

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

DISTRICT FOUR LEE CALDWELL, PRESIDING

July 7, 2014

A. CALL TO ORDER

The July 7, 2014 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Lee Caldwell, Board President.

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

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Harvey Lee	District 5
Sheriff Bill Rasco	Sheriff
W. E. Sluggo Davis	Chancery Clerk
Vanessa Lynchard	County Administrator
Jody Neyman	Board Attorney

B. INVOCATION

Deputy Carl Hurt presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZENS REMARKS, PRESENTATIONS & PROCLAMATIONS

1. Proclamation of Appreciation – 01 Illusions – ASA State Champs

Environmental Services Manager and parent, Ray Laughter, said this morning he has the great honor and privilege to stand before you and introduce his favorite sports team. They are a very special DeSoto County Fastpitch softball team that has made its mark at the top of the Mississippi softball world, not once, but twice this year.

In the last two weekends this group of young ladies has accomplished what most teams work their entire careers to accomplish. The team recently won the United States Specialty Sports Association (USSSA) and American Softball Association (ASA) Class "A" Mississippi state championships.

The weekend of June 20-22 at Southaven’s Greenbrook Park, the team finished with a record of 5-1 and captured the 12U United States Specialty Sports Association (USSSA) MS State Championship. Quite an accomplishment....however for 4 of the players, it’s their 3rd USSSA State Championship in 4 years! (They finished 2nd last year)

The Amateur Softball Association (ASA) has always widely been considered the granddaddy of softball. It’s the “big one”. The most elite teams play in “A” Class tournaments. For fastpitch, Colleges and Team USA recognize this association as a basis for recruiting. The weekend of June 27-29 in Ocean Springs, MS The 01’ ILLUSIONS again finished with a mark of 5-1 and captured the 12U MS ASA Class “A” State Championship. This represents the pinnacle of their season. This qualifies the ILLUSIONS to represent MS in the 2014 ASA National Tournament held in St. Louis, MO July 29-August 2, 2014. Teams from all 50 States will be represented.

These accomplishments are great public displays that honor the hard work, unity, discipline, and dedication of this outstanding team. The leadership of the coaching staff and the support of the many parents, grandparents, siblings, and sponsors who worked tirelessly with the team resulted in these memories that will last a lifetime.

Most of the players are from DeSoto County and represent Desoto Central, Lewisburg, and Southaven. There are also players from Memphis, Mantachie, and Water Valley. The team will finish a season schedule of between 60-70 games this year and have played thus far in Mississippi, Arkansas, Tennessee and Alabama.

This team's story is a great testament to the growing sport of Fastpitch softball in the DeSoto County area. Southaven, Hernando, Horn Lake, and Olive Branch have done a great job of promoting the sport and offering many weekend tournaments on top of their park and rec programs. The Board of Supervisors and the Desoto County Recreation District have also played a huge part in this success by the utilization of County Facilities and Parks as a basis for practices and some friendly warm up tournaments. The future is very bright for scores of other softball players across our County.

Mr. Laughter introduced their team:

#1 Rekiyah Spears - Memphis, TN, Germantown Middle School

#3 Kathleen (Kat) Sims – Memphis, TN, John P. Freeman Optional School

#5 Raegan Stafford - Southaven, DeSoto Central Middle School

#9 Oakley Laughter – Lewisburg, Lewisburg Middle School

#14 Anna Mills Avant – Water Valley, MS, Water Valley Junior High

#16 Sterling James - Southaven, DeSoto Central Middle School

#22 Callie Newman - Southaven, DeSoto Central Middle School

#32 Sara Gill – Olive Branch, DeSoto Central Middle School

#33 Ryan Chamberlin – Southaven, Southaven Middle School

#44 McKinley Montgomery – Saltillo, MS, Mantachie Middle School

Not present

#74 Evie Cook - Southaven, Desoto Central Middle School

Asst. Coaches Jeff Newman, Johnny Avant- devotion on Sundays
Head Coach Tony Stafford

The Board of Supervisors congratulated the 01' ILLUSIONS for their success. They also talked about the hard work and motivation it takes to be that successful. The Board agreed that the ILLUISIONS are a source of great pride for the Board of Supervisors and the different areas the girls represent. They thanked them for their hard work and for appearing before the Board today. Supervisor Lee Caldwell read the following Proclamation of Appreciation for the 01 Illusions – ASA State Champs:

***Desoto County Board of Supervisors
Hernando, Mississippi***

Resolution of Appreciation

WHEREAS, *The DeSoto County Board of Supervisors wishes to acknowledge the great honor bestowed upon DeSoto County on Saturday, June 28, 2014, when DeSoto County's 01' ILLUSIONS won the 2014 Mississippi Amateur Softball Association (ASA) "A" Class State Championship in fastpitch softball. This great accomplishment was the pinnacle of the 01' ILLUSIONS 2014 season in which they have earned a record of 47 wins and 17 losses, a*

United States Specialty Sports Association (USSSA) Mississippi State Championship, a State of Mississippi 12^U Ranking of #1, and a qualification to represent Mississippi in the 2014 ASA National Tournament in St. Louis, Missouri.

WHEREAS, these accomplishments are great public displays that honor the hard work, unity, discipline, and dedication of this outstanding team. The leadership of the coaching staff, and the support of the many parents, grandparents, siblings, and sponsors who worked tirelessly with the team resulted in this great accomplishment which brought honor and respect to the team, and to all of DeSoto County.

WHEREAS, the greatest lesson to be learned from the 2014 01' ILLUSIONS Fastpitch Softball Team comes from the hard work and many hours of practice that were spent to position the team to accomplish such honors. This realization of visionary goals is to be commended.

WHEREAS, It is This Board's hope that each member of the team will take that work ethic to every aspect of their life and that others will be inspired by the story of the 2014 01' ILLUSIONS Fastpitch Softball Team.

THEREFORE, BE IT RESOLVED BY THE DESOTO COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

The DeSoto County Board of Supervisors extends our congratulations and appreciation to the 2014 01' ILLUSIONS Fastpitch Softball Team on their ASA CLASS "A" State Championship and wishes them the best of luck as they represent the State of Mississippi in the 2014 ASA National Tournament.

Witness our signatures, this the 7th day of July, 2014.

Jessie L. Medlin
First District Supervisor

Mark Gardner
Second District Supervisor

Bill Russell
Third District Supervisor

Lee Caldwell, President
Fourth District Supervisor

Harvey Lee
Fifth District Supervisor

Supervisor Jessie Medlin said there is a request under Advertising County Resources today for the Illusions on the Agenda and he would like to address it now.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve a donation of \$450 to be applied toward the entry fee for the ASA National Tournament in St. Louis, MO.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit D.1

2. Palmer Home

Katelyn Vassar of Palmer Home appeared before the Board to give an update on their progress.

Ms. Vassar said Palmer Home started 100 years ago in Columbus, MS as an orphanage. She said that Palmer Home has grown into a home for children who do not have an adequate family structure. Ms. Vassar said there are currently 24 children living at the Hernando Campus. She said they are in a

silent phase of expanding that campus.

Ms. Vassar said there is a Home in Nashville, Jonah's Journey that has placed 100 infants in homes. She said Palmer Home took it over on March 1 and they are looking at expanding their ministry into Mississippi.

Ms. Vassar said the children attend Tunica Academy and they are looking for home schooling for children that are behind.

Ms. Vassar said this is an exciting time for Palmer Home. She said they appreciated everything DeSoto County and the cities have done for Palmer Home including the citizens. She said it is a tremendous help and invited the Board to tour the campus.

Supervisor Lee Caldwell thanked Ms. Vassar for the update and said she had toured Palmer Home. Supervisor Bill Russell said he too had toured Palmer Home. He asked how they usually get kids for the Palmer Home. Ms. Vassar said they cannot take children who are with DHS because Palmer Home does not take state funding. She said they usually hear from grandparents and sometimes the parents. Certain Judges can place children with them. Ms. Vassar said when Palmer Home gets a child; they take custody and sever all parental rights so the child can be adopted. She said they take total responsibility for the child including medical care. Ms. Vassar said they have children of every age. She said Jonah's Journey can take babies one to two days old and they are now part of Palmer Home. The children stay until they are ready to be on their own. She said there are grants and funding to allow children to attend college and they can stay until they complete college and decide they are ready to be on their own. She said that Jonah's Journey will take kids who have parents that are incarcerated. They will work with the mom's during that time and sometime the mom can get the child when they are out of jail.

The Board thanked Ms. Vassar for the update and for the work they are doing at the Palmer Home.

See Exhibit D.2

The Board of Supervisors recognized Randy Williams of the Planning Department for being appointed as Building Official of the Year.

County Administrator Vanessa Lynchard said that Mr. Williams is a very hard worker and has made a lot of positive changes in the department and has good ideas for the future as well. Ms. Lynchard said Mr. Williams is very forward thinking and wants to take his area to the next level which would make the department more efficient. It will also help the citizens, developers and others who are going through the construction process. Ms. Lynchard thanked Mr. Williams for his hard work and dedication to DeSoto County.

Supervisor Lee Caldwell asked if there was anyone else present who wished to make remarks or present a presentation. No one came forward.

E. APPROVAL OF JUNE MINUTES

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

The official minutes of the Board of Supervisors were read for the month of June 2014.

Supervisor Bill Russell requested revisions on two items: Walls Water discussion and discussion regarding the ordinance for parking in yards.

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to accept the minutes of the Board of Supervisors for June, 2014, as presented this date with changes to the draft minutes previously submitted. The motion included approving all minutes as presented with those changes pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES

Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit D

E. APPROVAL OF AGENDA: ADDITIONS AND DELETIONS

Supervisor Lee Caldwell asked if there was anyone who wished to add or delete items to the Agenda.

1. County Administrator Vanessa Lynchard requested adding the following:

a. TAP Grant

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve a memorandum of understanding with MDOT with the understanding that the County can use in-kind matching funds for the projects, and the City of Hernando or MDOT would be responsible for maintenance of the landscaping for the proposed interchange project; and to approve two Preliminary Engineering Services Contracts with Waggoner Engineering: one contract for Landscaping, Project No. STO-0017-00(040)LPA 106895-701000; and one contract for Nesbit Fire Station Trail and Connector, Delta View Bike Trail, and Hernando DeSoto River Park Overlook, Project No. STP-0017-00(039)LPA 106892-701000; and any additional funding coming from the Recreational District.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

b. Items for consideration for possible Executive Session under personnel as follows:

- 1) Industrial Prospect – Project Penton
- 2) Personnel: EMA
- 3) Veteran’s Service Officer
- 4) Property Disposal – Certain County buildings in Walls, Olive Branch and Southaven.

These items were later determined to qualify for executive session.

c. Deletions

- 1) New Business – I.5.a: Office of Finance and Accounting: Audit Exit Conference.
- 2) Executive Session – K.4

2. Supervisor Bill Russell requested adding the following:

- a. Clarification on a letter from the federal government regarding reimbursements on road projects. State Aid Engineer Tracy Huffman is checking into it.
- b. Update on House Bill 585

Ms. Lynchard said Judge Adams would like to meet with principal parties. Mr. Nowak said he sent the Board an email on this and said it is difficult to know exact amounts involved with each charge brought to Circuit and Justice Courts. He said under the new law any crime of property with a value over \$1,000 is addressed in Circuit Court not Justice Court. Criminal cases under \$1,000 go to Justice

Court.

3. Supervisor Mark Gardner requested adding an item for New Business: New State Seal

Supervisor Mark Gardner said in the Governor’s state of the union address for 2014, he said that legislation was passed to add the language, In God we Trust, to the state seal.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve changing all state seals that are displayed in the County to the new state seal which has the new language, In God We Trust.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

4. Chief Financial Officer Tom Arnold requested adding late bills as follows:

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve late bills as follows:

July 7, 2014
LATE BILLS FOR BOARD APPROVAL

- 1) Dr. Jacob Shivley, DVM- Reimbursement for meals for five veterinary students and 2 doctors who worked at the Animal Shelter on July 2nd and 3rd. \$270.53 Account Code 001-445-476.
- 2) AT&T – Payment of phone bill for Senatobia Circuit Court Administrators office- \$80.05 Account code 025-171-502.
- 3) Allocation of tax revenues to NWCC- \$55,994.11 for Maintenance and support Account Code 690-000-148.
- 4) Allocation of tax revenues to NWCC- \$59,639.81 for Support and repair Account Code 690-000-148.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit F.4

5. Road Manager Andy Swims requested the Board’s consideration for an overlay project.

Assistant County Engineer Scott Young said he would like to add Dean Road to the county-wide hot mix asphalt overlay contract. It would cost approximately \$50,000.

Mr. Swims said that Dean Heights has had a lot of road issues. He said he believes they can take care of the issues for the rest of the fiscal year and then add it to the county-wide hot mix asphalt overlay contract.

Supervisor Lee Caldwell requested this item be held over until the July 21 Board meeting and for the Road Department to provide pictures of the area.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
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Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit F.5

6. Board Attorney Tony Nowak requested adding the following:

a. Bank used by the CVB

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to approve the incumbency certificate for the Supervisors, as presented, and as requested by the bank used by the CVB for paying the debt service on the CVB bonds.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

b. Possible executive session discussion under Litigation –Tillatoba Land v. DeSoto County.

This item was later determined to qualify for executive session.

7. Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve an allocation of \$15,000 from the Recreational District to the City of Hernando for Hernando Parks and Recreation Program and to authorize the clerk to write the check.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the Agenda with the additions and deletions set forth above.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

G. CONSENT AGENDA

The Board of Supervisors considered the following items on the meeting’s Consent Agenda.

Supervisor Bill Russell asked about item number 8 for Marietta; to increase the assessment of real/personal property. Chancery Clerk Sluggo Davis said it sounds like the parcel was omitted. County Administrator Vanessa Lynchard said it is personal property and not land. Supervisor Russell asked about the Homestead Exemption Objections and Disallowances. Mr. Davis said the objections have already been sent out certified mail and their office did not hear back from them.

Supervisor Russell asked about the millage for Horn Lake Creek Drainage District. Ms. Lynchard said this is set by the Board every year. There is no increase in the millage.

Supervisor Jessie Medlin asked if construction at EMA was included in the budget amendments. Ms. Lynchard said she did not think so. She said they moved the balance to the Facilities Management budget. She said this item is on the Agenda to be discussed later.

Supervisor Medlin asked if the coroner cooler is included the budget amendment. Ms. Lynchard said no.

Supervisor Medlin asked about a budget amendment that showed \$9,000 for laptops for the Sheriff’s Department. Ms. Lynchard said the total for the new budget line item is \$91,000. The total budget for cell phones is \$140,000. Supervisor Medlin said this is a lot of taxpayer money for cell phones.

Supervisor Medlin asked about the last page of budget amendments for service maintenance contracts which increased \$12,000. Ms. Lynchard said it is a different account.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell 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 June and paid to Humana:

Funding Request	Date Paid	Amount	Claim Type
Date			
6/1/14	6/1/14	\$85,302.80	Administration Fees
6/2/14	6/3/14	\$48,117.27	Medical
6/2/14	6/3/14	\$7,257.20	Dental
6/2/14	6/3/14	\$15,310.31	Pharmacy
6/9/14	6/10/14	\$19,902.82	Medical
6/9/14	6/10/14	\$4,030.15	Dental
6/9/14	6/10/14	\$14,784.04	Pharmacy
6/16/14	6/17/14	\$41,549.49	Medical
6/16/14	6/17/14	\$3,401.65	Dental
6/16/14	6/17/14	\$19,685.48	Pharmacy
6/23/14	6/24/14	\$58,263.88	Medical
6/23/14	6/24/14	\$5,454.10	Dental
6/23/14	6/24/14	\$14,449.68	Pharmacy
	TOTAL	\$337,508.87	

2. Justice Court Report

Criminal Cases Filed	159
Civil Cases Filed	661
Traffic Tickets Filed	1,384
Total Cases Filed	2,204
State Assessments	\$83,577.00
County General Fund	\$127,649.89
Total Collections	\$211,226.89

Bailiff Pay

Liz Medlin	\$380.00
Bobby Holloway	\$450.00
Brandon Hylander	\$435.00
Lee Hodge	\$ 40.00
Chris Plumlee	\$190.00

3. Publication of Board Proceedings

4. Office of Finance & Accounting

a. Budget Amendments

b. SID Forfeitures

REQUEST FOR TRANSFER OF SHERIFF SEIZED FUNDS

July 7, 2014

The following seized funds listed have been forfeited by court order to be transferred from the seized account to the forfeiture account. Please approve the transfer of the funds.

Case #	Defendant	Date Seized	Receipt #	Amount	Date of Forfeiture
2014-16213	Shannon Mathews	5/12/14	29164	\$2,015.21	6/16/14
2014-18250	Jeffery Davis	5/7/14	29157	\$618.00	6/16/14
2014-18336	Jason Walker	5/7/14	29157	\$260.00	6/16/14
			TOTAL	\$2,893.21	

Transfer from Sheriff-Seized Fund (123-000-139) \$2,893.21
 Transfer to Sheriff-Forfeiture Fund (120-000-238) \$2,893.21

c. Quarterly Allocations

July 7, 2014

QUARTERLY BUDGET ALLOCATIONS
For Quarter Ending September 30, 2014

TAX ASSESSOR:

Department 103.....\$330,996.08

TAX COLLECTOR:

Department 104.....\$331,429.75

SHERIFF:

Department 200 (Sheriff Administration).....\$ 260,328.00
 Department 201 (Aviation).....\$ 90,082.25
 Department 202 (Patrol/Law Enforcement).....\$ 2,697,325.59
 Department 214 (Highway Safety Grant).....\$ 45,168.50
 Department 215 (Occupant Protection Grant) ..\$ 6,000.00
 Department 220 (Custody of Prisoners).....\$ 1,148,238.59
 Department 222 (Prisoners' Medical Expense) \$ 352,925.00
 Department 223 (Juvenile Detention).....\$ 311,191.75
 Department 225(Search Unit).....\$ 6,125.00
 TOTAL..... \$4,917,384.68

5. Establish as Part of the Formal Record and Enter into the Board's Minutes

a. DeSoto County Aerial Photography

b. Resolution of Appreciation for Pastor Terry Wallace of Oak Grove Church of Christ

6. Office of Procurement: Request to Accept & Approve Bid Specifications and Solicit Bids

a. Traffic Signs b. Hot Mix Asphalt c. Roadside Herbicides d. Crushed Limestone

e. Traffic Striping f. Guardrails g. Ready Mix Concrete h. Slurry, Micro, Scrub Seal

i. Cement Treated Base j. Metal & Aluminized Corrugated Culverts k. Poly Culverts

l. Flex-A-Mat m. Mosquito Control Chemicals

7. Tax Assessor’s Office: Request for refund to Deere Credit, Inc. for 2012 Personal Property Taxes on parcel # 2100-004 - \$3,204.10 due to it being double assessed

8. Tax Assessor’s Office: Notice to Increase the Assessment of Real/Personal Property Assessed to Marietta American - 2013 Personal Assessment Roll

9. Road Department

a. Road Report

b. Work Schedule

c. Subdivision Road Bond Report

10. Board Attorney: Authority to Issue Checks for Right of Ways on Swinnea Road

Gregory S. Hailey and Georgia A. Miller-Hailey: \$500.00

11. Chancery Clerk’s Office

a. Chancery Clerk Allowances (2) - \$1,700.00 \$1,550.00

b. Homestead Objections Order to Homestead Disallowances

c. Order Accepting Tax Year 2013 Disallowance on Homesteads by Mississippi Department of Revenue

12. Petition and Order to set the Levy of 2.6 mills to the year 2015, for Horn Lake Creek Watershed Drainage District of DeSoto County

13. Circuit Court: Order Appointing Jury Commissioner Sylvia Skelton

14. Approval of Special Prosecutor Paige Williams to fill in July 21, 2014 for Craig Treadway due to conflict of interest

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Jessie Medlin said his dissenting vote is because he would like to look further into one item.

Later in the meeting Supervisor Medlin said the disposition for the Sheriff’s wrecked vehicle is on the Consent Agenda as a final but it says they are waiting on a police report that is not completed yet.

Inventory Control Clerk Char McCool confirmed that they are waiting on the police report.

See Exhibit G

H. OLD BUSINESS

1. Animal Control Update: AC Officers Carrying Weapons & Set Date for Public Hearing

Animal Control Director Monica Mock said that the Animal Control Ordinance had been revised and a date needed to be set for a Public Hearing.

Ms. Mock said if Animal Control Officers are allowed to carry weapons they would have to attend law enforcement academy. She said the ordinance needs to be rewritten so the Animal Control Officers will be Deputy Clerks and/or notary publics, so they can take affidavits from the complainant. Ms. Mock said they are also recommending the Animal Control Officers carry Tasers instead of guns.

Board Attorney Tony Nowak said the proposed ordinance amendment provides for the Board to determine what weapons the Animal Control Officers can carry.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to approve holding a Public Hearing on August 4, 2014 for the Animal Control Ordinance; post the new proposed Animal Control Ordinance on the County web site and notify the newspapers.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H.1

2. PUBLIC HEARING: Environmental Services – Enforcement: 10705 North Cockrum Hernando, MS 38632 Parcel# 3 06 6 23 01 0 Lot 00027 00

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing regarding one item of enforcement relating to Mississippi Code Section 19-5-105 in the county.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Environmental Services Manager Ray Laughter said this is the second time they have been to this property. The property was formerly owned by Jimmy Stevens. Wells Fargo Bank now owns the property and last year they did the maintenance on the property. He said he made contact with Wells Fargo about the property they are not interested in cleaning it up. Mr. Laughter presented pictures of the property.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to accept the recommendation of the Environmental Services Manager, finding that the property located at 10705 North Cockrum Hernando, MS 38632 Parcel# 3 06 6 23 01 0 Lot 00027 00 is in such a state of uncleanliness to be a menace to the public health and safety of the community as outlined in Mississippi code section 19-5-105 and to accept the low bid of \$650.00 to clean the property.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to close the Public Hearing regarding one item of enforcement.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H.2

3. Road Department

a. Citizen Remarks: 7550 Byhalia Road – Melanie Allison

Road Manager Andy Swims said that Ms. Melanie Allison appeared at the last Board Meeting to express concerns regarding flooding on Byhalia Road and her driveway culvert.

Mr. Swims said they went to the site and the culvert is rusted out and the ditch shows signs of erosion. It is a critical ditch that needs to be maintained to protect the County’s road. He said there is a potential for the ditch to keep getting clogged upstream and they will have to monitor it regularly. Mr. Swims said we will spend more money maintaining the ditch than replacing the culvert. The culvert is barely large enough.

Supervisor Mark Gardner asked if there is water is flowing onto the road. Mr. Swims said he has not seen water on the road but he has seen evidence that it has been close to the road but not over the road.

Supervisor Jessie Medlin said Ms. Allison did mention water coming onto the road. Supervisor Harvey Lee said she told him the same thing.

Supervisor Bill Russell said the Board could make a finding of fact that it would cost more to maintain the ditch than to replace the culvert.

Supervisor Gardner asked if we could get an affidavit from Ms. Allison stating that the water was over the road. Board Attorney Tony Nowak said yes.

Supervisor Jessie Medlin said he thought the county cut down a tree and left it in the ditch. Mr. Swims said we should not be leaving any debris in a ditch. If there is a bad storm, is the only time we would do that.

Mr. Nowak said that Mr. Swims could bring a report to the Board showing how many times the ditch had to be cleaned out and get affidavits from other homeowners including Ms. Allison. He said it is affecting the integrity of the road.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion the to approve repairing or replacing the culvert to improve flow and protect the road and to clean the ditch; based upon the Road Manager’s recommendation and the statements of witnesses that there has been water and debris over the road from the ditch.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H.3.a

b. Walls Water Association – Waterline Relocation Assistance Update

Road Manager Andy Swims said on June 16, 2014, the Board approved contributing \$10,000 towards assisting Walls Water with the relocation of a waterline. Since that meeting, Walls Water has decided not to relocate but to encase a portion of the line in concrete and add rip rap for protection. Mr. Swims said Walls Water is asking the Board to pay half of the cost which would be \$4,050.

Supervisor Bill Russell left the Board room.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve amending the previous motion made on June 16, 2014, to contribute \$10,000 to Walls Water for a waterline relocation, to reflect and approve the county portion to be not in excess of \$4,050 to encase a portion of the line in concrete and add rip rap for protection instead of relocating the waterline.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>ABSENT</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H.3.b

4. Designated Parking Spaces at County Buildings

County Administrator Vanessa Lynchard reported the number of designated parking spaces at county facilities.

Supervisor Jessie Medlin said he would talk to EMA to see why they need so many designated parking spaces.

No action was taken on this item.

See Exhibit H.4

5. Facilities Management: Cooler/Search and Rescue Build Outs

County Administrator Vanessa Lynchard said the county coroner has \$25,000 in the budget for a cooler for bodies. She said sometimes the funeral homes will hold the bodies for him but it is very difficult. Ms. Lynchard said Mr. Pounders said he would like to keep his current office location because it is convenient to the courthouse and closer to everything he needs. She said the rent is \$300 per month and includes utilities. Ms. Lynchard said \$300 could pay for electricity in another location in addition to other expenses. She said the quote for the cooler is \$16,000 and the building repairs and construction for the room for the chiller is \$11,000. There will be \$9,000 left out of the coroner’s budget after purchasing the chiller and that money could be moved to the Facilities Management budget.

Supervisor Harvey Lee suggested buying the cooler and waiting on everything else until the new fiscal year.

Ms. Lynchard said Search and Rescue and EMS occupy the rest of the building and the Sheriff has a space for training as well. She said the public and people in training will have no heat or air in the training room. She said there also needs to be an outside entrance for everyone to use as HIPPA requirements restrict medical records being displayed openly.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to approve buying one cooler with locks for the county coroner.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H.5

6. Tax Exemption Revision: Five Below – Corrected personal property listing submitted and Board President to sign documents

Supervisor Mark Gardner left the Board room during this discussion and vote.

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve the corrected resolution granting Five Below, Inc. exemption from ad valorem taxes for a period of ten years for personal property as authorized by Mississippi code section 27-31-101as amended; and Board President to sign the documents.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>ABSENT</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H.6

I. NEW BUSINESS

1. 9:00a.m. – Tax Assessor: Presentation of Preliminary Land Rolls – Real and Personal

Tax Assessor Parker Pickle presented the total assessed values for DeSoto County as of July 7, 2014 as follows:

	Total Assessed Value
	July 7, 2014
	July Re-Cap
<u>Full County Taxes</u>	
Real	1,058,879,654
Personal	137,241,691
Public Utilities	38,433,958
Mobile Homes	942,749
Automobiles	<u>229,378,518</u>
Total	1,464,876,570
<u>School Tax Only</u>	
Real	95,397,168
Personal	<u>30,250,694</u>
Total For Schools	125,647,862
<u>Fee in Lieu Value</u>	
Real	7,507,838
Personal	<u>6,760,484</u>
Total	14,268,322
Total Assessed Value	1,604,792,754
Total Assessed Value 2014	1,604,792,754
Total Assessed Value 2013	<u>1,640,262,522</u>

Decrease **35,469,768**

2.16% Decrease

Total Appraised Value
July 7, 2014

Real Property	9,787,106,380
Personal Property	1,116,614,492
Public Utilities	128,113,193
Mobile Homes	6,284,982
Automobiles	<u>764,568,036</u>
Total Appraised Value	11,802,687,083

Fee In Lieu	
Real	50,052,252
Personal	<u>45,069,898</u>
Total	95,122,150

2014 Total Appraised Value	1,897,809,233
2013 Total Appraised Value	<u>12,131,802,593</u>
Decrease	233,993,360

1.93 % Decrease

Mr. Pickle said he was happy to report that the total assessed value was up \$16 million from last year. He said that reflects a 2.16% increase. Mr. Pickle said there are five classes of property and four of them had increases. He said that Seven States was taken over by TVA and their check goes straight to the comptroller. Mr. Pickle said there was a nice increase in real property.

Mr. Pickle presented the real and personal rolls to the Chancery Clerk. He said that IT will post the rolls on the county web site.

This day came on to be considered by the Board of Supervisors of DeSoto County, Mississippi, the matter of equalizing assessments of real and personal property for the year 2014, and the Board affirmatively finds and adjudicates that Parker Pickle, Tax Assessor of DeSoto County, has completed and filed the 2014 real and personal assessment rolls of DeSoto County, Mississippi, and in accordance with the provisions of Section 27-35-81, Mississippi Code 1972, has delivered said rolls in legal form to the Clerk of the Board of Supervisors of this county on or before the First Monday of July 2014, and that said Assessor has made and appended to said real and personal rolls the affidavit in the form and as provided by law.

NOW THEREFORE, it is ordered that this Board of Supervisors will immediately at its July 7, 2014 meeting proceed to equalize such rolls and will cause to be assessed any person, or thing, found to be omitted, and correctly value any property found to be undervalued, and do all things required by Section 27-35-87, Code of 1972, and other laws, and cause all corrections to be made in the said rolls, and will complete such equalization at least ten (10) days before the August, 2014 meeting, and upon adjournment will immediately by newspaper publication notify the public that such rolls so equalized are ready and open for inspection and examination.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to accept the preliminary tax rolls for Real & Personal Property Assessments for DeSoto County for the 2014 tax year as presented by Tax Assessor Parker Pickle and to instruct notification be given to the public that the tax rolls are available and on display for review as required by the Mississippi Code. The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>

Supervisor Harvey Lee, Fifth District

YES

See Exhibit I.1

2. 10:00a.m. – Tax Exemptions – UTI Logistics, LLC: Real – 10 years and Free Port Warehouse

President and CEO of the DeSoto Economic Development Council, Jim Flanagan, said this request is for a 10 year Real Tax Exemption and a Free Port Warehouse Tax Exemption on behalf of their customer. Mr. Flanagan said UTI Logistics is leasing 50% of Crossroads Distribution Center.

Mr. Flanagan introduced Mr. Blair Byrnes and Mr. Steve Casey, who is the General Manager of the site.

Mr. Casey said they have 24 employees and depending on the project it could increase by 25 jobs. He said 21 of the employees are full time. He said this project is a \$4 million capital investment. The annual payroll is \$630,000 not including benefits. The average hourly wage is \$20.59 and the fringe benefits /wage is 31%.

Mr. Casey said that UTI spends approximately \$5,000 per week back into the community for various services and goods including Janitorial, maintenance, utilities, miscellaneous furniture, fixtures, and supplies. Mr. Casey said they have met with WIN Job Center.

Mr. Flanagan said that UTI did not qualify for a Personal Tax Exemption.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve a 10 year Real Property Tax Exemption and a Free Port Warehouse Tax Exemption for UTI Logistics, LLC.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.2

3. Grants Administration

a) Accept Grant Award – EMSOP Grant \$22,954.00

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve accepting the grant award for the EMSOP Grant in the amount of \$22,954.00 as described in Exhibit I.3.a.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.3.a

b) Homeland Security Terrorism Prevention for the Sheriff’s Department

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the accepting the grant award in the amount of \$40,000 by the Department of Safety, Office of Homeland Security for the Sheriff’s Department for the purchase of a mobile License Plate

Recognition System compatible with Mississippi Office of Homeland Security's Automated License Plate Recognition System for sharing and exchange of terrorist/criminal information.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.3.b

4. Environmental Services

a. Innovations in American Government Awards

Environmental Services Manager Ray Laughter said this is not a grant but it is an award to the County, and there is no match obligation.

County Administrator Vanessa Lynchard said the deadline has been extended. This is a great way to be good environmental stewards.

Grants Administrator Melissa Zizmann said this does have to be fed back through our system.

Supervisor Bill Russell left the Board room.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the Innovation in American Government Awards for students in DeSoto County.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>ABSENT</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.4.a

b. Enforcement: PUBLIC HEARING - 4612 Pleasant Hill Rd Nesbit, MS 38651 Parcel # 2 07 6 23 01 0 Lot 00130 00

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to open the Public Hearing regarding an enforcement issue located at 4612 Pleasant Hill Rd Nesbit, MS 38651 Parcel # 2 07 6 23 01 0 Lot 00130 00.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Environmental Services Manager Ray Laughter said the Homeowner Association of Bridgetown would like some relief on this property. Mr. Laughter said there are abandoned vehicles on the property, debris, junk and the grass needs to be cut. Mr. Laughter said the vehicles have the correct license plate but no inspection sticker. He said the vehicles do not fall under the scope of Miss. Code 19-5-105. Mr. Laughter said he would like to cut the grass and assess taxes and remove everything

except the vehicles on the property.

Supervisor Bill Russell said he would rather go to court to get authority so there are no repercussions.

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to approve getting the grass cut; but not remove any items on the property located at 4612 Pleasant Hill Rd Nesbit, MS 38651 Parcel # 2 07 6 23 01 0 Lot 00130 00 pursuant to Mississippi Code Section 19-5-105.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.4.b

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to close the Public Hearing.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

5. Office of Finance and Accounting

a. Audit Exit Conference

This item was removed from the Agenda.

b. Inventory Dispositions – Preliminary

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve the following dispositions presented by Inventory Clerk Char McCool:

1) IT Department

ASSET #	GRANT	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	Y R A C Q	C O S T	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE
31830		HP DESKJET 5550 PRINTER	MY29K1P3G2	will not print black ink	03	2H	IT - Disposal	07/07/14
34067		HP INKJET	CN498B8052	will not feed paper	04	1H	IT - Disposal	"
34753		HP 17" FP MONITOR	CNN530024X	burn in image	05	4H	IT - Disposal	"
35571		MAG 19" LCD MONITOR	E9EZ4560033U	will not power on	05	4H	IT - Disposal	"
36520		LEXMARK PRINTER	992K9ZT	will not connect	05	2K	IT - Disposal	"
39139		HP DESKJET 6940 PRINTER	MY7BGBS244	will not power on	08	1H	IT - Disposal	"
39156		LEXMARK 2590 FORMS PRINTER	S9J01552	bad print head	08	4H	IT - Disposal	"
39158		LEXMARK 2590 FORMS PRINTER	S9J03443	will not form feed	08	4H	IT - Disposal	"
39161		LEXMARK 2591 FORMS PRINTER	9K03454	will not form feed	08	5H	IT - Disposal	"
39162		LEXMARK 2591 FORMS PRINTER	9K03602	bad print head	08	5H	IT - Disposal	"
39181		HP DESKJET 6940 PRINTER	SG73O110BZ	will not print black ink	08	1H	IT - Disposal	"
39461		LEXMARK 2590 PRINTER	9J17735	will not power on	08	4H	IT - Disposal	"
41177		SAMSUNG ML2851MD	4F61BKFZ800727	will not feed paper	10	2H	IT - Disposal	"
41757		HP PRINTER	CN17GC0CV	will not connect	11	1H	IT - Disposal	"
42759		DELL 2007FP MONITOR	MX0G324H746228L1N4L	burn in image	13	3H	IT - Disposal	"

2) Sheriff's Department SID

ASSET #	GRANT	DESCRIPTION	SERIAL #	SUE/REASON FOR DISPOSAL	Y R A C Q	C O S T	LOCATION AT PRELIMINARY	PRELIMINARY APPROVAL DATE
43377		2007 Mazda B2300 (gray)	4F4YR12D37PM01551	Auction-Surplus	13	8K	SID LOT	07/14/14
42397		2001 GMC Yukon (silver)	1GKEC13TX1J191354	Auction-Surplus	12	31H	"	"
43793		2004 Saturn Ion (blk)	1G8AZ52F14Z192288	Auction-Surplus	14	15H	"	"
43794		2004 BMW 525 (gray)	WBANAS3514B845874	Auction-Surplus	14	6K	"	"
43804		1990 Izuzu Amigo (blk)	JAABL01E8L9804631	Auction-Surplus	14	17H	"	"
43803		1997 Chev Ext Cab Z71 (gold)	2GCEK19R7V1167975	Auction-Surplus	14	5K	"	"
43805		2005 Nissan Altima (tan)	1N4AL11D75C285780	Auction-Surplus	14	21H	"	"
38494		2008 Ford F-150 (blk)	1FTPW12V58FB77535	Auction-Surplus	08	25K	"	"

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.5.b

c. Claims Docket

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

Supervisor Mark Gardner asked about the following claims:

Page 7 to SouthGroup DeSoto; he asked what is being insured. Mr. Arnold said that is for the new Jail.

Page 21 to Johnstone Supply. Mr. Arnold said that is for a new air conditioner at the Olive Branch Library. It was very old and had to be replaced.

Page 25 to Next Step Innovation. Mr. Arnold said that is for 75 hours of service.

Page 53 to Motorola. Mr. Arnold said this is for 14 handheld updated radios.

Page 99 to Tim Curtis. When Mr. Curtis was still here this was for medical reserve training for volunteers.

Page 67 for Tractor Supply for dog food. Ms. Lynchard said EMS was buying the food for the K-9 dogs and this is probably before we split EMA and EMS.

Page 111 for caps. Road Manager Andy Swims said this for summer caps for the employees at the Road Department. It is part of their uniforms.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin 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, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

6. Office of Procurement

a. Purchase exceeding \$25,000 – Aviation Department

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve a purchase for the Aviation Department coming from the Sheriff’s budget for the installation and parts for the FLIR system, mapping and downlink.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.6.a

b. Bids Under Advisement: Jail Administration

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to approve ViktorHall Construction, LLC as the lowest and best bid for the Jail Administration offices construction and renovation; which does not include architect fees, as related to bid file number 14-315-003 and as follows:

BIDDER	ADDRESS	BID PRICE
ViktorHall Construction, LLC	1288 Dovecrest Road Memphis, TN 38134	\$ 2,350,000.00
Barnes & Brower, Inc.	3787 Old Getwell Road Memphis, TN 38118	\$ 2,485,363.00
F & F Construction	3180 Carrier Street Memphis, TN 38116	\$ 2,899,185.00
Murphy & Sons	9148 Corporate Drive Southaven, MS 38671	\$ 2,399,900.00
RECOMMENDATION: Lowest Bidder is ViktorHall Construction, LLC		

Supervisor Jessie Medlin, First District YES
Supervisor Mark Gardner, Second District YES
Supervisor Bill Russell, Third District NO
Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

See Exhibit I.6.b

7. Insurance Committee Recommendations: Rewrite the Personnel Manual

Supervisor Jessie Medlin said the insurance committee met recently and discussed conflicting information in the County Personnel Manual.

Board Attorney Tony Nowak said the County has a Procedure and Policy Manual and also an Employee Manual. The cost to rewrite the Employee Manual along with the Procedure and Policy Manual would not be much more than the estimated cost provided a few years back to write the Procedure and Policy Manual. Mr. Nowak said the cost estimate would be \$10,000 to \$12,000 for both policies to be completely rewritten. The employee manual was last updated in 1999, and the Procedure and Policy Manual in 2006.

Supervisor Jessie Medlin said both manuals need to reflect the same information to ensure that all employees are treated fairly.

Mr. Nowak said the major bodies of some of the laws have also changed and they need to be addressed.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve hiring the Butler, Snow Law Firm to rewrite the County Procedure and Policy Manual and the Employee Manual, at a cost of \$12,000.00, with any post revision training from Butler Snow to be billed separately as may be approved by the Board, with funding coming from the Healthcare Insurance fund.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES
Supervisor Mark Gardner, Second District YES
Supervisor Bill Russell, Third District YES
Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

See Exhibit I.7

8. County Administrator

a. Tuition Reimbursement Policy

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve adopting a tuition reimbursement policy in substantial form as that form utilized by the Sheriff’s Department and to authorize the Board Attorney to make necessary changes to include the employee working for the county for 24 months after the completion of the courses.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.8.a

b. Economic Department Administration to Help Fund the I-69/269 Corridor Regional Marketing Plan

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve the Board President to sign a letter in support of helping fund the I-69/269 Corridor Regional Marketing Plan.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.8.b

c. Advertising County Resources: ASA National Tournament, St. Louis

This item was included in discussion under item D.1.

9. Shortfork Creek at Holly Springs Road: Repair Levee

Supervisor Harvey Lee said there is a berm at Shortfork Creek and Holly Springs Road that is adversely affecting drainage in the area and causing water to cover the road.

Road Manager Andy Swims and State Aid Engineer Tracy Huffman presented a bid for improvements to the berm at Short Fork Creek as follows:

Short Fork Creek Berm Improvements									
				Engineering Estimate		Cleveland Construction		Lamb Construction	
Pay Item Description	QTY	Unit	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	
Clearing and Grubbing	1	Lump Sum	\$5,000.00	\$ 5,000.00	\$ 4,200.00	\$ 4,200.00	\$ 5,466.67	\$ 5,466.67	
Borrow Excavation (F.M.E.) (Owner Furnished)	8,000	Cu. Yd.	\$ 5.00	\$40,000.00	\$ 4.80	\$ 38,400.00	\$ 4.80	\$ 38,400.00	
Silt Fence	500	Lin. Ft.	\$ 4.00	\$ 2,000.00	\$ 2.00	\$ 1,000.00	\$ 4.00	\$ 2,000.00	
Hydroseeding	1	Acre	\$2,500.00	\$ 2,500.00	\$ 6,000.00	\$ 6,000.00	\$ 3,000.00	\$ 3,000.00	
Total Bid				\$49,500.00		\$ 49,600.00		\$ 48,866.67	

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve Lamb Construction as the lowest and best bid for Shortfork Creek berm improvements in the amount of \$48,866.67 and to authorize the Board President to sign all contract related documents necessary for execution of the work; \$30,000 is budgeted and the remainder of \$18,866.67 coming from the Road

Department fund for drainage on private property.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.9

10. Road Department

a. Request to Add Gravel Parking Area at Love Fire Department, 7345 Hwy. 51 South

This item was deleted from the Agenda.

b. County Owned lot at 4114 Dean Road – Request for Removal of Berm

Road Manager Andy Swims said Mr. Randy White at 4060 Dean Road has requested that the county remove a berm on county property adjacent to his lot. The berm was built by the previous property owners. Mr. Swims said a house was built on the property which is in a floodplain and the house flooded several times. He said the berm is toward the rear of the property and it is causing water to be held back creating a health and safety problem.

Supervisor Lee Caldwell said a private owner built the house a few years ago and the berm was built to prevent flooding. Mr. Swims said the berm was not built by the county.

Mr. Nowak recommended that a release be drawn up to protect the county when the berm is removed.

Supervisor Bill Russell asked the Board Attorney if the county could sell the property. Mr. Nowak said no. The property was acquired through a grant with FEMA and the property now belongs to the county.

Supervisor Medlin asked if selling the property could be looked into.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Road Department to remove the berm on county property at 4060 Dean Road; authorize the Road Manager to work with the Board Attorney on a release of county liability after the berm is removed and for the complainant to sign the release; and to research the possibilities of selling the county property.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.10.b

c. Finding of Fact: 1536 Gaines Road, Hernando

Road Manager Andy Swims said the Road Department has been to this location several times during the rain and saw water over the road. The culvert is not large enough to allow water to go through it so it crosses the road. He said that two driveway culverts need to be replaced.

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to accept the finding of fact and that the conditions at 1536 Gaines Road, Hernando would adversely affect the

health, safety and welfare of the citizens of DeSoto County in accordance with Mississippi code section 19-5-92, that replacing two culverts at an estimated cost of \$2,004.00 and to enlarge the ditch would help prevent future flooding and protect the road and right of way, and to authorize the Road Manager to proceed with the work at an estimated cost of \$2,004.00.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.10.c

d. Finding of Fact: 12951 Starlanding Road

Road Manager Andy Swims said they just replaced a culvert in the area. He said the ditch carries so much water the culvert is not substantial enough to carry it. Mr. Swims said they clean out the ditch after every storm because it is not big enough.

Supervisor Bill Russell asked if Mr. Swims has seen water over the road. Mr. Swims said he has not seen it but his employees have seen it.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to accept the finding of fact and that the conditions at 12951 Starlanding Road would adversely affect the health, safety and welfare of the citizens of DeSoto County in accordance with Mississippi code section 19-5-92, that replacing one culvert at an estimated cost of \$1,278.00 and to clean and enlarge the ditch would help prevent future flooding and protect the road and right of way, and to authorize the Road Manager to proceed with the work at an estimated cost of \$1,278.00; and to get an affidavit from any county employees who may have seen water over the road.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.10.d

J. PLANNING COMMISSION AGENDA

**DESOTO COUNTY BOARD OF SUPERVISORS
ORDER OF ITEMS
July 7, 2014
11:00 a.m.**

1. OLD BUSINESS

Supervisor Medlin made a Motion to open the Public Hearing for an Appeal of Board of Adjustment Decision. Supervisor Gardner seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

i. **PUBLIC HEARING (11:00 AM)**

- a. **Appeal of Board of Adjustment Decision - Unified Waste Systems, LLC (Conditional Use 1444) – The DeSoto County Board of Supervisors will consider appeals by Mr. Rory Reardon, Leatherman Family Land Partnership, Irwin Company, Austin Family Properties, L.P. and Mary Monteith to overturn the action of the Board of Adjustment and deny the application by Unified Waste Systems, LLC for a Conditional Use (1444) to allow a sanitary land fill for 10 years. Subject property is at 9353 Starlanding Road, on the south side of Starlanding Road and east of Wilson Mill Road, Parcel #209521000000401 in Section 21, Township 2, Range 9 and is zoned Agricultural (A). (District 3)**

Mr. Tom Haysley stated this item was continued from the June 16, 2014 Board of Supervisors meeting. He then stated that on May 12, 2014 the Board of Adjustment voted to approve Conditional Use #1444 to allow Unified Waste Systems, Inc. an extension of 10 years for a landfill at 9353 Starlanding Road. The Planning Office received three separate appeals of this decision. Mr. Haysley gave a brief history of the site and stated the original Conditional Use was to allow a gravel mine and the existing Conditional Use is to allow a landfill.

Supervisor Medlin asked if the hours of operation approved in the original Conditional Use for Saturdays was 7:00 a.m. until 4:00 p.m., and under the current Conditional Use 7:00 a.m. until noon. Mr. Haysley stated the hours of operation approved on the current Conditional Use are 8:00 a.m. until noon on Saturday. Supervisor Russell stated the minutes reflect the hours to be 7:00 a.m. until noon on Saturday under the current Conditional Use. Mr. Haysley stated he would check the minutes and amend if needed.

Supervisor Caldwell asked if there was anyone present to speak on behalf of the applicant for this item.

Mr. John Corlew came forward and stated he is the attorney representing Unified Waste Systems, Inc. He stated the Board of Adjustment approved Conditional Use #1444 on May 12, 2014 in a 4-1 vote to allow a landfill at 9353 Starlanding Road for 10 years. He stated Mr. Becher has only received one Notice of Violation from MDEQ and that was for a red paint can being in the rubbish pit. He then stated that Mr. Becher employs 25 people between the rubbish pit and the hauling company. Mr. Corlew stated Mr. Becher must have a permit from MDEQ to operate the rubbish pit and that the permit comes up for renewal in 2015 and is for 10 years and the applicant would like the Conditional Use time limit to correlate with that time frame.

Mr. Corlew presented the conditions from MDEQ that must be met to operate the rubbish pit.

Supervisor Caldwell made a Motion to make the MDEQ permit for the rubbish pit part of the minutes. Supervisor Lee seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Mr. Corlew stated that at the June 9, 2014 meeting of the Board of Adjustment Railroad Avenue Disposal, LLC was granted a time limit of 20 years for their Conditional Use request for a landfill. He then stated that the County's rubbish pit only has a useful life span of 5 years. He stated there is a need for the Starlanding rubbish pit in DeSoto County based upon the DeSoto County 20 Year Solid Waste Plan. Mr. Corlew asked if the 20 year plan had been updated. Mr. Ray Laughter stated the County was still operating under the 2006 twenty year plan. Mr. Corlew stated the Starlanding Rubbish serves

DeSoto County, Walls, Southaven, and Horn Lake. He then stated that Mr. Becher has never received a complaint about failure to comply with the conditions of the current Conditional Use approval.

Mr. Corlew presented a notebook made by Mr. Becher containing letters of support from the Cities, citizens, local businesses, and Liberty Hills MB Church, as well as information about community service his company is involved with throughout the County.

Supervisor Medlin made a Motion to make the letter from J.P. Shannon part of the minutes. Supervisor Lee seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Mr. Corlew stated that according to the DeSoto County Zoning Regulations, in order for the Board of Adjustment to approve the Conditional Use they had to make the following findings: that the use would not substantially increase fire hazards, adversely affect the character of the neighborhood, adversely affect the general welfare of the county, overtax public utilities or community facilities, or be in conflict with the Comprehensive Plan. These findings have been made as proven by the Board of Adjustment approval of this Conditional Use.

Mr. Corlew stated that Mr. Becher has to have Conditional Use approval in order to receive the MDEQ permit. He then stated Mr. Becher has invested millions of dollars in the rubbish pit site and needs the 10 year extension to meet the financial obligations.

Supervisor Medlin asked what the conditions are for the May 12, 2014 approval of the Conditional Use are. Mr. Haysley stated that the conditions for the approval were that all conditions from the 2005 approval be met.

Supervisor Medlin stated the minutes from the May 12, 2014 Board of Adjustment meeting state that Mr. Becher accepts tires at the rubbish pit site and asked who picks up and disposes of those tires. Mr. Becher stated he does take tires occasionally so they are not left along the roadside and that his company disposes of them at a facility in Memphis at his own cost.

Supervisor Medlin asked if Mr. Becher could plant taller trees at the site. Mr. Becher stated he could.

Supervisor Medlin asked what the status is of the private road to Wilson Mills Road. Mr. Becher stated he has acquired the right of way for the road. Supervisor Medlin asked when he anticipated completion of the road. Mr. Becher stated approximately twelve months, but he is waiting to see if the conditional use is granted for 10 years.

Supervisor Caldwell asked how many trucks enter the rubbish pit a day. Mr. Becher stated approximately 24-25 trucks a day enter the site. And that 33% of those are from the County or the Cities. Supervisor Russell asked how many of those trucks are coming from the east side of the site and the west side of the site. Mr. Becher stated it is about 50/50 from each side. Mr. Corlew presented the report that requires the exact number of loads per day given to MDEQ. Supervisor Russell stated that means 13 trucks a day pass by the schools.

Supervisor Caldwell asked when the applicant anticipates completion of the road to Wilson Mills Road. Mr. Becher stated that he would be glad to complete the road if granted the 10 year conditional use so he can recoup the cost of the road.

Supervisor Caldwell made a Motion to make the report to MDEQ concerning the number of loads into the rubbish pit part of the minutes. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Supervisor Gardner asked if there are 25 employees at the rubbish pit site. Mr. Corlew clarified that there are 3 employees at the rubbish pit and 22 employees at the hauling company.

Mr. Tony Nowak, Board Attorney, advised that the Board of Adjustment must make findings in order to approve the Conditional Use as set out in the DeSoto County Zoning Regulations. He then asked if these findings were made. Mr. Haysley confirmed that the Board of Adjustment found that the application did meet all the findings required.

Supervisor Caldwell asked if there was anyone else that would like to speak for or against this item.

Tyne Brownlow came forward and stated that he and the Leatherman family have been heavily involved with the development of Lake Cormorant Schools and that he hopes to build a residential development around the schools. He then stated that he feels an extension of time for the rubbish pit would be detrimental to this area. He then introduced Mr. Rory Reardon, a family friend and environmental consultant that will bring light to some of the concerns he and his family have concerning this issue. He stated that he feels waste is being brought into the area from areas outside.

Mr. Rory Reardon came forward and stated he lives in Olive Branch and is a public affairs consultant that works with residents who are being bombarded by these types of issues. He then stated that after reviewing the minutes and information from MDEQ, he strongly suggest the Board wait to make a decision on this matter until they have had more time to investigate the matter.

Mr. Reardon stated the school was approved before the rubbish pit originally approved.

Mr. Reardon stated he has copies of the MDEQ inspection reports of the site since Mr. Becher has owned the site. He stated that there are things that are not being provided to the Board concerning the rubbish pit. He then stated the County's Comprehensive Plan and the Desoto County Zoning Regulations should be made part of the minutes. Mr. Corlew stated no one brought these concerns or inspection reports before the Board of Adjustment or to Mr. Becher. Mr. Reardon stated he did not bring this information to the Board of Adjustment, but to the Board of Supervisor because they are the decision makers.

Mr. Reardon stated the violations are pretty clear in the inspection reports from MDEQ, that there are outstanding issues, such as the slopes being steeper than the allowed 4:1 ratio. He then stated the there is no permitted height as far as MDEQ is concerned even though it was stated at the Board of Adjustment meeting there was a height limit of 320 feet. He stated, in his opinion, there is a height limit of 35 feet according to the DeSoto County Zoning Regulations, but he does not see where a variance was granted to increase the height limitation at the rubbish pit. He stated as far as MDEQ regulations there is no limitation on height for a rubbish bit as long as it meets the 4:1 ratio of the slope.

Mr. Reardon stated that in October of 2000 the land was rezoned to bring the gravel pit into compliance; it was not approved to be a rubbish pit.

There was further discussion concerning the number of trucks that enter the facility a day.

Mr. Corlew stated he would like copies of the documents Mr. Reardon has presented to the Board so he would have the opportunity to review and respond to them.

Mr. Reardon stated in 2009 the Desoto Group, Inc. started selling the site after numerous violations. He then stated that in 2006 the MDEQ permit transfer listed Jim Becher as a member of the DeSoto Group, Inc.

Supervisor Russell asked when MDEQ says the height limit is 312 feet is Mr. Reardon stating that MDEQ cannot legally set a height limitation. Mr. Reardon stated MDEQ wants County officials to make decisions on height limits. He went on to state there are no height limits listed on an MDEQ permit.

Supervisor Gardner asked the applicant what leachate is. Mr. Becher stated leachate is the runoff from the landfill. Supervisor Gardner stated the report presented states that the rubbish pit was cited on February 7, 2014 for leachate. Mr. Becher clarified that his company was not cited for a violation for the leachate it was only stated on the inspection report. Supervisor Gardner asked Mr. Corlew to clarify stating that the rubbish pit has only been cited for one violation. Mr. Corlew stated that Unified West Systems, Inc. has only been cited for one Notice of Violation and that was in October of 2010 for an underground fire. Mr. Corlew explained the difference between receiving a Notice of Violation and things being stated on an inspection. Not everything in an inspection results in a Notice of Violation. He went on to state that some of the things on the inspection are self-reported. Supervisor Gardner asked Mr. Reardon if he agreed there has only been one Notice of Violation. Mr. Reardon agreed that there has only been one Notice of Violation related to the fire. He went on to state that on the permit application for MDEQ it stated the fire must be extinguished and reported to MDEQ within 24 hours. He then stated that as of February of this year the fire is still ongoing. Supervisor Russell asked Mr. Reardon did he think if he researched the other two rubbish pits in DeSoto County would he find these same things happen at these locations. Mr. Reardon stated he didn't think so because these type of things like fires and such are rare occurrences.

Mr. Reardon stated he spoke with members of Liberty Church about the letter they gave the applicant and explained to them that the letter could be used to help a future owner build a garbage dump at the site. He stated he told the church that this item will be continued to allow everyone time to get all the information.

Mr. Reardon stated he feels the rubbish pit is in the wrong spot due to the Comprehensive Plan, location of the schools and the location of the residential development. He stated that information concerning the truck traffic he has mentioned has come from the minutes of a previous meeting that outlined the number of trucks that enter the facility a day. Mr. Haysley stated the information mentioned concerning truck traffic was part of the minutes for a rezoning application that was denied and is not relevant to this application for a time extension of the Conditional Use.

Mr. Reardon stated that in the DeSoto County Zoning Regulations there is a height limitation of 35 feet on buildings and structures. He asserted this limit applied to the solid waste site. Mr. Haysley stated that height limitation applies only to buildings. There was discussion of whether or not the landfill was a building or structure. Mr. Tony Nowak, Board attorney, stated he does not feel the landfill qualifies as a building or structure as addressed in the Zoning Ordinance.

Mr. Reardon asked that the minutes from the Railroad Avenue Waste Conditional Use request be included in the minutes concerning height for comparison.

Supervisor Gardner made a Motion that a record of the Railroad Avenue Waste Conditional Use minutes for the Board of Adjustment be added to these minutes. Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

There was discussion of height limitations at Railroad Avenue Waste.

Mr. Reardon stated the County's Ordinance requires that if an application is within one mile of a City's limits that city must be notified. He then stated there is a letter from the Mayor of the Town of Walls stating the town was in opposition of the rubbish pit. Mr. Garrod clarified the letter Mr. Reardon is mentioning was in opposition of the rezoning application that was denied and is not relevant to this

application. Mr. Reardon stated that for a Conditional Use any city within a mile must be notified of the application; that was not done for this application. Mr. Haysley stated that it is standard procedure to send a letter to the Mayor or Director of Planning concerning any Conditional Uses within 1 mile of a city, but that 9 times out of 10 no response is ever received from the city. Mr. Corlew stated he thinks a response from a city is only required on the original Conditional Use application, not on extensions. He then stated he feels the dialogue being presented is for matters of past history and does not pertain to the application currently being presented.

Supervisor Caldwell made a Motion that the March 6, 2014 MDEQ Letter, email from Rory Reardon and a summary of the alleged violations be added to these minutes. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

Supervisor Caldwell asked if there was anyone to speak for or against this item.

Mary Monteith came forward and stated she is concerned about conditions of the approval being enforced and who would enforce them. She stated she has seen uncovered trucks on Starlanding Road near the rubbish pit.

Sturgis Montieth came forward and stated he is concerned safety on the roads due to the trucks coming to and from the site, the aesthetics of the site and speeding by the trucks to and from the site along Starlanding Road.

Bill Austin came forward and stated he is concerned with this Board spending hundreds of thousands of dollars on studies for beautification along the I69/269 corridor and Starlanding Road corridor and then giving a 10 year extension of a Conditional Use for a rubbish pit in the same area. He gave examples of the DeSoto County Scenic Highways project, Johnson Creek and protection of the bluffs as projects located near the rubbish pit site. He stated he is asking the Board to consider a shorter time extension.

Linda Austin came forward and stated she would like to clarify that there has been no request for the Town of Walls Planning Commission to meet so she does not feel the letter presented by the Mayor of the Town of Walls reflects the minutes of the Planning Commission for the Town of Walls and that the City speaks through its minutes.

Mark Thomas came forward and stated he is concerned with the methane generated by the rubbish pit. He then stated if there is a fire then there is methane gas present. He then stated that is an environmental problem for the County.

Mr. Corlew stated communities have to have somewhere to dispose of waste of this type. He stated this facility serves the County, City of Southaven, City of Horn Lake and the Town of Walls. He stated the reports presented by Mr. Reardon are inspections by MDEQ and are not Notices of Violations. If something is not what it is supposed to be when MDEQ makes the inspection it is addressed and if the issue is not taken care of then the facility will be issued a Notice of Violation. He then stated there has only been one Notice of Violation issued to Unified Waste Systems, Inc. He then stated the previous violations and fires mentioned by Mr. Reardon were prior to Mr. Becher's ownership of the facility. Mr. Corlew clarified that the 2001 Conditional Use approval was for a rubbish pit and not a gravel pit. Mr. Corlew stated the traffic counts he gave for trucks entering the site came from reports presented to MDEQ and that the traffic counts given by Mr. Reardon are from a rezoning application that was denied, not this application. He stated a height restriction could always be conditioned by this Board and completion of the private road could also be conditioned.

Supervisor Russell stated he was elected by District 3 to represent all the citizens of DeSoto County and he feels the landfill benefits all of DeSoto County. He then stated the landfill is there now and will

not be made any worse. He stated he thinks it will be made better based on the plans presented with the application. Supervisor Russell stated he would like to get someone from MDEQ to come down and check into the fire mentioned and get it resolved.

Supervisor Gardner asked if a time limit of 5 years would be considered by the appellants as meeting in the middle. Ms. Monteith stated that she feels that 5 years would be agreeable.

Supervisor Gardner asked if Mr. Becher would be agreeable to monthly inspections of the facility by the County. Supervisor Russell asked who would actually do the inspections. Supervisor Gardner suggested the Environmental Services Department do the inspections.

Supervisor Russell made a Motion to grant the Conditional Use to allow a landfill at 9353 Starlanding Road based upon findings that the use will not substantially increase traffic hazards or congestion, will not substantially increase fire hazards, will not adversely affect the character of the neighborhood, will not adversely affect the general welfare of the county, will not overtax public utilities or community facilities, will not be in conflict with the Comprehensive Plan, and that the county would benefit from the proposed use and the surrounding area would not be adversely affected subject to the following conditions:

1. The time limit of the Conditional Use shall be 5 years, until July 7, 2019;
2. The private drive to Wilson Mill Road must be completed within twelve months;
3. The height limitation of the landfill shall be 312 feet;
4. A landscape plan along Starlanding Road and the entrance to the facility shall be presented by the applicant to the Planning Department for approval; and
5. All east bound truck traffic to the facility shall be routed away from the schools.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, MARK GARDNER	<u>NO</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	<u>NO</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

There was discussion of the type of landscaping that would be needed for the site. Supervisor Medlin suggested trees along Starlanding Road. Mr. Becher suggested vegetating the slope of the landfill.

K. EXECUTIVE SESSION

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

Supervisor Harvey Lee the motion to recess the Board meeting until July 15, at 9:00 p.m. The motion was seconded by Supervisor Lee Caldwell.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

THIS the 7th day of July, 2014, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Lee Caldwell, President
DeSoto County Board of Supervisors