

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

DISTRICT FOUR LEE CALDWELL, PRESIDING

October 27, 2014

A. CALL TO ORDER

The October 27, 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
Tony Nowak	Board Attorney

B. INVOCATION

Pastor Brian Carter, Senior Pastor for Heartland Church presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZENS REMARKS & PRESENTATIONS

Michael Kennedy approached the Board of Supervisors to express his family’s appreciation to the County, and its employees for the support after the recent death of former E-911 Director Jessie Kennedy. Mr. Kennedy said the County’s outpouring of condolences to the family was overwhelming and they wanted the County to know how much this meant to the family.

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. AFLAC – Addition

County Administrator Vanessa Lynchard said the Tax Collector and other departments have several employees who would like to have AFLAC re-instated with the County for payroll deduction. She is asking for approval from Board of Supervisors for the committee and Board Attorney to work together on this issue.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to authorize the County Administrator, Board Attorney and Human Resources Department to look at reinstating AFLAC.

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>

2. Fact Finding 9419 Sullivan Rd –Andy Swims - Addition

Andy Swims requested to add to New Business the fact finding on 9419 Sullivan Road and two personal items to executive session.

Mr. Swim said they have received a call requesting for investigation of the road at 9419 Sullivan Road. After making a finding of fact investigation, he found there is a undersized driveway culvert that has erosion and it is causing water to wash over the road. This is taking out the shoulder of the road and this situation affects the health, safety and welfare of the public. Mr. Swim requested permission from the Board to replace the culvert at an estimated cost of \$4,094.00.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to accept the finding of fact and determine that conditions at 9419 Sullivan Road would adversely affect the health, safety and welfare of the citizens of DeSoto County in accordance with Mississippi code section 19-5-92.1, that it would be necessary to replace the culvert to drain properly as this will 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 \$4,094.00. 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 E.2

3. Johnson Creek Greenway Agreement-Addition

Board Attorney Tony Nowak asked to add to old business Johnson Creek Greenway agreement and Series 2014 Bonds, not to exceed \$12,500,000. Board Attorney also asked to add one litigation item to executive session, Ruby Traywick.

Attorney Nowak stated that MDOT requires all entities that have easements on the Johnson Creek Greenway to sign a subordination agreement. Mr. Nowak explained that DeSoto County has obtained the easements it requires for the project, and these are recorded in the land records, but he is still in the process of securing subordination agreements. Mr. Nowak said this is for property between Baldwin Road and Highway 61. He said the Board has already received the subordination agreement from DCRUA, but he is still working on similar agreements with Entergy, Texas Gas and several other entities that have easements on this property.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the subordination agreement with DCRUA and for the Board President to sign the document.

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. Series 2014 Refunding Bonds. Not to Exceed \$12,500,000.00 - Addition

DeSoto County Financial Advisor Demery Grubbs appeared before the Board of Supervisors seeking approval for the Board President to sign the bond documents. Mr. Grubbs said this would only be on the 2007 and 2009 bonds. This would mean a savings to the County of approximately \$425,000, and the maturity date would remain the same.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the following: Engagement Letter with Butler Snow, Engagement Resolution, Bond Sales Resolution, IRMA Letter with Government Consultants and DeSoto County's IRMA letter to Piper Jaffray, each as presented, and to authorize the Board President to sign the same; and to approve in substantial form the Preliminary Official Statement, Bond Sales and Purchase Agreement and Escrow Agreement. Further, to authorize the Board President to sign any and all documents necessary to complete the issuing of the bonds as may be requested by the Board Attorney, Butler Snow or Government Consultants

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 E.4

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to approve the Agenda with the above additions.

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>

F. CONSENT AGENDA

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

Supervisor Jessie Medlin asked about item 3.b Road Register changes and if this was to add corrections only. Board Attorney Tony Nowak said that the State requires the Board to update the road registers as soon as possible.

Supervisor Jessie Medlin asked if the contract with the Library was for the Law Library and if the \$61,000 was for the total year. Director of Administrative Services Pat McLeod said the Comptroller gave this figure and she thought this was for the full year.

Supervisor Jessie Medlin asked for an explanation on the Medicare Contract. County Administrator Vanessa Lynchard said the contract allows the County to file for Medicare and to accept their limits on payments.

County Administrator Vanessa Lynchard requested to hold item F.1.a, budget amendment for Juvenile and Circuit Court, until she could talk with Circuit Clerk Dale Thompson.

Supervisor Jessie Medlin asked if the number of animals being spayed and neutered was worth the expense to cover the Veterinarian Students Program. Vanessa Lynchard said only the animals at the Animal Shelter were spayed and neutered and the number of animals justified the cost.

- 1. Office of Finance & Accounting**
 - a. Budget Amendments
 - b. Approval of Payments for Veterinarian Students to perform spay & neuter procedures at the Animal Shelter – October 30, 2014 & November 20, 2014
 - c. Request to Repay Interfund Loan
 - d. Request to make Interfund Transfers
 - e. Inventory Recap FY 2014
- 2. Tax Exemptions: Resolution Finally Granting Exemption from Ad Valorem Taxation**
 - a. KAZ USA, Inc. (Helen of Troy) – Real & Personal, 10 years
 - b. J. Strickland & Company – Personal, 5 years
 - c. Tri-Starr Management Services, Inc. / DBA Legacy Supply Chain – Personal, 10 years
 - d. FedEx Ground Package System, Inc. – Real, 10 years
 - e. FedEx Ground Package System, Inc. – Personal, 5 years
 - f. Orgill, Inc. – Ad Valorem, 10 years
 - g. Five Below, Inc. – Ad Valorem, 10 years
 - h. Englander-Symbol Mattress of Mississippi, Inc. – Ad Valorem, 10 years
 - i. Shamrock Wood Industries, Inc. – Ad Valorem, 10 years
 - j. National Filter Media Corporation – Ad Valorem, 10 years
 - k. Milwaukee Electric Tools Corporation – Ad Valorem, 5 years
 - l. Diamond Comic Distributors, Inc. – Ad Valorem, 5 years
 - m. Williams-Sonoma Direct, Inc. - Personal, 5 years
- 3. Road Department**
 - a. Monthly Safety Report
 - b. Request to Make Changes listed below to Official DeSoto County Road Map & Register and to make a Part of Permanent Minutes
 - 1) Add Bella Vita Way
 - 2) Correction: Shinpock Lane should be correctly spelled as it was platted: Shinpoch Lane
- 4. Contracts Administration**
 - a. Renewal - First Regional Library
 - b. Auto Renew: Cahaba – EMS Medicare Contract
 - c. Recreational District – Approval of Lake Cormorant Park Management Agreement & Board President to sign and make the agreement part of the Board minutes
 - d. Renewal – Statewide Mutual Aid Compact Agreement
- 5. Planning Dept.: TAP Projects – Permission for Board President to Sign Executive Compensation Certification Form**
- 6. EMS Billing Report – September, 2014**
- 7. Chancery Clerk’s Office: Chancery Allowances (2)**

8. Tax Collector's Office: Void Tax Sales (3)

9. Appointments for Signing Purchase Requisitions: Facilities Management Remove Tony Martin from all department budget lines & projects & replace all with Shawn Houston.

10. Special Prosecutors: Mr. Treadway could not hear a case due to a conflict of interest that was scheduled for October 20, 2014. Wallace Anderson will replace Mr. Treadway for that one case.

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to approve the Consent Agenda with the exception to hold over item F.1.a, as it regards Juvenile Court and Circuit Court until Vanessa gets a response from Dale Thompson.

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

G. OLD BUSINESS

1. Environmental Services - Enforcement: PUBLIC HEARING Carried over from July 21, 2014 Board of Supervisors meeting 2819 Woodland Lake Rd Hernando, MS 38632 Parcel# 3 09 4 18 03 0 Lot #00056 00 Mississippi Code Section 19-5-105 Litter Ordinance Violation and Assessment to Property Taxes.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to open the Public Hearing 2819 Woodland Lake Rd Hernando, MS 38632 Parcel# 3 09 4 18 03 0 Lot #00056 00 Mississippi Code Section 19-5-105 Litter Ordinance.

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 Director Ray Laughter said that all the work was done on property and presented before and after pictures to the Board. He requested approval to submit payment to contractor.

Shirley Harris, representative from the Homeowners Association for the subdivision was present and she expressed their appreciation to the Board for being able to get this property finally cleaned up.

Mr. Laughter said he had spoken with the property owner to advise him about keeping the property clean.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve payment of \$9,500 to Broadway Construction for the cleanup, to assess the cost as a lien against the property as provided for by Miss. Code Ann. Section 19-5-105 and approve the board order as presented.

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

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to close public hearing.

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 G.1

2. Road Department: Tulane Bridge Road Repair – Split Cost and with City of Hernando

County Engineer Scott Young appeared before the Board of Supervisors to discuss the project. Mr. Young said this is an NRCS project that falls in the city of Hernando. Mr. Young said he is requesting the Board to approve the Board Attorney to draft an MOU with the city of Hernando for their funds on this project. The total cost is \$80,500 with the local match being 25%, and the cost for the County should not be approximately \$10,000.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Board Attorney to draft the MOU with the city of Hernando for the Tulane Bridge Road Repair.

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 G.2

3. Board Attorney: Nail Road Hydrologic Study

Board Attorney Tony Nowak said the Board of Supervisors had approved an MOU with MDOT for the Nail Road hydrologic study, with the County as the entity for the project. Now MDOT wants to take the lead on the project, which includes hiring the engineer and overseeing the work. If the Board agrees the MOU that was approved on September 15, 2014 will be voided.

Supervisor Mark Gardner asked what the time frame would be on the project. Consulting State Aid Engineer Tracy Huffman said that MDOT uses the standard contracts for projects and it will take about three to six months before the project can start.

Supervisor Gardner said that Church Road needed traffic relief and the sooner the project starts the better.

Supervisor Bill Russell asked where the money would come from. Attorney Nowak said MDOT was to pay 100% up to \$450,000.00. The County would not have to pay anything.

Supervisor Lee Caldwell said she thought the funding would be MPO and MDOT.

Supervisor said the Mall developers claim they have done the hydrologic study but they have not given it to the Board. The developers are scheduled to break ground next month. There is thirty-eight acres in this development and water in the area will be a problem.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to permit

MDOT to serve as the lead agency on the Nail Road Hydrologic Study and to rescind the MOU with MDOT as previously approved by the Board.

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 G.3

4. State Aid Engineer: Approval of Agreement for work related to the Edgefield Historical Burial Mound

State Aid Engineer Tracy Huffman appeared before the Board of Supervisors for authorization of the Board President to sign the agreement from Mississippi Department of Archives and History (MDAH) for the State Historical Burial Mound Trail. The Edgefield Historical Burial Mound is located in North West DeSoto County. The agreement is for the County to do the work on the site and then get reimbursement from MDAH. The cost for this project is \$4,399.44.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the Board President sign the DeSoto County Historical Burial Mound Trail Site Agreement with the County doing the work and being reimbursed up to \$4,399.44 from MDAH.

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 G.4

5. Boot Policy

County Administrator Vanessa Lynchard distributed copies of a draft Boot and Shoe Purchasing Policy for the Board of Supervisors to look over. Ms. Lynchard said that OSHA requires the County to look at all departments and consider hazards on every job function. This Boot Policy would need to be addressed every year by the department heads and with a report to be given to the Board at the December Board Meeting.

Ms. Lynchard said for boots worn only when employee is at work, and the County would pay 100% of the cost. If the employee wore boots at home, they would be responsible for 25% of the cost. Ms. Lynchard stated that the Sheriff's Department already has a boot policy that they maintain. It would be the responsibility of the department managers to maintain records on boots purchases and dates on replacement for each employee. The managers may select particular manufactures and/or styles that meet the safety requirements at each job level. All employees under the hazardous assessment will have a class rate and price category that will be selected by the manager. There will also be a replacement schedule for each class. Purchasing has established a cost rate by class. The managers will also have to look at the seasonal needs for their departments. Ms. Lynchard said there could be catastrophic events in the County that would require replacement of boots, but that would be a manager's decision for the replacement. Ms. Lynchard said once this is approved the policy will be place in the Personnel Manual.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded to motion to authorize the Board Attorney to review the draft policy and for the County Administrator to present the boot policy to the County Department Managers.

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 G.5

H. NEW BUSINESS

1. North Delta Planning & Development: Home Project

Ms. Lillian Moore, Representative for North Delta Planning & Development District, appeared before the Board of Supervisors requesting authorization from the Board for a Resolution to apply for the FY2014 Home Grant from the State.

Ms. Moore said that DeSoto County had three applicants for the 2013 Home Grant, but funding was not approved and these applicants could re-submit again this year. There are five criteria that each applicant must meet. They must own their home with no liens against them and then the home must be deficient in five areas (Plumbing, Heating and Air, Electrical, Roofs and Structural problems). The homeowner must also be classified in the low income bracket.

County Administrator Vanessa Lynchard said that last year the cities requested the county submit for applicants that live in the cities, but if the applicant defrauds the State, then the County would have to pay.

Supervisor Jessie Medlin said he would like to look at the Home Grant criteria.

Supervisor Mark Gardner stated that a Public Hearing would need to be held. Ms. Moore said the signing of the Resolution authorizes NDPDD to arrange the Public Hearing for the County.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the Board President to sign the Home Grant Resolution and for North Delta Planning Development District to be the administrator for the grant.

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. IT Department: Social Media Policy

County Administrator Vanessa Lynchard stated that when she had a meeting with the Auditors, the subject of a Social Media Policy was recommended for the County. This would keep elected officials protected. Ms. Lynchard said she then asked John Mitchell, Director of Information Technology for the County to research the subject of a Social Media Policy for the County and bring it to the Board.

Mr. Mitchell distributed to the Board a copy of guidelines for Social Media usage in DeSoto County Government. He said that County employees should not use County email system for personal use. Mr. Mitchell stated that all emails, social media and phone calls were subject to the open public records laws. He said that several departments have social media sites (EMA, Sheriff Dept., and Environmental) and the sites are beneficial to these departments.

Supervisor Mark Gardner said that he gets request on his Facebook site about County business all the

time, and this is his personal account.

Mr. Mitchell said this could still be subject to the public records law, as it applies to all county business even when addressed through personnel accounts.

Supervisor Bill Russell asked how the County needs to address this with the County employees.

Director of Human Resources Janna Rogers said the County needed to draft a policy and have the Board Attorney and then the attorney who is working on the new personnel manual to look at the draft policy and make comments where necessary. Once the Personnel Manual is re-written the policy would be added and an employee would have to sign off on this policy when coming to work for the County.

Supervisor Russell asked John Mitchell if he wrote the draft policy. Mr. Mitchell said he researched areas that would affect the County and then he drafted the policy guidelines.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to authorize Board Attorney to work with John Mitchell and the personnel department on the Social Media Policy and bring back to the Board for approval.

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. Office of Finance and Accounting – Grants Administration

a. FY15 JAG Youth Court Grant Application

Grant Administrator Melissa Zizmann appeared before the Board of Supervisors requesting the Board to ratify the FY15 JAG Youth Court Grant application. Ms. Zizmann said she received the application on Monday October 20, 2014 and the deadline was October 24, 2014. The grant is for \$69,000.00 and has a match of 25% for the County. They are requesting the grant waiver the 25% match. Ms. Zizmann said she checked with the Board Attorney about submitting the application before the Board approved the application.

Supervisor Jessie Medlin asked where the match funds would come from if the state did no waiver the 25%. County Administrator Vanessa Lynchard said she would look into the Youth Drug Court account to see where funds could be applied.

Board Attorney Tony Nowak said the application was submitted without the Boards approval subject to the Board ratifying the application. Mr. Nowak said no funds would be committed to until the Board accepts the grant.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to ratify and approve the FY15 JAG Youth Court Grant Application as signed by the Board President and submitted for consideration.

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. FY15 DUI/Impaired Driving Grant Modification Agreement

Grant Administrator Melissa Zizmann appeared before the Board of Supervisors requesting approval for the Board President to sign the FY15 DUI/Impaired Driving Grant modification agreement (15ST1171 & 15MD1171). Ms. Zizmann said when she initially submitted the grant the State split into two separate grants, but the County cannot utilize all the funds as two separate grants and this modification combines the funds in areas the County needs.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve the Board President to sign the FY15 DUI/Impaired Driving Grant modification agreement (15ST1171 & 15MD1171) for a total of \$209,565.82 for salary, benefits and supplies for three DUI Officers 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>

See Exhibit H.3.b

4. Administration Building & Courthouse: Consideration of Day Porter

County Administrator Vanessa Lynchard said sometimes there is a need during the day to have a custodian in the Administration Building and the Courthouse. Ms. Lynchard said she spoke to the Janitorial Company (Sherwood Services) about this and they wanted an additional \$2300 a month added to the contract for this person. Ms. Lynchard said she had spoken to Tony Martin prior to his leaving about a person and he felt that it was a needed position, as it would relieve the facilities department from having to send someone to these buildings especially while they are short two personnel. The total cost for a year would be \$27,600, and this person would be cleaning during the day.

Supervisor Bill Russell said he would rather hire a person for the facilities department and this could be a part time person.

Sheriff Bill Rasco said that in the past the County had used a trustee to do custodial jobs at different buildings. He said that both of these buildings already have law enforcement staff that could supervise a trustee.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded to the motion for the Sheriff Department to supply a trustee to be used as a Day Porter for the Administration Building and the Courthouse.

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.4

5. Board Attorney

a. Nesbit Fire Department

Board Attorney Tony Nowak said he had been approached by the Nesbit Fire Department to help in their paperwork to create a Fire Protection District. Mr. Nowak noted that the law allows the Board to cover the cost incurred for the creation of a fire protection district.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the Board Attorney to work with the Nesbit Fire Department to create a Fire Protection 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. Authority to seek AG opinion 19-5-92-1, working on private property

- 1) Bridgetown – 4456 Victoria Road**
- 2) Nesbit – 5660 Church Road**

Board Attorney Tony Nowak said the Board had already received an AG opinion regarding private property work. It stated that if the work is solely for road repair the Board cannot repair any driveways damaged during work on private property, but if the repair is undertaken due to health and safety issues the Board can authorize the repair of driveways damaged during the work on private property. Mr. Nowak said he had looked at the Boards determination that these two properties were a health and safety issue and the Board could, in its discretion, repair the driveways on these two properties.

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to authorize the Road Department to repair the driveways for 4456 Victoria Road and 5660 Church Road since the Board had made findings of fact and that the conditions necessitating the work adversely affect the health, safety and welfare of the citizens of DeSoto County in accordance with Mississippi code section 19-5-92, and that repair to the driveways that were damaged by the County as part of the work.

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>

c. Authority to seek AG Opinion, Justice Court Clerks-matters outside the realm of Justice Court

Board Attorney Tony Nowak stated that Justice Court Clerks by law are considered a notary when it applies to court matters. The clerks are being asked to be notary’s for private documents, such as wills, deeds, etc. Mr. Nowak said he would like to write for an AG Opinion on this matter as to the scope of work as a notary for the public.

Supervisor Bill Russell asked why the County couldn’t go through regular paperwork for a notary. County Administrator Vanessa Lynchard said there is a cost associated with each person to be a notary.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to authorize the Board Attorney to write for an AG Opinion related the Justice Court Clerks ability to serve as notaries on private matters for public convenience.

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>NO</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

6. Director of Administrative Services

a. Office of Procurement: Purchases over \$25,000 for Sheriff’s Department

Director of Administrative Services, Pat McLeod addressed the Board regarding the purchase of 19 vehicles for the Sheriff’s Department. Ms. McLeod said the cars are on State Contract and that Country Ford is selling the County the identical 2015 Ford Police Interceptor vehicles at the State Contract price of \$23,622.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to authorize the over \$25,000 purchase of 19 vehicles for the Sheriff’s Department from Country Ford at the State Contract price of \$23,622 per vehicle.

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.6.a

b. Contract Administration: Trans Union Risk and Alternative Data Solutions

Director of Administrative Services Pat McLeod said the contract with Trans Union Risk and Alternative Data Solutions is for the Sheriff’s Department to do internet searches on people. This service cannot be used for search on county employees.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve Sheriff Bill Rasco to sign the contract document with Trans Union Risk and Alternative Data Solutions.

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.6.b

7. Planning Commission Appointment for District 4

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to appoint Ms. Jeannie Shannon to the Planning Commission for District 4 representation.

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>

8. Flooding Issues – Corp of Engineers

County Administrator Vanessa Lynchard presented a map to the Board showing the Vicksburg District Corp of Engineers territory into DeSoto County. The Board discussed the problems with flooding in the north part of the County. Ms. Lynchard distributed copies of a booklet from the Vicksburg District and suggested various pages in the booklet that might have opportunities for programs in the County. Ms. Lynchard suggested that each Supervisor look through the booklet and identify programs that might work for areas in their district.

Supervisor Lee Caldwell said the CAP program might not benefit the County, but would be good for the Cities.

Supervisor Jessie Medlin asked if there were any programs that discussed water detention.

Ms. Lynchard said the County needs to inventory the damages that have taken place and evaluate the areas. We need to approach the Corp and write letters to Washington requesting the Corp be included in programs that would benefit the County.

Supervisor Mark Gardner suggested the County talk to Vicksburg like they do in Washington.

Supervisor Jessie Medlin said that every creek stream in the County needed to be in the snag and drag program.

Supervisor Lee Caldwell said money had been designated for the Horn Lake project at this time.

Ms. Lynchard said the letter to Washington could be on priority projects and to also request that Coldwater River be included in the Delta Headwater Program. This program could include Marshall, Tate and DeSoto Counties.

Supervisor Bill Russell said all of the Drainage Districts in the County need to be active, since some are not working effectively.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the County Administrator, Board Attorney, and Road Manager to work with Mr. Parrish, from MDOT, to draft a letter to Washington for the County's flooding issues and bring back to the Board for review.

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.8

9. Report on MAS Convention

County Administrator Vanessa Lynchard said the recent trip to the MAS Convention brought attention to areas the County needed to be addressing. Some discussions were on Bonds, Social Media, and Title 6. There were several representatives at the convention from the Insurance Commission, and Fire Departments. One item that was discussed was the report to the State on all Fires that occur in the County. Ms. Lynchard said she verified with Chris Olson that the County does report all fires in the County to the State. There were several issues talked about, but the main one the County needs work on is the legislative issues that we want to get passed.

Supervisor Lee Caldwell said the Home Owner Association Legislative issue that Supervisor Russell has worked hard on is an area that the Board can address. This is important to DeSoto County since there are several homeowners' association situations in the County that can be used as examples for the Legislature. Supervisor Russell said that Leslie Scott has set up a meeting to take this issue before the Legislature and we may be able to get it passed this coming year.

Ms. Lynchard said there was a bus tour set up by the Port Authority and there were several businesses that use the port and it is a very effective source for lively hood of a county.

Supervisor Caldwell said the economic development projects that different counties are using needs to be looked into.

No motions or votes were taken on this item.

I. PLANNING COMMISSION AGENDA

Supervisor Lee made a Motion to open the Public Hearing to discuss Amendments to DeSoto County Zoning Ordinance Articles II & XV (Off-street Parking Regulations). 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 Caldwell and Supervisor Russell explained the public hearing process and the time allowed for public comment.

Mr. Garrod explained the committee process for the parking regulations amendment. He stated the committee discussed removing restrictions of truck size from the “A” and “AR” zones. He then went over the changes to the off street parking regulations as outlined in the exhibit presented to the Board, such as parking must be on a paved surface if its in the front and side yards.

Supervisor Medlin stated that in regards to “AR” zones, the intention was to remove the truck size restriction, and asked if that was correct. Mr. Garrod confirmed that was correct. Supervisor Medlin asked if the restrictions would remain in the “PUD” and all “R” zoning. Mr. Garrod confirmed the restrictions on truck size would remain in the “PUD” and “R” zones. Supervisor Medlin asked if this change would allow 18 wheelers in the “A” and “AR” zones. Mr. Garrod confirmed that there would be no restrictions on truck size in the “A” and “AR” zones. Supervisor Medlin stated he did not want 18 wheelers parked in front of homes in the “A” and “AR” zones. Mr. Garrod advised that the Board would then need to carry the restriction of Class 7 and Class 8 trucks to “A” and “AR” zones. Supervisor Russell stated the committee stopped talking about the “AR” zone once it was determined that most of the issues with truck size were in the “PUD” and “R” zones. He then stated he would not like to see restrictions on 18 wheelers in the “AR” zone.

Mr. Garrod explained the difference in Class 6, 7, and 8 trucks. He then explained that the Zoning Ordinance allowed for agricultural activity in the “AR” zone but that there are also estate type lots in the “AR” zone that are not farm operations. He suggested the Board may want to apply the restrictions of truck size to platted subdivisions so as not to restrict them to farm operations.

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

Mr. Billy Boling came forward and stated he lives in Lake Forrest PUD and that it is very different from normal subdivision that has curb and gutter. He then stated anything bigger than a Ford F350 is too big for a subdivision. He went on to state that in any subdivision with curb and gutter there should be nothing bigger than a 1 ton vehicle, that anything bigger is too big to be parked in front of a home.

Supervisor Gardner asked for clarification, and inquired if Mr. Boling was for the Ordinance amendment but doesn’t think it is restrictive enough. Mr. Boling confirmed that he does not think it is restrictive enough. Supervisor Russell asked if Mr. Boling felt that Class 4 trucks and bigger needed to be restricted. Mr. Boling confirmed that he feels Class 4 trucks and larger should be restricted. Supervisor Russell stated he doesn’t see a visible difference in a Class 3 and a Class 4 truck. Mr. Boling stated there is a big difference.

Supervisor Russell asked Mr. Garrod to discuss emergency vehicles as they pertain to the proposed amendments. Mr. Garrod stated there is concern that there are emergency vehicles and service providers that are dispatched from their home and those can be up to a Class 6 vehicle. He stated that these are sometimes dispatched from their home in order to cut down on response time. He stated the ordinance amendment could make an exemption for these types of vehicles as well as towing vehicles who are on the list used by the Sherriff's department and service providers. Supervisor Russell asked how it would be administered. He then stated if administered through the Board of Adjustment public notice would be given, but there would not be notice given if just handled by permit through the Planning Department.

There was discussion of which areas will need to be paved for parking. It was stated that anything parked in the front or side yard would need to be on a paved surface. Mr. Garrod discussed what was included within the definition of a paved surface.

Christy Grande, 3405 Rhett Butler, and stated she is concerned with RV's and boats parked in rear lots on lakes that are visible to neighbors and are not properly maintained. It was determined Ms. Grande lives within the city limits of Hernando. The Board advised the public that the ordinance being discussed was applicable only to the unincorporated areas of the County.

Mr. Boling stated he thought this public hearing was to strictly discuss vehicle size and parking, but that he would like clarification of what are side, front and rear lots on corner lots. He then stated he is concerned with only 3 foot fences being allowed in a front yard/ street side of a corner lot as it would not even contain a dog. He stated he feels the front yard should only be the side of the lot where the house number is with the front door.

There was a discussion regarding the currying yard setbacks are in the DeSoto County Zoning Ordinance, and that the setbacks are not a part of this proposed amendment. Supervisor Russell stated he feels the Board needs to clarify where a fence taller than 3 feet can be located on a street side of a corner lot.

Supervisor Gardner made a Motion to close the Public Hearing and to take under advisement the proposed Amendments to DeSoto County Zoning Ordinance Articles II & XV (Off-street Parking Regulations). 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>

Mr. Garrod asked if this item will need to be re-advertised to discuss adoption of the amendments. Supervisor stated it would need to be re-advertised after the item goes back to the committee.

CONSENT : The Consent Agenda is a technique designed to expedite the handling of routine and miscellaneous business of the Planning Commission. The Planning Commission in one motion may adopt the entire Consent Agenda. By request, any Planning Commission member, audience member or staff member may open discussion on a Consent Agenda item.

a. **Minor Lot**

- i. **Bailey 6 Lot (6951)** - Application is for minor lot subdivision approval of three (3) lots of 1.5 acre(s) each, two lots of 1.35 acre(s) each, and one lot of 1.36 acre(s) identified as Parcel(s) #3-06-3-08-00-0-00007-00. Subject property is located on the south side of Vaiden Rd. and west of Craft Rd. in Section 8, Township 3, Range 6 and is zoned Agricultural (A). (District 5)
- ii. **Daniels Minor Lot (6952)** - Application is for minor lot subdivision approval of one (1) lot on 4.75 acre(s) identified as Parcel(s) #4-08-1-12-00-0-00018-01. Subject property is located on the north side of Wheeler Rd. and west of Hwy. 51 S in Section 12, Township 4, Range 8 and is zoned Agricultural (A). (District 5)

- iii. **Dunn Lane 1 Lot (6953)** - Application is for minor lot subdivision approval of one (1) lot on 3.1 acre(s) identified as Parcel(s) #2-06-5-16-00-0-00015-04. Subject property is located on the south side of Dunn Ln. and west of Hwy. 305 in Section 16, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 5)
- iv. **Maison-Dunlap Minor Lot (6954)** - Application is for minor lot subdivision approval of one (1) lot on 5 acre(s) identified as Parcel(s) #2-06-9-32-00-0-00020-00. Subject property is located on the north side of Byhalia Road and east of Craft Road in Section 32, Township 2, Range 6 and is zoned Agricultural-Residential (A-R). (District 5)
- v. **Ross-Treadway Road Subdivision (6955)** - Application is for minor lot subdivision approval of two (2) lots of 2.26 acre(s), one (1) lot of 1.65 acre(s) and two (2) lots of 9.78 acre(s) identified as Parcel(s) #3-06-8-27-00-0-00010-07. Subject property is located on the west side of Treadway Road and south of Holly Springs Road in Section 27, Township 3, Range 6 and is zoned Agricultural (A). (District 5)
- vi. **Greer 3 Lot Minor Subdivision (6956)** - Application is for minor lot subdivision approval of one (1) lot of 2.00 acre(s), one (1) lot of 3.00 acre(s) and one (1) lot of 4.98 acre(s) identified as Parcel(s) #2-06-5-21-00-0-00018-00. Subject property is located on the south side of Jones Road and west of Hwy 305 N in Section 21, Township 2, Range 6 and is zoned Agricultural (A). (District 5)

Supervisor Caldwell recused herself. Mr. Haysley presented the Consent Agenda.

Supervisor Medlin stated he is concerned that it appears no easement exists across the neighbor's property for the shared driveway on the Maison-Dunlap Minor Lot. Mr. Haysley stated that both proposed lots have road frontage, but that he will let the applicant know he may want to look into the issue. It was later noted that the plat for the subdivision reflects that easement will be provided.

Supervisor Lee made a Motion to approve the Consent Agenda. 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>RECUSED</u>
FIFTH DISTRICT SUPERVISOR, HARVEY LEE	<u>YES</u>

1) **OTHER ITEMS:**

a) **Building Permit Report**

Mr. Haysley presented the Building Permit Report for September 2014.

b) **Public Hearing (11:00 AM) – Amendments to DeSoto County Zoning Ordinance Articles II & XV (Off-street Parking Regulations)** This item was heard earlier in the meeting

c) **Flood Protection Order – 13359 Center Hill Rd.**

Mr. Garrod presented a request to have the President of the Board of Supervisors sign to a Flood Protection Order letter to implement Section 1316 of the National Flood Insurance Act of 1968 as to the subject property. He stated this is needed due to the failure of the homeowner of 13359 Center Hill Road to install certified flood vents to the attached garage on the property. He stated there have been numerous conversations with the homeowner and he has not complied with installing the vents.

Supervisor Medlin made a Motion to approve the President of the Board to sign the document to request FEMA to implement Section 1316 of the National Flood Insurance Act of 1968 in relation to 13359 Center Hill Road. 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
FIFTH DISTRICT SUPERVISOR, HARVEY LEE

YES
YES

J. EXECUTIVE SESSION

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

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to adjourn the Board meeting until November 3, at 9:00 a.m.

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 27th day of October, 2014, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Lee Caldwell, President
DeSoto County Board of Supervisors