Mr. James Chapman and Mr. Ronald W. Umbaugh to overturn the action of the Board of Adjustment and deny approval of a Variance to allow an 8-foot-tall wood privacy fence along the existing private driveway at the access parcel to 5485 Church Road, on the south side of Church Road and east of Highway 301 in Section 7, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)**

Ms. Tynan presented the appeal by Mr. James Chapman and Mr. Ronald Umbaugh requesting the Board of Supervisors to overturn the action of the Board of Adjustment and deny the approval of a Variance to allow an 8-foot-tall wood privacy fence along the existing private driveway at the access parcel to 5485 Church Road.

Supervisor Latimer asked if Mr. Wims, Mr. Block and Mr. Romans were allowed to build a 6-foot-tall fence along the existing private driveway. Ms. Tynan stated they would be allowed to build a 6-foot fence with a permit from the County building department.

Supervisor Medlin asked if there is a driveway to the east side of the subject property. Supervisor Latimer stated there are two private driveways that run parallel, and the property owners want to install a fence between the two driveways. He stated there is a question of how tall the fence can be.

Supervisor Thach asked if approval was given for the 8-foot fence by the Board of Adjustment. Ms. Tynan stated the Board of Adjustment unanimously approved a Variance to allow an 8-foot fence.

Mr. Bill Brown came forward and stated he is representing Mr. Chapman and Mr. Umbaugh. He stated his clients object to the fence height approved by the Board of Adjustment. He stated that common sense will tell you an 8-foot tall fence will not solve the dust issue that was used, in part, to justify the variance, and two of the neighbors have health issues associated with the dust. He went on to state there have been issues between the neighbors and the only thing an 8-foot fence will accomplish is to block the view of the neighbors. Mr. Brown stated there is an issue with whether a 6-foot fence is allowed as the lots are not set up properly and the lot in question does not meet buildable lot requirements due to its narrow width. He went on to state the argument therefore is that there is not a building setback line on the subject lot so therefore a 6-foot fence should not be allowed.

Supervisor Russell asked staff if they are satisfied that a 6-foot fence is allowed on the property. Ms. Tynan stated staff is satisfied that a 6-foot fence is allowed on the property behind the building line, 50 feet from Church Road. Mr. Brown stated a fence taller than 3-foot is not allowed in a front yard, and that if you cannot build on a lot then there is not anywhere on the lot for a 6-foot fence to be allowed.

Mr. Brown then stated the four items that must be demonstrated to Board of Adjustment before a Variance is approved per the County's Zoning Ordinance, were not demonstrated and in fact the granting of a Variance would give Mr. Wims, Mr. Block and Mr. Romans special privileges that are denied by the ordinance.

Supervisor Russell asked if they are opposing the 8-foot fence, but ok with the 6-foot fence. Br. Brown stated his clients would only agree to a fence not taller than 3 feet on the subject lot to comply with the ordinance.

Mr. James Chapman, 5411 Church Road, stated he has lived at this address for 40 years. He stated there is a 3-foot fence all the way around most of the property and would be ok a 3-foot fence around the rest of the property. He went on to state he is concerned an 8-foot fence would lower his property value.

Mr. Ronald Umbaugh stated he has lived on his property since 1993. He stated his mother had cancer and a heart attack, so he received a Conditional Use to allow a mobile home on his property to be able to bring his parents to live with him and take care of them. He stated the fence will block the view from his parents' picture window. He went on to state he does not feel an 8-foot fence will help with the dust.

Mr. Ben Smith came forward and stated he is representing Mr. Wims, Mr. Block and Mr. Romans. He

stated the dust is a side issue the real issue is that the neighbors do not get along. He stated his clients are asking for an additional two feet to be added to the height of the fence as common sense tells you an 8-foot fence will stop more dust than a 6-foot fence.

Mr. Smith stated his clients were using the original driveway, but they began having problems with the neighbors, so they purchased the property the proposed fence would be built on from Mr. Bill Austin so they could construct their own driveway.

Mr. Smith stated the Board of Adjustment unanimously voted to approve a Variance to allow an 8-foot fence.

Mr. Smith stated that a condition of approval was that his clients build the fence with the smooth side of the fence facing the neighbors' property. He then stated his clients are concerned that the neighbors will not allow them to come on their property to construct the fence. Supervisor Russell asked for the appellants to address the issue of construction of the fence. Mr. Chapman came forward and stated under the circumstances he would allow the applicants on his property to build the fence with the smooth side facing his property.

Mr. Umbaugh also came forward and stated he would allow the applicants to come on to his property to build the fence.

Mr. Brown stated if the point is to improve the relationship of the neighbors, then a fence the neighbors object to, will not improve the relationship.

Mr. Nowak, Board Attorney, asked if the Board of Adjustment made findings on the four elements an applicant must demonstrate when requesting a Variance. Ms. Tynan stated the Board of Adjustment did not outline the findings as part of the motion for approval.

Supervisor Latimer asked for clarification that even without the Variance for an 8-foot fence the applicants would be allowed to have a 6-foot fence. Ms. Tynan clarified that the applicants would be allowed a 6-foot fence on their property.

Supervisor Latimer made a Motion to overturn the Board of Adjustment Approval of an 8-foot fence at 5485 Church Road. 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>

Supervisor Russell stated if it is simply an issue of dust and noise associated with the driveway why don't the applicants pave the driveway. Mr. Dale Block stated he asked Mr. Chapman if paving the driveway would solve the problem and Mr. Chapman stated it would not. Mr. Chapman stated he has never been asked about paving the driveway. Mr. Block also stated that he cannot afford to pave the driveway at this time.

There was discussion of looking into taking the drive in as a County Road. It was decided that the County could not take it in as a County Road.

Mr. Smith stated again there will be problems with the neighbors about the applicants being on their property to build the fence. Supervisor Russell stated that the approval of the appeal is contingent that there are no problems for the applicants while building the fence. He went on to state that if there are any problems with building the fence the applicants may come back before the Board of Supervisors.

**CONSENT AGENDA**

**Minor Lots**

*District 5*

**JB Scott Minor Lot (6824) – Application is for final subdivision approval of one (1) lot of 4.98 acres and one (1) lot of 0.35 acres out of 5.33 acres. Subject property is located on the north side of Fulton Road and west of Laughter Road in Section 14, Township 3, Range 7 and is zoned Agricultural (A). (District 5) **\*\*MUST PLAT AND RECORD\*\*****

**Runyan Estate Minor Lot (6825) – Application is for final subdivision approval of one (1) lot of 3 acres. Subject property is located on the north side of Vinson Road and west of McCracken Road in Section 30, Township 3, Range 7 and is zoned Agricultural (A). (District 5)**

**Blackwood Minor Lot (6826) – Application is for final subdivision approval of two (2) lots of 1.95 acres, one (1) lot of 1.94 acres, one (1) lot of 2.33 acres and one (1) lot of 5.38 acres out of 13.55 acres. Subject property is located on the north side of Byhalia Road and the west side of Douglas Road in Section 34, Township 2, Range 7 and is zoned Agricultural (A). (District 5)**

Ms. Tynan presented the JB Scott Minor Lot, Runyan Estate Minor Lot, and Blackwood Minor Lot applications 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 and the platting and recording of JB Scott Minor Lot. She stated that the Planning Commission voted unanimously to recommend approval of these applications.

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 and platting and recording of the JB Scott Minor Lot. 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>

**NEW BUSINESS**

**Final Subdivisions**

**Britt Subdivision, 2<sup>nd</sup> Revision (Lot 5) (6827) – Application is for a Second Revision to the Final Subdivision Plat. The proposed revision would divide Lot 5, a 7.88-acre parcel, into 1 (one) lot of 2 acres, 1 (one) lot of 1.62 acres, and 1 (one) lot of 4.26 acres. The remainder of Lot 5 would be dedicated as right-of-way at Charles Road. Subject property is located on the east side of Charles Road and north of Bethel Road in Section 20, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 5)**

Ms. Tynan presented the Final Subdivision application for Britt Subdivision, 2<sup>nd</sup> Revision (Lot 5).

Supervisor Lewis made a Motion to approve Britt Subdivision, 2<sup>nd</sup> Revision (Lot 5) conditioned on staff recommendations and the applicant obtaining signatures of all lot owners in the subdivision on the face of the plat prior to its recording. 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>

**Wright Subdivision, 3<sup>rd</sup> Revision (Lot 6) (6828) – Application is for a Third Revision to the Final Subdivision Plat. The proposed revision would divide Lot 6, a 5.96-acre parcel, into two (2) lots of 2.98 acres each. Subject property is located on the north side of Herbert Road and east of Red Banks Road in Section 20, Township 2, Range 5 and is zoned Agricultural (A). (District 1)**

Ms. Tynan presented the Final Subdivision application for Wright Subdivision, 3<sup>rd</sup> Revision (Lot 6). She stated the land is family land and the new lots created will be named Lots 6A and 6B.

Supervisor Medlin made a Motion to approve Wright Subdivision, 3<sup>rd</sup> Revision (Lot 6) conditioned on staff recommendations. 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>

**Other Items:**

**1. MDOT I-69 Corridor Alternatives Analysis**

Ms. Tynan presented information regarding the MDOT I-69 Corridor Alternatives Analysis and provided an update on the votes of the cities in DeSoto County regarding participation in future additional studies of the locally Preferred Analysis and bus rapid transit.

Supervisor Thach asked why the cities did not want to participate. Ms. Tynan stated the cities did not wish to participate in the study at this time due to the cost. Supervisor Thach asked what the cost of the bus rapid transit would be. Ms. Tynan stated that representatives from MDOT and Gresham Smith and Partners were present and may be able to answer his question.

Mr. Garriaga stated the analysis has been an ongoing process of presentations made to the cities and the cities have opted not to participate at this time.

Supervisor Russell stated he thinks bus rapid transit is the way the County should go when future need warrants it, but not without financial support from the cities, the County could not do it at this time.

Mr. John Houghton came forward and explained the breakdown of cost for bus rapid transit as presented in the packet and explained the transit service and cost. He then stated the cost could be divided between jurisdictions including possibly Memphis.

Supervisor Thach stated he would still like to know the annual cost of bus rapid transit service and maintenance. Mr. Houghton explained the cost.

Supervisor Latimer stated he did not want to vote on something that would be left on the shoulders of the new Supervisors coming in to office in January.

Ms. Vanessa Lynchard stated Mr. Charles Carr with MDOT was present.

Mr. Carr stated he is the Director of Intermodal Transportation for MDOT. He then stated a tremendous amount of work has been done concerning bus rapid transit but with economic times this may not be the right time for it. Mr. Carr stated he hopes the Board of Supervisors will not take all transportation alternatives off the table; transit alternatives may be more financially feasible later.

Supervisor Thach made a Motion to not participate in MDOT I-69 Corridor Alternatives Analysis due to lack of current funding and a commitment from the cities for shared costs at this time. 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>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 asked that “unless and until other municipalities agree to participate with analysis” be added to the Motion. The Motion was not amended.

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

Ms. Tynan stated there will be a Stakeholder’s Workshop for the corridor study on October 6, 2011 at the DeSoto Civic Center. She stated six hundred invitations have been sent out for this event. Ms. Tynan then stated Planning staff is looking for volunteers to help facilitate the event and take notes.

Ms. Tynan stated the Planning staff and the consultants would like to have a wrap up meeting with the Steering Committee, after the Stakeholder Workshop. She then stated the Steering Committee is requesting to hold a special meeting on October 27, 2011 at 6:30 p.m.

Supervisor Russell asked who besides landowners along the corridor were invited to the workshop. Ms. Tynan stated the project work groups including individuals with economical development, government, and technical expertise as well as landowners, municipalities and members of the DeSoto Economic Council and local business community, have been invited to participate in the workshop.

The Board voted unanimously to allow a Special meeting of the Steering Committee on Thursday October 27, 2011 at 6:30 p.m.

**3. Code Enforcement – 430 Getwell Road**

Mr. Ray Laughter stated the Board of Supervisors, at their last meeting, voted to clean up the property at 430 Getwell Road. He stated he has received bids on the clean-up, but the work has not been completed. He asked that the matter be carried over to the next Board of Supervisors meeting so that the bids can be evaluated and the work completed to bring the property into compliance with County ordinances.

Supervisor Lewis made a Motion to continue this item to the next Board of Supervisors meeting on September 19, 2011. 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>

**K. EXECUTIVE SESSION**

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

**L. OTHER ISSUES**

**1. Eudora Fire Department**

Supervisor Allen Latimer asked the County Administrator if bids were solicited for architectural services for the Eudora Fire Department.

**2. Solid Waste Update**

County Administrator Michael Garriga said the contract for solid waste with Allied Waste ends September 30<sup>th</sup> and the contract with Waste Connection starts October 1.

Mr. Garriga explained that billing starts on October 1 with Waste Connection. He said that

Allied bills later in the month and has over-billed household being served by two months. Mr. Garriga said he is discussing with Allied how they intend to reimburse the money to the citizens. They are telling Mr. Garriga they will refund the citizens individually.

Mr. Garriga said he would keep the Board updated on the issue.

**3. Chancery Clerk – Tax Sale**

Chancery Clerk Sluggo Davis said the tax sale was very successful. He said there is \$292,102 in excess bids.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to recess the meeting until September 19, 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 6<sup>th</sup> day of September 2011, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Allen Latimer, President  
DeSoto County Board of Supervisors