

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2008 PRESIDING

September 3, 2008

A. CALL TO ORDER

The September 3, 2008 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 any and 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 Tommy Lewis presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PLANNING COMMISSION AGENDA

**DeSoto County Board of Supervisors
 Planning Agenda
 September 3, 2008**

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, presented the Stormwater Report, Code Enforcement Report and Building Permits Report.

Mr. McDougal noted that during his review of the building permit records he recognized that the number of permits has decreased as compared to past years, but overall the County is still seeing building permits issued that would appear to demonstrate a growth rate of approximately 1.5% to 2%. Although this is a reduction from the rate of growth the County has experienced in recent years, which was approximately 6% to 7%, he feels the County is continuing to experience a healthy rate of growth.

Supervisor Latimer asked if receipt totals for August 2008 permits are higher than the previous month. Mr. McDougal responded that the August numbers before them for review are slightly lower than those for July.

PUBLIC HEARINGS

Amendment to the 2030 DeSoto County Comprehensive Plan

Supervisor Medlin made a Motion to open the public hearing. Supervisor Russell 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

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, made a presentation to the Board of Supervisors to request that they consider adopting an amendment to the 2030 DeSoto County Comprehensive Plan to revise land use maps to include the alignment of Interstate 269 from Interstate 55 east to the DeSoto-Marshall County line. He noted that the proposed map amendment was reviewed by the Planning Commission at their meeting of August 28, 2008. Mr. McDougal also said that the Planning Commission made the request that the Board consider adopting a Planned Corridor as part of the map amendment to be consistent with the western alignment of Interstate 269 as it appears on the Land Use Map. The width of the Planned Corridor would be 1,000 feet from either side of the right of way and one square mile at each interchange.

Supervisors Thach and Medlin asked if MDOT has finalized the alignment and if there will be an opportunity for the Planning Commission to review the alignment with MDOT before they finalize the plans. Mr. McDougal responded that the alignment identified on the proposed map revision is the most current information provided to the Planning Commission office by MDOT and that it was anticipated that they would confer with County staff prior to final construction plans being developed for the Interstate alignment. Supervisors Thach, Medlin and Lewis expressed that this would be desirable as it will impact DeSoto County residents.

Supervisor Latimer asked if there were any members of the public present to address the Board regarding this application. There were none.

Supervisor Lewis made a Motion to accept the Planning Commission's recommendation for inclusion of a Planned Corridor as part of amendment to the 2030 DeSoto County Comprehensive Plan to revise land use maps to include the alignment of Interstate 269 from Interstate 55 east to the DeSoto-Marshall County line and table this item for further discussion and consideration of adoption at the meeting of October 8, 2008. Supervisor Russell 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

Amendment to the Design Standards Ordinance for DeSoto County

Supervisor Medlin made a Motion to open the 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

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, made a presentation to the Board of Supervisors to request that they consider amending Chapter 2 of the Design Standards Ordinance to add text regarding the intent of the Ordinance. Mr. McDougal noted that this item was before them to respond to their request that the information provided to the Board as part of an informational memo to the Planning Commission members developed by Gina Tynan, Deputy Director of Planning, regarding pattern books for commercial development be incorporated into the Ordinance language.

Supervisor Lewis asked if this text would apply only to commercial properties. Mr. McDougal responded, yes, the Design Standards Ordinance applies to all commercial and industrial type development that occurs in the County.

Supervisor Russell made a Motion to adopt the amendment as proposed. Supervisor Latimer seconded the Motion.

Mr. Tony Nowak, Board Attorney, asked for clarification on whether the proposed language would require that pattern books are submitted to the Planning Commission for review as part of development applications. Mr. McDougal responded that the proposed language was stated to "encourage" that pattern books are submitted as this has been the standard practice as requested by the Planning Commission. Mr. Nowak suggested that the language be altered to require the pattern books, but reserve the right of County staff to waive this requirement at its discretion.

Ms. Tynan acknowledged that this could be addressed through an amendment to the proposed text. She also noted that the requirement for pattern books is beneficial when development of a site will occur through a series of building phases and multiple property owners. Mr. McDougal added that requiring pattern books would be beneficial to

assisting staff to present complete information to the Planning Commission and Board of Supervisors as part of development applications.

Supervisor Latimer asked if there were any members of the public present to address the Board regarding this application. There were none.

Supervisor Russell made a Motion to amend his Motion to adopt the proposed amendment to Chapter 2 of the Design Standards Ordinance to include the following:

1. The text shall be modified to require pattern books be submitted as part of development applications to the Planning Commission; and
2. Text shall be added to state that County staff shall reserve the right to waive the requirement for a pattern book at its discretion.

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

FINAL SUBDIVISIONS

As the applicant for the Love Station Phase 1 Final Subdivision application was not present, Supervisor Latimer asked if the Board would consider moving discussion of that item to later on the meeting agenda. The Board members agreed.

Browning Preserve 1st Revision (6734) – Revision to final subdivision plat approved for 22 lots on 18.75 acres to include access easement. Subject property is located north of Dunn Lane and west of Highway 305 in Sections 16, Township 2, Range 6 and is zoned R-20. (District 5)

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, made a presentation to the Board of Supervisors to express that this application identified an access easement that was not previously evaluated or approved as part of the Final Subdivision Plat.

Mr. Greg Russell was present to represent the application and stated that the easement on the revised plat represents an existing driveway that provides access to an adjacent lot owned by Mr. Frankie Jones. Mr. Greg Russell stated that the developer, Mr. Bill Pass, believed this easement to be noted in the land records for the property, but Mr. Greg Russell was unable to locate such language in the property documents and therefore had not included it on previous plats reviewed by the County. Mr. Greg Russell said that Mr. Pass had made an agreement with Mr. Jones to allow him to retain access across proposed lots 19, 20, 21 and 22 through use of this existing gravel driveway and stated that language could be added to the sales contract for each of these lots to identify the location and intent of the easement if so directed the Board of Supervisors.

Supervisor Russell asked why the access to Mr. Jones' lot was not identified as a separate lot or deeded to Mr. Jones as a right of way to his property. Mr. McDougal responded that this was probably not evaluated as it would result in a reduction in the overall size of those lots that would not comply with the minimum lot size requirements for the R-30 zoning district as they would be slightly less than 30,000 square feet.

Supervisor Russell asked who would be responsible for maintaining the access easements under the proposed plat. Supervisor Latimer said that it would likely fall upon the owners of Browning Preserve lots 19 through 22 to maintain the driveway. Mr. McDougal confirmed this and noted that the lot owners would also retain their rights to use the land as part of the easements, which may result in conflicting uses.

Discussion among the Supervisors followed concerning how the proposed access easement would impact siting of the homes on the lots, sale price of the lots, maintenance of the driveway and access to the lots within the subdivision. Tony Nowak, Board Attorney, noted that the easement should be recorded in both the property deeds for these lots and the covenants of the subdivision as recording the easement on the subdivision plat would not be considered sufficient notice to future lot owners.

Mr. Greg Russell responded that he believed the developer would agree to the recommendations discussed, but requested an opportunity to contact Mr. Pass and return to the Board for further discussion at the end of the meeting agenda.

Supervisor Latimer asked if there were any members of the public present to address the Board regarding this application. There were none.

Supervisor Thach made a Motion to postpone discussion and final action on the application to later in the meeting agenda to allow Mr. Greg Russell to contact the developer. 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

Love Station Phase 1 (formerly Winding Creek) (6732) – Application is for final subdivision approval of 24 lots on 40.3 acres. Subject property is located on the north side of Love Road and east of Highway 51 in Section 7, Township 4, Range 7 and is zoned Agricultural (A). (District 5)

Mr. McDougal presented the application including comments as noted in the staff report and stated that the applicant would be required to provide an updated letter from Belmont Water Association to confirm their ability to provide water service to the subdivision.

Supervisor Latimer asked for clarification on the provider for sewer service. Mr. McDougal responded that sewer service was proposed as individual septic treatment on each lot.

Mr. Joe Frank Lauderdale was present to represent the application. Mr. Lauderdale stated that the developer had reviewed the comments from staff and had agreed to address all comments, as required.

Supervisor Lewis asked if the subdivision plat included a roadway dedication of 53 feet. Mr. Lauderdale responded that he had discussed the required roadway width with Mr. Andy Swims, County Engineer, and they had agreed that a 40 foot wide right of way would be adequate in this location. Mr. Swims was present and confirmed for the Board members he had reviewed the proposed roadway width with Mr. Lauderdale on the site and agreed that 40 feet would be adequate as Love Road is not a section line road.

Supervisors Lewis and Latimer asked for clarification on the use of the drainage easement. Mr. Lauderdale responded that the County, utility providers and property owners may use the designated easement for drainage purposes and that the easement area represented a natural low point in the subdivision lands rather than a creek or ditch. Supervisor Latimer requested that the property owners be duly notified of their responsibility to maintain the drainage easement area by the developers at time of property transfer.

Supervisor Russell requested clarification regarding the proposed covenants regarding developer approval of all fences, buildings and other features and how this would relate to the Homeowners Association in the future. Mr. McDougal responded that it is typical for the developer to turn over these types of responsibilities to the Homeowners Association at some point of completion or build-out of the subdivision and that, in this case, it would likely become the responsibility of the Homeowners Association to address these issues once phased development of all 79 lots of the subdivision are completed. Supervisor Latimer noted that this issue of developer responsibility and turn over to the Homeowners Association appeared to be addressed through language within the subdivision covenants under #29.

Supervisor Lewis asked Mr. Lauderdale if he was aware of any limitations of the Belmont Water Association to provide service to this phase of the subdivision. Mr. Lauderdale replied that he had received confirmation that many of the lots could be served as part of the existing service and that upgrades to the 4-inch lines were currently underway from the east side of the subdivision that would provide future service to the remaining lots. Supervisor Lewis confirmed that water service to this location would be a benefit to County residents.

Supervisor Lewis made a Motion to approve the final subdivision plat for Love Station Phase 1, 24 lots on 40.3 acres, on the condition that staff comments are addressed to include the following:

1. The application shall be subject to the requirement to execute the Residential Development Agreement with the County before platting and recording of the subdivision may occur;
2. Description to clarify the location, intent and maintenance of the drainage easement shall be identified on the plat and in the covenants;
3. The minimum house size 1,800 square feet will be noted on the plat;
4. A letter from Belmont Water Association is required to confirm that water service is available to serve this subdivision prior to recording the plat;
5. Onsite treatment plants will be subject to Health Department approval; and
6. Final street names shall be submitted to the County 911 office to ensure that there are no name conflicts with other road names within the County.

Supervisor Thach 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

Browning Preserve 1st Revision (6734)

Supervisor Latimer acknowledged that Mr. Greg Russell had return to the room and was prepared to continue discussion of the application for the Browning Preserve 1st Revision and invited him to come forward to address the Board.

Mr. Greg Russell said that he had contacted the developer, Mr. Pass, who agreed to deed the existing driveway access to Mr. Frankie Jones in lieu of an access easement if the Board could approve an exception to allow lots 19 through 22 to be less than 30,000 square feet in size. He explained that it was the intent of Mr. Pass to provide permanent access to Mr. Jones as part of the Browning Preserve subdivision approval.

Supervisor Lewis stated that it was important that the land records reflect who will have rights of access and the responsibility of maintenance for any easement or deeded access. Mr. Tony Nowak, Board Attorney, clarified that if the area of the existing gravel driveway along the rear of proposed Browning Preserve subdivision lots 19 through 22 were deeded to Mr. Jones, Mr. Jones would then reserve the right to use and maintain the driveway. Supervisor Russell confirmed with the applicant that Mr. Jones is currently the sole user of the existing driveway for access to his property.

Discussion by the Supervisors followed regarding adjacent lots and potential concern for creating lots that may not be accessible to the public roadway in the future. It was determined that approval of the subdivision revision to include deed of the driveway area to Mr. Jones appeared to comply with the County's regulations and ordinances and was appropriate for approval under the Board's authority.

Mr. McDougal requested that the Board require the applicant to include the formation of a Homeowners Association to address the maintenance of common areas in accordance with the requirements of the County's residential Development Agreement. Mr. Greg Russell acknowledged that this issue could be addressed if required.

Supervisor Latimer asked if there were any members of the public present to address the Board regarding this application. There were none.

Supervisor Lewis made a Motion to uphold the recommendation of the Planning Commission to approve the proposed plat revision subject to the following:

1. Covenants shall be recorded to address the requirements of formation of a Homeowners Association to maintain common open space areas;
2. The plat shall be revised prior to recording to address the existing driveway location as a separate lot to afford dedicated access to the lot owned by Mr. Frankie Jones; and
3. Subdivision lots 19, 20, 21 and 22 shall incur a reduction in size slightly below 30,000 square feet to accommodate access to the lot currently owned by Mr. Jones for use and maintenance by that property owner.

Supervisor Russell 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

MINOR LOTS

District 1

Bell-Davis Estates (6731) - Application is for final subdivision approval of one (1) lot of 8.66 acres and one (1) lot of 4.02 acres out of 13 acres. Subject property is located on the north side of Bethel Road and east of Highway 305 in Section 23, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 1)

District 4

Poindexter Minor Lot (6733) - Application is for final subdivision approval of one (1) lot of 1 acre. Subject property is located on the west side of Baldwin Road and south of Boggan Lane in Section 15, Township 3, Range 9 and is zoned Agricultural (A). (District 4)

Mr. McDougal presented the applications above and stated they appear to be in compliance with the County's Zoning and Subdivision Ordinances.

Supervisor Medlin made a Motion to approve the applications subject to staff recommendations and required roadway dedication and Health Department approvals. Supervisor Latimer 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

Other Items:

1. Discussion of 2006 International Building Code

Mr. Don Duncan, Chief Building Inspector, discussed with the Board adopting the 2006 International Building Code and reviewed with them a memo provided to them to identify the effects of such code revisions on residential development in the county. He stated that the Building Department is currently operating under the 2003 International Building Code, and it is his desire to begin using the 2006 Building Codes.

Discussion by the Board addressed concerns for cost impacts to residents and builders, seismic safety, use of new or alternative building materials, fire-resistance ratings and general discussion of swimming pool discharge practices and fencing requirements for pools.

The Board of Supervisors agreed to consider adoption of the new codes at the October 8, 2008 meeting.

2. Request for refund of permit fee by Dwight’s Plumbing

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, made a presentation to the Board regarding the above request to refund the \$87 fee for plumbing permit. Mr. McDougal stated that he recommended refund of the fee in full as no work was completed at the site.

Supervisor Medlin made a Motion to approve an \$87 refund to Dwight’s Plumbing per the above request. 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>

3. Planning Commission Meetings

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, announced that he had discussed options or opportunities that can be afforded when the agenda was particularly light and the members of the Commission had responded that attending meetings when there were few business items on the agenda could provide an opportunity for additional training and informational items to be added for the benefit of the Commission members. Mr. McDougal noted that an average of 11 or 12 Planning Commission members, of a total of 14 members currently appointed, continue to be present at each meeting, which demonstrates their dedication and enthusiasm for serving the County.

4. Request to waive permits fees by Habitat for Humanity

Mr. Jim McDougal, Director of the DeSoto County Planning Commission, made a presentation to the Board regarding the request by Habitat for Humanity to waive permit fees for construction of one single family home. Mr. McDougal stated that it has been the practice of the Board in the past to consider this kind of request if requested in writing from charitable entities or non-profit organizations.

Supervisor Lewis made a Motion to approve waiving permits fees for Habitat for Humanity per the above request. 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>

E. CONSENT

The Board of Supervisors considered the items presented on the Consent Agenda. Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda as follows:

1. Safety Officer’s Report

2. Make Part of Board Minutes: Interlocal Agreement with the City of Olive Branch for the Operation of the Public Library

The motion passed by a unanimous vote. **See Exhibit E**

G. OLD BUSINESS

1. Tax Assessor – Approval to Refund Erroneous Assessment

Board Attorney Tony Nowak said this was discussed by the Board in yesterday's Board meeting and held over for today in order to obtain additional details regarding this erroneous assessment. He said the way the property was platted and recorded, the Billy Hughey commercial subdivision plat overlapped on Mr. Robert L. Davis' property. Mr. Davis was not taxed and the subdivision landowners paid the taxes on his property in error.

Steven Gullett of the Tax Assessor's office explained that the plat was recorded for the Billy Hughey commercial subdivision and Mr. Davis never signed off on the plat. He explained that the Billy Hughey commercial subdivision plat has since been corrected. Mr. Nowak asked for additional details from the Tax Assessor's office regarding this issue.

Later in the meeting, Mr. Nowak reported that what the Tax Assessor was trying to do was refund the owner of the commercial subdivision the amount of taxes they had over-paid for the last 4 years. He said the Board can only legally approve 3 years of a refund and is prohibited from refunding back past 3 years.

Supervisor Medlin asked the difference in this situation and the Wiseman property situation. Mr. Nowak said there is no difference; both land owners are limited to no more than a 3 year refund.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve a request from the Tax Assessor's/Tax Collector's office to approve a refund on the Robert L. Davis/Billy Hughey commercial subdivision plat overlap to provide for the tax years 2005, 2006 and 2007. The motion passed by a unanimous vote. **See Exhibit F.1**

G. NEW BUSINESS

1. CVB – Contract with TDL Contractors

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the contract with TDL Contractors for the CVB building construction of a tourism building and to appoint Kenny Evans as the County Superintendent on the project. The motion passed by a unanimous vote. **See Exhibit G.1**

2. Dept. of Road Management – Traffic Signalization for Craft Rd. & Hamilton Cr.

Road Manager Russell Dorris said that several weeks ago the Board gave approval to proceed with shelf plans on Craft Road and Hamilton Circle. These plans have been completed. He asked if the Board wants to do the project. He said there is no warrant for the traffic signal but the shelf plans will allow the Board to determine that there will be some tremendous advantages for having a signal at that location. Mr. Dorris asked that the Board consider allowing the Road Department to proceed with the signal at Craft Road and Hamilton Circle with the City of Olive Branch paying 50% and the county paying 50%.

Supervisor Allen Latimer asked the cost of the signal. Mr. Dorris said \$95,000 and the county's portion would be \$47,500.

Supervisor Russell said he would rather wait until the cities make a decision on the jail situation.

Supervisor Thach said he does not want to do that. He said he would like to take a vote on this issue and if we are going to adopt a policy in that regard, the Board can make a motion to do so.

Supervisor Lewis said he thinks we should take care of this and make a policy for future issues.

Supervisor Latimer said he is not for doing anything that is not warranted.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve a traffic light at Craft Road and Church Road for the interchange. The motion passed by a motion as follows:

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

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to install a traffic light at Craft Road and Hamilton Circle and to approve a 50-50 cost share on the project with the City of Olive Branch. The motion failed by a vote as follows:

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

Supervisor Bill Russell said Hamilton Circle is a two lane road. Currently the traffic at Church Road and Craft Road works with a stop sign.

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. Tax Study

Supervisor Tommy Lewis said the Board may have read about the tax study where the county would receive 1% of the sales tax. He asked if that tax comes from the unincorporated county or to the entire county. No one present understood the definition of the new tax study.

Supervisor Lewis said, if that amounts to a significant amount of money for the county, the Board should lobby for passage. He said, if the benefits from the taxes are not substantial, perhaps the Board should not get involved.

No motions were made nor votes taken on this issue.

2. Craft Road – Bicycle Path

Road Manager Russell Dorris said the City of Olive Branch wants to install a bicycle lane on Craft Road. Mr. Dorris said that would involve re-doing the plans for 12 foot lanes to 11 foot lanes with a bicycle lane on either side. He said it will be no cost to the Board and the city will pay the entire cost which will only be for striping.

Supervisor Medlin said he thinks the county should fix the road like was designed. He said, it seems to him that a bike lane should be on a two lane road and not a five lane road. He said this will be a connector road and carry a lot of traffic.

Supervisor Lewis asked if there are any existing bike lanes. Mr. Dorris said there are bike lanes in Hernando.

County Engineer Andy Swims said the City of Olive Branch has bike lanes on some minor roads in subdivisions.

Supervisor Lewis said he thinks bike lanes are not appropriate on highways. He said they are fine for in town but high speed areas are too dangerous for bicycle traffic.

Mr. Dorris said the Board's decision that needs to be made is whether to stripe the lane for 11 or 12 foot lanes.

Supervisor Russell asked what the Road Manager recommends. Mr. Dorris said he would recommend that bikes stay off of the busy roadway.

Supervisor Lewis said we do not need to encourage kids to ride a bike on a five lane road where people are driving 40-50 miles per hour.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to deny the request from the City of Olive Branch to change the county's plans for striping Craft Road to accommodate bicycle traffic. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until September 3, 2008, at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 3rd day of September 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors