

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**ALLEN LATIMER, PRESIDENT 2008 PRESIDING**

**August 4, 2008**

**A. CALL TO ORDER**

The August 4, 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. APPROVAL OF JULY MINUTES**

The official minutes of the Board of Supervisors were read for the month of July, 2008 pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the minutes for the month of July, 2008. The motion passed by a unanimous vote.

**E. PUBLIC HEARINGS**

**1. 9:00 a.m. 2008 Tax Roll**

**(a.) Tax Protest**

Supervisor Jessie made the motion and Supervisor Tommy Lewis seconded the motion to open the Public Hearing for the tax protest period. The motion passed by a unanimous vote.

Supervisor Allen Latimer called for Rash and Associates to come forward to present their tax protest. No one came forward.

Supervisor Allen Latimer called for Teresa Hunt to come to come forward to present her tax protest. Ms. Hunt came forward and said she would be represented by her husband Barry Hunt. Their address is 6045 Fairlawn in Olive Branch. Mr. Hunt said that he and his wife have owned the property which is in protest since 1989. Mr. Hunt said there was an existing barn on the property and they maintained the property through 2002 as a horse farm. In 2005,

they started a renovation on the home. He said they repaired the roof and then put brick on the structure. He said they lived there until 2005 and kept their horses on the property. He said they had as many as 180 horses on the property. Mr. Hunt said they have used the property to shift the animals. He said they have had horses on the property for 20 years. Mr. Hunt said in 2006 they took the fences down and they have cut hay on the property. He said also in 2006, they added a small mortgage company and moved it into the house on the property. He said that is when the Tax Assessor came in and took the house and another parcel totaling 3.76 acres and appraised it at commercial rates. At that time the taxes went up to \$13,400. Mr. Hunt said he talked to Parker Pickle and explained there is one improved building which is the mortgage office. He said, when this change came into place, Parker Pickle said they needed the different legal descriptions. He said the house is setting on a parcel that is .43 acres and has been since 1999. He said if the county wants to tax an incomplete structure on .43 acres as commercial, they should do it. He pointed out that Greg Russell and George Tackett have property adjacent to the property in protest and the assessments are much, much lower than this assessment. Mr. Hunt said the tax bill he just received is for \$30,000. Mr. Hunt said Section 27-35-50 is the code concerning tax assessments and it says current use should be used to assess property, and not potential use. Mr. Hunt said after he read the code, he talked to Parker Pickle again. Mr. Pickle still would not change the assessment. Mr. Hunt said they feel like what is taking place is unfair. He said the property has never been for sale since they bought the property in 1989 and the assessment change seems drastic.

Supervisor Jessie Medlin verified that the Hunts had seven different parcels of property and they are saying at least six parcels should be assessed as farm property. Mr. Hunt said that is right.

Supervisor Latimer asked how the property is zoned. Mr. Hunt said it is zoned AR.

Bill Bryant of the Tax Assessor's office and Desoto County Appraiser said, basically, the reason this property was changed is because they look at two different criteria in assessing property. It is used as commercial, and it was used since 2004 as a mortgage company. He said the use changed and that is why the assessment changed to commercial.

Supervisor Bill Russell asked if the Assessor's office follows zoning in assessing the property. Mr. Bryant said no, they do not necessarily follow zoning but consider a number of other factors. Supervisor Russell asked Mr. Bryant if the Hunt's are violating any ordinances in the City of Southaven. Mr. Bryant said yes, he suspects so. Supervisor Russell asked how the Assessor's office accounts for the differences between the actual commercial portion of the property and the property that was changed to commercial. Mr. Bryant said that they have some that have been changed and some that will be changed now in neighboring properties.

Supervisor Thach asked about the agricultural property. Mr. Bryant said the property is being assessed at market value.

Supervisor Russell asked how this property was separated. Mr. Bryant said it was separated and recorded by deed. No commercial plat was recorded. Supervisor Russell asked what we have that says this property is being used as commercial. Mr. Bryant said the mortgage company that is located on the property is evidence that is being used as commercial. Mr. Bryant said if the Hunt's had filed a commercial plat, the Tax Assessor's office would have recorded it that way. Mr. Bryant said the Hunt's own the entire property.

Supervisor Russell asked what the landowner's options are if the Board approves the land roll and if the Hunt's can still pursue the appeal of the valuation with the Courts. Board Attorney Tony Nowak said yes.

Supervisor Jessie Medlin said that he goes back to the land use where the landowners are still cutting hay on the property. Supervisor Medlin asked the difference in this situation and the Mall property that was debated a few years ago. Mr. Bryant said the Mall property was in a government set aside program. Mr. Bryant said, if the State Tax Commission came in to see this property and it was valued at agricultural assessment with a mortgage company on the property, they would turn down the tax roll.

Supervisor Russell asked if this temporary part time office was not on the property, would it have been valued as agricultural. Mr. Bryant said it could be, if they were producing income on the property from agricultural activities and reporting taxes.

Supervisor Tommy Lewis asked how the new assessments for the Hunt's compare with their neighbors on each side of the Hunt's property at the newly assessed rate. Mr. Bryant said three dollars per square foot is the Hunt's assessment. He said they have five dollars per square foot on the property beside him. He said on one of the parcels that touches Goodman Road they have five dollars on the Hunt property. Piete Zee of the Tax Assessor's office said they have three dollars and six dollars on the Tackett property next door to the Hunt property.

Supervisor Lewis asked if the taxes are fairly comparable. Mr. Bryant said yes they are comparable to surrounding tax assessments based on market values.

Supervisor Latimer clarified that the Hunt's have seven different parcels of land and those parcels can be located anywhere in the county, but in this case they are beside each other.

Mr. Hunt said that if he understood Mr. Bryant correctly, that the parcels are platted in seven sections is why they taxed the property the way they did, meaning together at commercial rates. Mr. Bryant responded no, it was separated by deed.

Mr. Hunt said between 2001 and 2005 there were seven tax parcels and seven properties and seven recorded tax deeds. He said this was changed during that time. He said it was taxed as parcels for seven years. Nothing happened in the earlier years. The State of Mississippi allows you to have a mortgage business in your home. It is one property on .43 acres. The Tackett's property was changed in 1999. He said the Hunt's assessment is \$30,000 and is being used as farm land. In 2006 his bill was \$13,400. They came back and dropped the assessed value back to \$8,000. Mr. Black, who lives next door to this property, is assessed at \$900.

Mr. Hunt said he thinks there is a fair amount of taxes owed on the mortgage company and the portion of the property where the mortgage company is located, but not on the other parcels.

Supervisor Thach said he would like the Tax Assessor's office to get with the Board Attorney and Mr. Hunt and discuss the issue and bring back the results of the meeting to the Board of Supervisors. Supervisor Thach said he wants to do what is legal and wants the Board Attorney to be in the meeting. Supervisor Bill Russell suggested having a member of the State Tax Commission present when they meet about the property.

Supervisor Jessie Medlin said he would like more explanation of when property is being used for growing crops and cutting hay. He asked the difference in receiving pay for cutting hay and growing crops on the property. Supervisor Russell said the income could be from the sale of crops or the sale of cattle or other animals. Mr. Bryant agreed.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to re-evaluate the assessment and for the landowner to work with the Board Attorney and a member of the State Tax Commission regarding the assessment, in order to ensure the Board is complying with the state laws and to report back to the Board on August 18, 2008. The motion passed by a unanimous vote.

Supervisor Latimer called for Ken Begnaud to come forward. No one came forward.

Supervisor Latimer called for representatives of Quebecor to come forward. No one came forward.

Supervisor Latimer called for Rash & Associates, Ken Begnaud and Quebecor once again and no one came forward.

Board Attorney Tony Nowak said the protestors must be present to present their petition.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to deny the requests for protesting the tax assessments from Rash & Associates, Kevin Begnaud and Quebecor because the parties are not present to present the case of an unfair assessment and, therefore, no proper justification for the protest was presented for consideration. The motion passed by a unanimous vote.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to close the Public Hearing for tax protests. The motion passed by a unanimous vote.

**See Exhibit E.1.a**

**(b.) Approval of 2008 Tax Roll**

This item was held over until August 18, 2008

**2. 10:30 a.m. - Public Hearing to Receive Public Comment On An Amendment to Desoto County Ordinance Regulating the Hours of Beer Sales**

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to open the Public Hearing on the sale of beer in Desoto County. The motion passed by a unanimous.

Supervisor Allen Latimer asked anyone in favor of the proposal to step forward. Jon Williams of 689 Thunderbird Drive North in Hernando came forward. Mr. Williams said he is the owner of a small convenience store south of Hernando. He said the county ordinance from 1996 states that beer cannot be sold until 1:00 p.m. on Sunday. He said that beer can be purchased after 7:00 a.m. in the City of Hernando. He said this is pretty significant loss of business for his store.

Supervisor Eugene Thach said the cities have their own ordinances and they are different from the county ordinances. Mr. Williams said yes, said cities do not have this restriction and some do.

Supervisor Russell said, if the Board allows this request, would it allow bars to sell beer on Sunday morning. Board Attorney Tony Nowak said the Board can distinguish between on premise sales and retail sales and that would be part of the amendment to the ordinance.

Supervisor Jessie Medlin asked what the state law says about beer sales on Sunday. Mr. Nowak said, as to retail sales, it is left to the discretion of local government.

Supervisor Latimer asked if anyone else was present to speak in favor of the proposal. No one came forward.

Supervisor Latimer asked if anyone was present to speak in opposition to the proposal and to keep the ordinance as it stands. No one came forward.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to close the Public Hearing for the sale of beer on Sundays in the unincorporated county. The motion passed by a unanimous vote.

Supervisor Medlin asked if this would affect the sale of beer on Election Day. Mr. Nowak said no, that is governed by state law.

Supervisor Latimer said he has heard from John Williams and the owner of the store on Wheeler Road. He said he has heard no comments from anyone else in the county on this issue.

Supervisor Russell said he received a few comments. He said he appreciates the problems that small businesses must deal with. He said he thinks this is an issue of fairness. He said he has not had comments from anyone opposing a change in the current ordinance for the sale of beer at 7:00a.m. He said it is a simple matter for people to buy beer in the city.

Supervisor Bill Russell made the motion to approve selling beer at 7:00 a.m. on Sunday for retail sales and off-premise consumption. The motion failed for lack of second.

Supervisor Tommy Lewis said he does not totally disagree with amending the current ordinance. He understands about problems with owners of small businesses. He said he has given some thought about the current rules being put in place when Desoto County became a "wet" county. He said the restriction for sales on Sundays were most likely part of the original vote. He said he thinks the people should speak on the issue. Supervisor Lewis said the Board has received no comments from either side except from Mr. Williams.

Mr. Nowak said there may be practical difficulties with a referendum for voters on this issue as it would affect only those in the unincorporated county and it would be hard to set up the ballots and polls to properly limit those entitled to motion.

Supervisor Thach said the Board should leave the ordinance the way it is today.

Mr. Williams asked when it would be appropriate to present a petition to force a public referendum. Supervisor Russell asked the procedure for a referendum. Mr. Williams said it requires 1,500 signatures. Mr. Nowak said, generally, a referendum on the issue of whether or not a count is to be wet or dry, requires 1,500 signatures or 20% of the voting population, but that may not apply to the hours of sales.

Mr. Williams said he appreciates the Board's time and will be back with the signatures for a referendum.

### **3. 11:00 a.m. Heavy Haul Ordinance**

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to open the Public Hearing to receive public comment to the Desoto County Heavy Haul Ordinance. The motion passed by a unanimous vote.

Road Manager Russell Dorris said they have concerns regarding some items in the ordinance. He asked that some members of the trucking community meet to discuss the issues. The biggest changes would be the fines and the 30 day working period.

Supervisor Russell said it is not specific on the number of roads and that is not reasonable. He said we hope to establish some good guidelines.

Mr. Dorris said he thinks the county should consider what works best for the truckers and see if the county can work with those requirements.

Supervisor Eugene Thach made the motion to close the Public Hearing. The motion died for lack of second.

Sheriff Bill Rasco said his phone has not stopped ringing since this issue was reported in the newspaper.

Supervisor Jessie Medlin asked what was adopted earlier.

County Administrator Michael Garriga said we adopted a policy for trucks in subdivisions. He said it included use permits for mining operations.

Supervisor Russell explained that we are working on hauling and not mining. He said right now it would be difficult for trucks on county roads. Supervisor Thach said we have the best roads in 82 counties in Mississippi.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to continue to Public Hearing until August 18, 2008. The motion passed by a unanimous vote.

## **F. OLD BUSINESS**

## 1. Estates of Centerhill

Planning Director Jim McDougal presented a map of the Estates of Centerhill Subdivision. Mr. Adam Webb appeared before the Board of Supervisors and said he purchased his property five or six years ago. He said he made sure that the property was not in the flood zone when he purchased it. Mr. Webb said there were no problems with flooding on the property for several years. Mr. Webb said the flooding problems on his property have occurred within the last eight to ten months. He said water is flowing north and drainage is not adequate. The water in the ditch moves so fast and the culvert looks like dams when the water is moving. He said the culvert that was installed to help solve the problem actually stops the water from flowing. The water backs up on Mr. Webb's lot. He said all of the homes around him that are in the flood zone, are not experiencing flooding. He said this is a problem with the water flow in the ditch. He said Supervisor Medlin has worked well with him in the past. He said the south part of the ditch is trapped by beaver dams. He said getting rid of the beaver dams helped with the flooding issues but the problem still exists. He said that there was a popcorn rain and water washed into the neighborhood again. He said the double culvert overflows every time it rains. The water flows across the street and into his lot. He said the head walls must be there to help the water flow but instead, they prevent the water flow.

Supervisor Russell asked if anything has happened up or down stream to increase the flow of water. Mr. Webb said yes. There are two newly developed neighborhoods. He said the property owner said she would be glad to let the county cut a ditch through her property to the Coldwater River to help alleviate the flooding. Mr. Webb said he needs help and it will not be an easy fix or easily resolved. He said he is close to taking water into his house when it rains.

Board Attorney Tony Nowak said if this is an open ditch the county is able to determine that there is a health, safety and welfare issue and the county can do the work to help Mr. Webb.

Supervisor Medlin said, a few months ago, we got approval to remove the beavers. The county has cleared out some ditches and Ms. Johnson has cleaned up some of the ditches. He said the development up stream should have a detention pond. County Engineer Andy Swims said all of those developments should have detention and he will check to see those detentions discharge into the ditch. He said the culverts in the neighborhood are designed for a 10 year flood and the double culvert was designed for a 25 year flood.

Mr. Webb said they overflow during every rain.

Supervisor Medlin asked if it would help to make a ditch on the other side of the road. He said this would be the ditch on Green Pasture Drive. Mr. Swims said they can look at that and does not see where we would begin the project. He said they will need to work with the property owners and he will check to see if that would help.

Supervisor Thach asked about the detention ponds. Mr. Swims said he does not think the ones on the east side are feeding the problem. He said that is about the only thing we can do with those subdivisions. This ditch is one from years ago that we knew the water would travel at full capacity. The head walls should work unless there is debris blocking them. Supervisor Russell asked if there is a problem with debris. Mr. Swims said he has not seen it.

Supervisor Russell said he knows how difficult it is to determine how much water will be discharged in a development, but there needs to be some way to tell a developer they have to fix any road problem that is created by their development. He said, if we fix the water coming on the road, we may fix the original problem. He said we know we cannot consider the water on the property.

Mr. Swims said that when this area was developed we did not have the new FEMA maps. He said we did ask to raise the roads and it was the developer's responsibility to do that. Mr. Swims said he is not sure the roads were raised. He said his office ran some numbers and some of the elevations were based on judgments.

Board Attorney Tony Nowak said the Board had two issues. 1.) The roads have been accepted. 2.) The Board previously participated in litigation on the roads and negotiated a settlement, which would likely prohibit further litigation.

Supervisor Medlin explained he has always said the one thing that would work was to allow those homes to share a driveway. He said there needs to be a bridge across the ditch.

Mr. Dorris said Supervisor Medlin had previously mentioned a bridge and a frontage road. Mr. Swims said there would still be issues from Coldwater River. He said, years ago, we knew the ditch in the subdivision was almost at capacity.

Supervisor Allen Latimer asked, since this has already been litigated, what should we do. Mr. Nowak said the county can do the work, but the county cannot bring the developer back into Court to force participation in the remedy.

Mr. Dorris said a ditch all the way to Coldwater River may help. The frontage road and bridge would help but he does not know if it would solve the problems because it is in a low area.

Supervisor Medlin said more of the people are having problems with water and there are a lot of houses for sale in that area. He said that is a quick fix. He said a church bought property in the area and it would be good to get some detention on their property to help hold the water back.

Supervisor Medlin suggested allowing Andy Swims to look at the subdivision up stream and the church side to see if they intend to put in detention. Supervisor Medlin said we need to get the ditch checked when there is a big rain. **See Exhibit F.1**

**G. CONSENT**

Supervisor Tommy Lewis mentioned that one of the inventory dispositions did not have the final resting place of the items. Ms. Henley said she would check on that disposition and make sure it is correct.

Supervisor Jessie Medlin asked about the prisoner medical review contract. Mr. Garriga said that would be presented later.

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

**1. Accounting**

**a. Ratification of Monthly Health Claims**

Funding Request	Date Paid	Amount	Claim Type
<b>Date</b>			
7/1/08	7/1/08	\$57,197.85	Administration Fees
7/7/08	7/7/08	\$21,703.88	Medical
7/7/08	7/7/08	\$5,691.20	Dental
7/7/08	7/7/08	\$17,990.77	Pharmacy
7/14/08	7/18/08	\$47,546.34	Medical
7/14/08	7/18/08	\$3,564.60	Dental
7/14/08	7/18/08	\$13,227.93	Pharmacy
7/21/08	7/21/08	\$18,514.39	Medical
7/21/08	7/21/08	\$6,027.50	Dental
7/21/08	7/21/08	\$17,631.68	Pharmacy
7/28/08	7/28/08	\$24,896.97	Medical

7/28/08	7/28/08	\$4,285.00	Dental
7/28/08	7/28/08	\$17,093.84	Pharmacy
	<b>TOTAL</b>	<b>\$255,371.95</b>	

<b>July Book Balance</b>	<b>\$3,141,423.19</b>	
<b>June Book Balance</b>	<b>\$3,258,082.22</b>	
<b>May Book Balance</b>	<b>\$3,351,176.08</b>	
<b>April Book Balance</b>	<b>\$3,357,976.24</b>	
<b>March Book Balance</b>	<b>\$3,322,779.02</b>	
<b>February Book Balance</b>	<b>\$3,514,468.32</b>	

**b. Ratify Bond Payments**

**\$18,000,000.00 MS Development Bank Special Obligation Bonds**

Trustmark Bank Ck#038526 issued 7-30-08  
Interest \$60,708.73 215-800-802 Total \$60,708.73

**c. Gun Permit Fees - \$132.00**

Monica Mock Dontay Cooper Lauri McCullar

**d. September 29, 2008 Board Meeting – last meeting of the fiscal year.**

**e. Request for Transfer of Street Crime Unit Seized Funds**

Case #	Defendant	Date Seized	County Receipt #	Amount	Date of Forfeiture
DCS-0806261444	Michael McCormack	6/26/08	20819	\$323.00	7/29/08
	Transfer from Street Crimes Seized Funds		(124-000-139)	\$323.00	
	Transfer to Metro Forfeiture Fund		(125-000-238)	\$323.00	

**2. Justice Court Report**

Criminal Cases Filed – 150 State Assessments - \$56,378.25  
Civil Cases Filed – 403 County General Fund - \$98,538.35  
Traffic Tickets Filed – 1,105 Total Collections - \$154,916.60  
Total Cases Filed – 1,658

**3. Bailiff Pay**

Joe Holmes - \$160.00 Jason Motz -\$160.00 Liz Medlin - \$80.00 Lee Hodge - \$80.00

**4. Chancery Clerk Allowance (3) - \$1,700.00**

**5. Approval of Publication of Board Proceedings**

**6. Board Attorney**

**a. Inmate Medical and Auditing Agreement with Benefit Management Systems**

**b. Sheriff’s Department Agreement with Stericycle**

**7. Make Part of Minutes – Annual Financial Report for Constable Lee Hodge**

**8. Grants Administration – Approval of UASI Grant**

**9. Final Inventory Dispositions**

**a. Animal Shelter**

Asset #	Serial #	Description	Reason for Disposal	Disposed of By	Location at Final Disposal
35758	9022315275	Canon Digital Camera	Broken	J Bearden	5R

**b. Tax Assessor**

Asset #	Serial #	Description	Reason for Disposal	Disposed of By	Location at Final Disposal
4037	124217	Blue Line	obsolete	Anna Williams	Itawamba
4038	124954	Ammon Arrest	obsolete	Anna Williams	Itawamba

**c. Buildings and Grounds**



Asset #	Serial #	Description	Reason Disposed	Final Disposal of By
33610	M3080073	Hitachi Camera	Broken	JB 5R
38350	201580F	Pelco Camera	Broken	JB 5R
33925	17833616	JVC Camera	Broken	JB 5R
35395	C0316168	Mini Dome Camera	Broken	JB 5R
35487	36093	Ryobi Cordless Drill	Broken	JB AWS
35489	19361	Ryobi Cordless Drill	Broken	JB AWS
35490	19362	Ryobi Cordless Drill	Broken	JB AWS
35491	16752	Ryobi Cordless Drill	Broken	JB AWS
35492	16776	Ryobi Cordless Drill	Broken	JB AWS
35493	16752	Ryobi Cordless Drill	Broken	JB AWS
35494	36753	Ryobi Cordless Drill	Broken	JB AWS

**10. Dept. of Human Services**

- a. Purchase Requisitions: Remove Derrick Crawford and Rhonda Newell; Add Kennette Hill and Jeanie Weathers**
- b. Receiving Reports – Add Livia Harris**

**11. Jail Site Selection Committee – Confirmation of Paul Wardlaw (District 2)**

**12. Bids Under Advisement - Jail Food Services (Reject Bids)**

**13. Department of Road Management**

- a. Road Report and Work Schedule**
- b. Road Bond Report**

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

**H. OLD BUSINESS**

**1. Reconsideration of County Vehicles**

County Administrator Michael Garriga said the Tax Assessor and Planning Commission vehicles should be revisited. He said, originally, we talked about six small vehicles and selling six Silverados for the Planning Commission. He said some members of the Tax Assessor’s office said they may go into areas where a truck would be more suitable. Therefore, Mr. Garriga recommended 1.) keeping the Silverados, 2.) transferring four of the Silverados to the Planning Commission and retaining the remaining two trucks in the Tax Assessor’s office for their use, 3.) purchasing four Ford Focus vehicles.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to accept the recommendation of the County Administrator to 1.) keep the Silverados, 2.) transfer of four of the Silverados to the Planning Commission and retain the remaining two trucks in the Tax Assessor’s office for their use, 3.) purchase of four Ford Focus vehicles. The motion passed by a vote as follows:

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

Supervisor Tommy Lewis asked how much money we will loose on the Silverados. Mr. Garriga said we had a guaranteed buy-back of \$16,500.

Road Manager Russell Dorris said he is of the opinion that there is a lot of good use left in the vehicles and they will still have a good re-sale value next year. He said the dealer offered more than \$16,500 for the vehicles. He said that is not a vehicle that took a big hit in the used truck market. Mr. Dorris said, if the county decided to sell the trucks, it would not be as big a

hit as one may think, because they are still new trucks. He said they will bring top dollar. Mr. Garriga said he is of the opinion to hang on to them to see what happens with the market.

## **2. Lee Family Cemetery**

County Administrator Michael Garriga said he talked to Brian Hicks about the museum assuming the maintenance of the cemetery. He said Mr. Hicks comments were that he has two to three groups to work on such projects and most of the members are senior citizens and may not be able to physically handle workloads on projects such as cemeteries.

Board Attorney Tony Nowak presented information from the Department of Archives and History regarding cemeteries and the requirements to maintain them.

Supervisor Thach said, if the county is spending money without access to the property, he is not for it.

Supervisor Allen Latimer said he believes the cemetery is worth preserving because it is part of the history of Desoto County.

Supervisor Tommy Lewis asked if we ever determined how many cemeteries there are in the county. Mr. Garriga said we have not found that out yet.

Supervisor Bill Russell said he needs to know how many that could be determined historical. He said he is afraid we will be flooded with requests.

Supervisor Lewis said he thinks the Genealogy Department would know that.

Supervisor Russell said there are old graves in most all of our cemeteries that would make them qualify by archives and history guidelines. He said he does not know how the county would control accepting some cemeteries and not all.

Supervisor Lewis said he would like to see the cemetery preserved.

Supervisor Jessie Medlin said he would be concerned about cattle and liability if he were the landowner. He said, if he was going to do it, he would rather have a road to the cemetery.

Supervisor Lewis said, if we can get an answer on how many cemeteries there are from genealogy and set some parameters and set parameters for the county's participation, we may be able to move the issue forward.

Mr. Garriga asked who would maintain the cemeteries. Board Attorney Tony Nowak said it would have to come from the general fund budget and perhaps Buildings and Grounds.

**See Exhibit H.2**

## **3. 2008 Bond Refunding**

Board Attorney Tony Nowak said this is refunding of a number of bonds for the Civic Center. He said, because of the way the market changed, the interest they are paying is higher than anticipated. They want to refund the bonds and refinance them. The refunding would include the 2005 issue and the seven million dollars for the new bond.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Board President to sign the bond documents to authorize the Clerk to sign the documents, to approve the loan agreement, to hire Butler Snow Law Firm, government consultants and Smith, Phillips, Mitchell, Scott and Nowak Law Firm to represent the county on this issue and to approve Regions Bank as the financing entity for the bonds and to approve the resolution regarding these matters. The motion passed by a unanimous vote.

**See Exhibit H.3**

**4. Aviation Unit Lease-2805 Railroad Avenue, Hernando**

County Administrator Michael Garriga said a member of the Aviation Unit came in with a proposed location for the Sheriff’s Aviation Unit. The site is in Hernando and has a 7,200 square foot building off of Railroad Avenue and south of Commerce St. The owner will give the county an additional authority to expand the build and modify the building and doors and make necessary improvements for the Aviation Unit to be housed in that location. The amount of the lease is \$1,500 per month for a two year period with options to extend the contract as needed.

Supervisor Jessie Medlin asked what improvements will be required. Mr. Garriga said larger doors and a bigger helipad.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve a two year, two month lease agreement between DeSoto County and South Central Development, LLC, for the Aviation Unit to relocate to 2805 Railroad Avenue in the City of Hernando. The motion passed by a unanimous vote.

Supervisor Bill Russell asked what the details are of getting out of the lease. Mr. Nowak said 45 days notice by either party is required.

Planning Director Jim McDougal said it may be too late to cancel the public hearing that was called for Wednesday but they will do what they can to get the word out.

Mr. Nowak said he would recommend that as a condition of the lease, the county obtain permission from the City of Hernando to relocate the Aviation Unit to this area.

Supervisor Thach amended his motion to require the condition precedent of approval from the City of Hernando. Supervisor Medlin agreed to amend the motion. **See Exhibit H.4**

**I. NEW BUSINESS**

**1. Accounting – Claims Docket**

Comptroller Tom Arnold and Stephanie Hanks of the Accounting Department presented the claims docket to be paid for various departments.

Supervisor Allen Latimer asked why medical costs were so much more on this docket. Comptroller Tom Arnold said there several large claims but also there was no supplemental claims docket in the middle of June so this docket included those items that would have been seen at that time.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated, Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a unanimous vote. **See Exhibit I.1**

**2. Preliminary Inventory Disposition-Circuit Clerk**

Inventory Clerk Amy Henley, appeared before the Board of Supervisors and presented a preliminary disposition for a stolen laptop from the Circuit Clerk’s office as follows:

Asset #	Serial #	Description	Reason for Disp.	Location at Preliminary
31462	628P1178NGX11T	IBM Laptop	Lost/Stolen	See Attachment (affidavit attached)

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve the preliminary inventory disposition for the laptop for the Circuit Clerk’s office. The motion passed by a vote as follows:

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

Supervisor Allen Latimer-----YES

Supervisor Tommy Lewis-----YES

Sheriff Bill Rasco said, at a previous meeting, he requested some cars be put back into service that were previously removed from inventory. He said the list of VIN numbers belong to cars that the Sheriff's Department purchased from the Missouri State Highway Patrol in January, 2008. They were put into county inventory when they were purchased.

Sheriff Rasco also presented a request for one vehicle that is not on inventory that he would like to put back into service as follows: 2FAFP71W01X12905 Ford Crown Victoria

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to approve to put one vehicle into inventory and put it back in service as follows: 2FAFP71W01X12905 Ford Crown Victoria. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT

Supervisor Eugene C. Thach-----YES

Supervisor Bill Russell-----YES

Supervisor Allen Latimer-----YES

Supervisor Tommy Lewis-----YES

**See Exhibit I.2**

### **3. Board Attorney**

#### **a. Construction of E-911 Building**

Vanessa Lynchard explained that E-911 purchased three acres of land three years ago in the county's name to build a tower site and E-911 building. They are now at a point of moving forward with the construction of the building and they are asking that Board Attorney Tony Nowak be allowed to give them direction on what is required in the county's behalf for them to move forward with the construction.

Supervisor Bill Russell asked if they should wait until the jail site selection committee decides on a site for the jail. County Administrator Michael Garriga said he agrees that we should wait to make sure the E-911 site is appropriate for the master plan as well.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until a jail site is selected for future construction of a jail that could include the E-911 Commission Building. The motion passed by a unanimous vote.

#### **b. Liability Coverage Plan**

Board Attorney Tony Nowak explained that the Mississippi Tort Claims Board has to approve insurance coverage for local jurisdictions and they have done so and are presenting a certificate of approval.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to make the renewal of certificate of coverage from the Mississippi Tort Claims Board part of the minutes. The motion passed by a unanimous vote.

#### **c. DHS Building Construction Contract**

Board Attorney Tony Nowak said that he sent a proposed contract to Kenny Evans for the DHS building that included revisions that make the document legal for DeSoto County.

The Board discussed whether the revisions had been made to the document.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to hold this item until Wednesday, August 6. The motion passed by a unanimous vote.

#### 4. Impact Missions Request

County Administrator Michael Garriga said he received a request from David Donaldson of Impact Missions who has the contract for operating the county's emergency shelter for crisis care intervention for neglected children. He said they are in a budget crunch. Mr. Donaldson said they have lost donors for this year and they requested the Board to help them in any way possible. They are asking for an additional \$28,000 this budget year and they will be asking for an additional \$28,000 in the FY 09 budget.

Supervisor Eugene Thach said that everybody is hurting because of the economy. He thinks the county is doing their share for the shelter.

Mr. Garriga said they want \$28,000 in emergency funds and an increase from \$170,000 to \$198,000 in the FY 009 budget.

Supervisor Thach said that Mr. Garriga tells us that the county budget is tight. Supervisor Thach said it may be hard to add additional money into the budget.

Supervisor Jessie Medlin said he is not for giving them additional money without knowing more about their situation.

Supervisor Allen Latimer asked if Southaven helped them with the \$28,000.

Supervisor Medlin asked what the urgent need is for the \$28,000. Mr. Garriga said he thinks they are operating in the red right now.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to carry this item over until Wednesday in order to get more information from Impact Missions. The motion passed by a unanimous vote. **See Exhibit I.4**

#### 5. Tax Assessor-Approval of Increases and Reductions in Assessments

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the increases and reductions in assessments as recommended by the Tax Assessor's Office as follows:

##### Real 2007

Name	Page	Line	Parcel #	Land Value	Total Value	Total Increase
Bruce C. Kirk etal	1456	7	4072-0400.000001.03	594	594	5118

  

Page	Line	Tax Dist	Owner	Parcel #	Improvements	Land	Total Value	Amt of Change	Reason Change
909	11	3002	Gillespie, Barbara	2099-32020.0-000590	13,481	3375	16,862	5,621	3
987	1	1030	White, Don O. etux	3061-0104.0-00001.0	20,192	3000	33,192	18,692	6
5169	10	5401	Bell, Wade H. etux	2081-01030-00300.0	1,247	900	2,147	1,247	2
675	7	5000	Rushing, William etux	2076-23040-00495.0	14,544	1000	15,544	14,044	6
1845	5	5102	Camp, Christopher R.	3081-0104.0-00030.0	12,211	2500	14,711	10,961	6
<b>TOTALS</b>					<b>61,681</b>	<b>10,775</b>	<b>72,456</b>	<b>50,565</b>	

##### Personal 2007

317	3		Priority Fulfillment	1767-000	31339		31339	172	3
317	4		Priority Fulfillment	1767-001	494485		494485	3484	3
317	5		Priority Fulfillment	1767-002	194003		194003	1423	3
317	6		Priority Fulfillment	3175-001	145167		145167	45653	3
317	7		Priority Fulfillment	3175-002	52420		52420	292	3
97	6		Ground Support Specialist	1918-001	62432		62432	45000	2
10	2		CNH Capital America	487-001	4554		4554	4554	4

Reasons for change of assessments: (1) Duplicate assessment (2.) Clerical error (3.) Calculation error (4.) Erroneous assessments (5.) Incorrect acreage (6.) Buildings were not on the land

The motion passed by a unanimous vote. **See Exhibit I.5**

#### 6. Dept. of Road Management-Sale of Surplus Equipment

Road Manager Russell Dorris said the School Board wants some of our old equipment and they are giving us the funding that we would expect to get at auction for this equipment.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the transfer of equipment to the Board of Education, to declare the items as surplus and approve the exchange at the prices noted, as follows:

<b>Unit No.</b>	<b>Description</b>	<b>Purchase Price</b>
661	John Deere Tractor w/batwing mower	\$36,670
667	John Deere 2/boom mower	40,530
674	John Deere park mower	3,860
675	John Deere park mower	3,860

The motion passed by a unanimous vote. **See Exhibit I.6**

## **J. EXECUTIVE SESSION**

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

## **K. OTHER**

### **1. DeSoto Appeal-Wayne Risher**

The Board of Supervisors acknowledged that Wayne Risher, a reporter for the DeSoto Appeal Newspaper, has been transferred to a different area. They thanked Mr. Risher for his service to DeSoto County as the Reporter for the DeSoto Appeal.

### **2. Sheriff – Approval of Restricted Donations**

Sheriff Bill Rasco presented donations that were given to the Sheriff's Department for School Resource Officers. One donation is from First Security Bank in the amount of \$250, one from Smart's Grocery in the amount of \$500 and one from U-2 Lifestyles in the amount of \$265. Sheriff Rasco requested that this money be used for School Resource Officers as a restricted donation in accordance with the donor's wishes.

Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to accept a restricted donation to the DeSoto County Sheriff's Department School Resource Officers from First Security Bank in the amount of \$250, one from Smart's Grocery in the amount of \$500 and one from U-2 Lifestyles in the amount of \$265, and to restrict the use of this money to the school resource program, and to approve a budget amendment to add this amount back to the Sheriff's budget. The motion passed by a unanimous motion.

**See Exhibit K.2**

### **3. Justice Court**

Supervisor Allen Latimer asked the status of the renovations at Justice Court. County Administrator Michael Garriga said they are a little slow, but the Buildings and Grounds Department is continually working towards completing this project.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until August 6, 2008, at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 4<sup>th</sup> day of August 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Allen Latimer, President  
DeSoto County Board of Supervisors