

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**DISTRICT FOUR LEE CALDWELL, PRESIDING**

**August 4, 2014**

**A. CALL TO ORDER**

The August 4, 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**

Mr. Cecil Sowell presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. 9:00 a.m. PUBLIC HEARING FOR TAX PROTESTS**

In accordance with Mississippi State Law, Supervisor Jessie Medlin made the motion to open the Public Hearing for real and personal property assessments rolls to allow the public to address the Board of Supervisors on any issue relating to valuation for the 2014 tax roll, as previously presented by the DeSoto County Tax Assessor on the 1<sup>st</sup> Monday of July 2014. Supervisor Bill Russell seconded the motion.

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> |

County Administrator Vanessa Lynchard said there were no tax protests from the County Administration office.

Piet Zee and Stephen Gullett appeared before the Board on behalf of the DeSoto County Tax Assessor’s Office. Mr. Zee said there were no official appeals made through the Tax Assessor’s Office. Mr. Zee said he did speak to a tax representative by phone, which was representing an apartment complex. He said they told him they would send their protest but the Tax Assessor’s Office never received it.

Chancery Clerk Sluggo Davis said he had only one protest but he never received a formal protest. Supervisor Jessie Medlin asked if an attorney general's opinion says anything about the cutoff date and time. Board Attorney Tony Nowak said the deadline is 9:00 a.m. the first Monday in August.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to close the Public Hearing for 2014 Tax Protests and to ratify the prior tax assessments, previously approved by the Board, without corrections

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> |

## **E. CITIZENS REMARKS, PRESENTATIONS & PROCLAMATIONS**

### **1. Cockrum Community Center Update**

No one was present for this discussion.

## **F. APPROVAL OF JULY MINUTES**

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

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

Supervisor Jessie Medlin said he turned in one minor change.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to accept the minutes of the Board of Supervisors for July, 2014, as presented this date with one change to the draft minutes previously submitted. The motion included approving all minutes as presented with that change pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated.

The motion passed by a vote as follows:

|  |            |
|--|------------|
| Supervisor Jessie Medlin, First District | <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. APPROVAL OF AGENDA: ADDITIONS AND DELETIONS**

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

County Administrator Vanessa Lynchard requested the following additions and deletion:

1. Add House Bill 585 for Old Business.

Ms. Lynchard said a lot of research has been done and she has talked to John Champion and Dale Thompson about the impact of HB 585 on Justice Court. Ms. Lynchard said it is difficult to determine the impact because the software information is for charges and not the number of cases. She said that Mr. Champion thinks the Bill will have a significant impact on Justice Court.

The Board discussed the prosecutors in the municipalities compared to how Justice Court is set up.

Ms. Lynchard said the judges actually want the second prosecutor to be an assistant in court on the same days as the County Prosecuting Attorney. The new assistant prosecutor and judges could handle the cases when there are pro se defendants. She said it is not unusual for an attorney to walk in representing a case and then they must stop to take care of that case.

Board Attorney Tony Nowak said the other courts have two prosecutors and it moves the process along more quickly. He agreed that it is much better to have two prosecutors in court at the same time.

Ms. Lynchard agreed that it would be more efficient. She said that Justice Court Clerk Pat Sanford is concerned about the caseload of the deputy clerks. She said they will be tracking the caseload the rest of this year and then may ask the Board for local and private legislation. Mr. Nowak said he has drafted a local and private two years regarding assistant prosecutors and was a discretionary function of the Board. He said all he would need to do is change the date if the Board had no changes.

Ms. Lynchard said she would add this item to the Legislative Wish List.

Sheriff Bill Rasco said it would impact his deputies and they would finish their day a lot quicker and that would save money in over time.

Supervisor Mark Gardner asked for more details regarding House Bill 585.

Mr. Nowak said the Bill changed the value limits of crimes against property. He said before any crime over \$500 was a felony and they are currently heard in Circuit Court. Mr. Nowak said the new limit is \$1,000 which means more cases will remain in Justice Court.

Sheriff Rasco said they would see an increase in caseloads because DeSoto County is growing and so is crime.

Supervisor Jessie Medlin asked if this would be a full time position. Ms. Lynchard said it would be part time. She said Mr. Nowak recommended setting a salary using a percentage of the County Prosecuting Attorneys pay scale similar to what is done with the DA's office. Ms. Lynchard said the new position would be a percentage of what prosecutors make.

Supervisor Russell suggested using an intern. Mr. Nowak said that Mr. Treadway was not supportive of that as he would have to observe an intern, and this would actually slow things down.

Supervisor Medlin asked if the position is appointed or elected. Ms. Lynchard said it is appointed.

Supervisor Medlin made the motion and Supervisor Bill Russell seconded the motion to approve hiring the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft a local and private authorizing the Board, in its discretion, to hire an additional prosecutor at Justice Court and to add this item to the Legislative Wish List.

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. Delete item number J.6.a, for I-69 Mid Continent Highway Coalition.

3. Chief Financial Officer Tom Arnold requested adding a budget amendment for the Road Department to move \$30,000 from other contractual services to repair parts. This is to adjust line items for additional costs.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to approve to move \$30,000 from other contractual services to repair parts so as to adjust line items for additional costs for the Road Department.

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. Supervisor Bill Russell requested adding discussion with State Aid Engineer Tracy Huffman regarding the LSBP forfeiture letter.

Mr. Huffman said they have not gotten an answer on the letter we sent regarding projects that are pending for land acquisition. He said we do not know how they arrived at their numbers and are just waiting on them to respond.

Supervisor Medlin asked if Ingrams Mill Road replacement is mostly on the west. Mr. Huffman said yes.

Supervisor Lee Caldwell asked when the work on the Valley Brook Bridge would be completed. Mr. Huffman said in the next 2-3 weeks to a month. Mr. Huffman said the rain has held up work and they hope to finish it soon.

Supervisor Caldwell asked about the Starlanding Bridge. Mr. Huffman said he thought they were close to doing evaluations.

No action was taken on this item.

5. Supervisor Bill Russell requested adding possible executive session discussion under potential litigation.

This item was later determined to qualify for executive session.

6. Supervisor Medlin said there was a memo regarding the jail and he requested clarification.

Board Attorney Tony Nowak said a contractor cannot file a lien against the county. He said this is a form lien notice from a subcontractor that had no impact on the County.

7. Road Manager Andy Swims said the Sheriff offered to pay for the signs recently purchased for safety. Mr. Swims said he could pay for the signs out of his budget.

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to approve the Road Department to pay for the signage regarding driving safely and pulling over when there are issues such as wrecks and crews working on roads.

The motion passed by a vote as follows:

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

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

The motion passed by a vote as follows:

|  |            |
|--|------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
|--|------------|

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

**H. CONSENT AGENDA**

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

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to approve the Consent Agenda items as follows:

**1. Dept. of Human Resources: Monthly Health Claims**

The following is a recap of all insurance claims funded for the month of July and paid to Humana:

| Funding Request | Date Paid    | Amount              | Claim Type          |
|-----------------|--------------|---------------------|---------------------|
| <b>Date</b>     |              |                     |                     |
| 7/1/14          | 7/1/14       | \$84,116.38         | Administration Fees |
| 6/30/14         | 7/1/14       | \$48,201.01         | Medical             |
| 6/30/14         | 7/1/14       | \$5,596.80          | Dental              |
| 6/30/14         | 7/1/14       | \$11,236.28         | Pharmacy            |
| 7/7/14          | 7/8/14       | \$66,774.92         | Medical             |
| 7/7/14          | 7/8/14       | \$7,070.25          | Dental              |
| 7/7/14          | 7/8/14       | \$12,328.48         | Pharmacy            |
| 7/14/14         | 7/15/14      | \$47,227.27         | Medical             |
| 7/14/14         | 7/15/14      | \$7,353.49          | Dental              |
| 7/14/14         | 7/15/14      | \$17,776.76         | Pharmacy            |
| 7/21/14         | 7/23/14      | \$50,039.42         | Medical             |
| 7/21/14         | 7/23/14      | \$6,257.33          | Dental              |
| 7/21/14         | 7/23/14      | \$12,754.78         | Pharmacy            |
| 7/28/14         | 7/30/14      | \$39,144.26         | Medical             |
| 7/28/14         | 7/30/14      | \$5,982.65          | Dental              |
| 7/28/14         | 7/30/14      | \$12,779.52         | Pharmacy            |
|                 | <b>TOTAL</b> | <b>\$434,639.60</b> |                     |

**2. Justice Court Report**

|                       |              |
|-----------------------|--------------|
| Criminal Cases Filed  | 134          |
| Civil Cases Filed     | 574          |
| Traffic Tickets Filed | 1,233        |
| Total Cases Filed     | 1,941        |
| State Assessments     | \$66,754.50  |
| County General Fund   | \$106,510.95 |
| Total Collections     | \$173,265.45 |

**Bailiff Pay**

|                  |          |
|------------------|----------|
| Bobby Holloway   | \$230.00 |
| Chris Plumlee    | \$150.00 |
| Brandon Hylander | \$395.00 |

**3. Publication of Board Proceedings**

**4. Office of Finance & Accounting**

**a. Budget Amendments**

**b. SID Forfeitures**

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

| Case #     | Defendant       | Date Seized | Receipt # | Amount     | Date of Forfeiture |
|------------|-----------------|-------------|-----------|------------|--------------------|
| 2014-23149 | Doug Cloer      | 6/11/14     | 29284     | \$ 282.00  | 7/15/14            |
| 2014-23149 | Rebecca Dunlap  | 6/11/14     | 29285     | \$ 381.00  | 7/15/14            |
| 2014-30076 | Belinda Starnes | 7/15/14     | 29392     | \$ 392.00  | 7/21/14            |
| 2014-24459 | Terrance Lewis  | 6/20/14     | 29304     | \$ 141.00  | 7/21/14            |
|            |                 |             | TOTAL     | \$1,196.00 |                    |

Transfer from Sheriff-Seized Fund (123-000-139) \$1,196.00  
 Transfer to Sheriff-Forfeiture Fund (120-000-238) \$1,196.00

**c. Inventory Dispositions – Final**

**1) Chancery**

| ASSET # | GRANT | DESCRIPTION                | SERIAL #            | ISSUE/REASON FOR DISPOSAL          | Y R A C Q | C O S T | LOCATION AT PRELIMINARY | PRELIMINARY APPROVAL DATE | DISPOSED OF BY | FINAL DISPOSAL LOCATION |
|---------|-------|----------------------------|---------------------|------------------------------------|-----------|---------|-------------------------|---------------------------|----------------|-------------------------|
| 38166   |       | XEROX DOCUMATE 252 SCANNER | 710TW107395L1300120 | ROLLERS WORN OUT / NON REPLACEABLE | 07        | 8H      | CHANCERY STORAGE RM     | 06/15/14                  | CINDY CAMYRE   | EWASTE                  |
| 41813   |       | XEROX DOCUMATE 252 SCANNER | 14P8CB0312          | ROLLERS WORN OUT / NON REPLACEABLE | 11        | 1K      | "                       | "                         | "              | "                       |

**2) IT Department**

| ASSET # | GRANT | DESCRIPTION                | SERIAL #            | ISSUE/REASON FOR DISPOSAL | Y R A C Q | C O S T | LOCATION AT PRELIMINARY | PRELIMINARY APPROVAL DATE | DISPOSED OF BY | FINAL DISPOSAL LOCATION |
|---------|-------|----------------------------|---------------------|---------------------------|-----------|---------|-------------------------|---------------------------|----------------|-------------------------|
| 31830   |       | HP DESKJET 5550 PRINTER    | MY29K1P3G2          | will not print black ink  | 03        | 2H      | IT - Disposal           | 07/07/14                  | FELICIA HOPPER | EWASTE                  |
| 34067   |       | HP INKJET                  | CN498B8052          | will not feed paper       | 04        | 1H      | IT - Disposal           | "                         | "              | "                       |
| 34753   |       | HP 17" FP MONITOR          | CNN530024X          | burn in image             | 05        | 4H      | IT - Disposal           | "                         | "              | "                       |
| 35571   |       | MAG 19" LCD MONITOR        | E9EZ4560033U        | will not power on         | 05        | 4H      | IT - Disposal           | "                         | "              | "                       |
| 36520   |       | LEXMARK PRINTER            | 992K9ZT             | will not connect          | 05        | 2K      | IT - Disposal           | "                         | "              | "                       |
| 39139   |       | HP DESKJET 6940 PRINTER    | MY7BGB5244          | will not power on         | 08        | 1H      | IT - Disposal           | "                         | "              | "                       |
| 39156   |       | LEXMARK 2590 FORMS PRINTER | S9J01552            | bad print head            | 08        | 4H      | IT - Disposal           | "                         | "              | "                       |
| 39158   |       | LEXMARK 2590 FORMS PRINTER | S9J03443            | will not form feed        | 08        | 4H      | IT - Disposal           | "                         | "              | "                       |
| 39161   |       | LEXMARK 2591 FORMS PRINTER | 9K03454             | will not form feed        | 08        | 5H      | IT - Disposal           | "                         | "              | "                       |
| 39162   |       | LEXMARK 2591 FORMS PRINTER | 9K03602             | bad print head            | 08        | 5H      | IT - Disposal           | "                         | "              | "                       |
| 39181   |       | HP DESKJET 6940 PRINTER    | SG73O110BZ          | will not print black ink  | 08        | 1H      | IT - Disposal           | "                         | "              | "                       |
| 39461   |       | LEXMARK 2590 PRINTER       | 9J17735             | will not power on         | 08        | 4H      | IT - Disposal           | "                         | "              | "                       |
| 41177   |       | SAMSUNG ML2851MD           | 4F61BKFZ800727      | will not feed paper       | 10        | 2H      | IT - Disposal           | "                         | "              | "                       |
| 41757   |       | HP PRINTER                 | CN17GC0CV           | will not connect          | 11        | 1H      | IT - Disposal           | "                         | "              | "                       |
| 42759   |       | DELL 2007FP MONITOR        | MX0G324H746228L1N4L | burn in image             | 13        | 3H      | IT - Disposal           | "                         | "              | "                       |

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

**a. Sheriff's Dept. Annual Contract: RJ Young for copier maintenance approved July 21, 2014**

**b. Resolution approving the preliminary Engineering Services Contract with Waggoner Engineering for the TAP Project-Nesbit Fire Station Trail, approved July 15, 2014**

**c. Resolution of Appreciation for Pat Hefley who was appointed to the DeSoto County Planning Commission Feb. 24, 2004 and has served the citizens of DeSoto County as a District One appointee for 10 years**

**6. Appointments – Veterans Services Officer: Harmon Massey - add as Requisition Clerk and remove Steve Powell for the following budget: 001-154**

**7. Sheriff's Dept. - Request to be submitted for payment from MDOC for Inmate Housing for May & June 2014 and Authorize Board President to Sign Documents**

**8. Road Department**

**a. Road Report**

**b. Work Schedule**

**c. Road Bond Report**

**d. Employee Resignations (3)**

**9. Tax Assessor's Office: Correction for the 2013 Tax Roll**

**10. State Tax Commission: Tax Assessor Recapitulation of Real and Personal Assessment Rolls of DeSoto County, MS**

**11. Chancery Clerk's Office**

**a. 2013 Board Order Objections (4)**

**b. Chancery Clerk Allowances (2) \$1,350.00 \$1,100.00**

**12. Animal Shelter: Accept donation of new refrigerator from Eudora United Methodist Church and all other Animal Shelter related items**

**13. Board Attorney - Swinnea Road: Authority to issue checks to A. Walker, for \$15,600.00 and Gracie Baptist; for \$16,600.00; the amounts were approved in February and just now received final paperwork**

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**

**I. OLD BUSINESS**

**1. 10:00 a.m. Public Hearing: Animal Control Ordinance**

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to open the public hearing for the Animal Control 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> |

Animal Control Director Monica Mock said the committee who worked on the ordinance did a great job and she wanted to commend everyone. She said that Supervisor Mark Gardner, Supervisor Bill Russell and Sheriff Bill Rasco and others served on the committee and she thanked them.

Board Attorney Tony Nowak said a few changes were made to the ordinance. One of the changes is to

not deputize Animal Control Officers so as to turn law enforcement issues over to law enforcement.

Mr. Nowak said there is a change in Section 12. He said there is more detail regarding Animal Control seizing animals; most seizures will be done through the Sheriff's Department.

Supervisor Medlin asked if neglected animals would be the Sheriff's responsibility. Mr. Nowak said yes if they are on private property.

Diane Moore of DeSoto County addressed the Board. She said they have lost two dogs because of the ordinance being vague. Ms. Moore said she also did not like changing from guns to Tasers for the Animal Control Officers. She said it is their job to protect the public and animals are a part of that. They should be given the tools necessary to do their job.

Ms. Moore said she found two AG Opinions that states the Animal Control Officers have no authority to do anything because they have no law enforcement authority. How do you do your job if you do not have guidelines? Ms. Moore asked just what their job is; are they going to be notaries.

Mr. Nowak said this draft shows significant changes from the one that was written one month ago. He said the AG Opinions say that law enforcement functions can only be carried out by law enforcement officers. However, there are matters covered by the ordinance which are administrative, not law enforcement, which the Animal Control Officers can still respond to. He further explained that the ordinance does not prohibit Animal Control Officers from carrying firearms but restricts them to carrying those weapons approved by the Board. Currently, the Board does not desire to authorize the carrying of firearms at this time. The committee recommended that Tasers be carried and the Board of Supervisors approved the recommendation. Mrs. Therefore, weapons cannot be carried at this time. The committee recommended that Tasers be carried and the Board of Supervisors approved the recommendation. Mr. Moore said he has not seen the new ordinance, only the old one.

RG Moore addressed the Board and said the Sheriff could get a deputy to work in Animal Control and enforce the law. Mr. Moore said the problem on their road has been going on for ten months. Mr. Moore said all of this would have been over with if you would take the word of the citizens. The ACO says if the officer does not see the offense they cannot do anything about it. The ACO needs to be able to enforce the law without a Sheriff's Deputy. Mr. Moore asked how they could do their jobs with no guidelines to follow. He said he understands the part about notaries. Mr. Moore said this is like a community with no dangerous intersections.

Mr. Nowak said the Animal Control Officers carrying firearms is at the Board's discretion. He said the ACO's would need to be licensed and carry a permit. The ACO must be deputized by the Sheriff to carry out law enforcement.. That means the ACO would have to pass all training and tests the same as the Sheriff's deputies.

Mr. Moore said that Tasers are a one-shot deal. You can shoot it once and then it is no good.

Supervisor Bill Russell said they have talked in detail about carrying firearms. He said the Animal Control Officers are comfortable with carrying Tasers at this time and then go to firearms if necessary.

Mr. Nowak said the Sheriff can appoint a Special Deputy but they would have to go through law enforcement training and that is very costly. Mr. Nowak also said there are constitutional requirements that must be met when issuing citations or making arrests, and such require the officer to either witness the event or obtain an arrest warrant, or citation, from the Court.

Mr. Nowak read Section 3 of the new ordinance and said it covers the law and administration of the ordinance. He read portion of Section 3 regarding taking a dog owner and witnesses to court and the officers being able to notarize complaints for violations of the ordinance.

Mr. Moore confirmed that the ACO still could not go onto private property to seize a dog. Mr. Nowak said that is correct because it is a constitutional law.

Supervisor Lee Caldwell confirmed that the Board must abide by the law.



Supervisor Russell said the good change is that the ACO can take that complaint from the homeowner right then and take it to Justice Court. The judge can issue an order to have that dog picked up. Supervisor Russell said it is not perfect. He said the Board cannot control constitutional law but this ordinance is better.

Supervisor Mark Gardner told Mr. Moore that this Board operates within the confines of constitutional law. Supervisor Gardner told Mr. Moore that he cannot tell the Board to do otherwise.

Supervisor Gardner said that the Animal Control Officers do understand what their job is. The Sheriff has discussed this ordinance with his staff and they fully understand what to do as well. This Board and the Deputies must follow the law based on counsel from the Board Attorney. The Sheriff can deputize but the Sheriff then becomes responsible for how the deputy uses the gun. When firearms are discharged, there is accountability for where the bullet goes beyond what you are aiming at. Supervisor Gardner said he did not appreciate Mr. Moore shouting at the Board regarding this matter. The Board is following the law and protecting everyone.

Supervisor Caldwell said she appreciated the Moore's coming to the meeting and knows this is a very emotional issue for them

Mr. John Phelps  
Crestview Road

Mr. Phelps said he would like to see more cooperation with the Sheriff if the ACO cannot enforce the ordinance. He thinks that ACO's should have more authority.

Supervisor Caldwell said a lot has been learned by the committee and the Sheriff's Department and the Board of Supervisors are more aware. She said she thinks there will be more cooperation working together on animal control issues. She said it will be quicker getting a court date because a deputy can write a complaint on site.

Mark Thomas  
1349 Thunderbird Drive N.

Mr. Thomas said if you see a wild boar going down the street, the only thing you can do is shoot him. He said a wild boar is very dangerous

Mr. Thomas said that Ms. Mock said that Animal Control would lose the ACO's to the Sheriff's Department if they go through the academy. He said he wants to see the officers armed. He said it is the only logical thing to do. If an officer is by himself a Taser gun only works one time and then it is worthless.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to close the Public Hearing.

The motion passed by a vote as follows:

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

Supervisor Bill Russell made the motion to adopt the Animal Control Ordinance.

Supervisor Russell said the Board has repeatedly said the Board can change to firearms at their discretion and on the advice of the ACO's. He said the wording in the ordinance is much clearer and the Sheriff's Department has attended all of the meetings. Supervisor Russell said he appreciated everyone's input.

Supervisor Mark Gardner seconded the motion to adopt the Animal Control 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> |

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to make the Animal Control Ordinance, as presented and approved by the Board, effective immediately as it addresses matters of important health and safety concerns.

The motion passed by a vote as follows:

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

**See Exhibit I.1**

Supervisor Lee Caldwell said she would like to thank the Moore’s for collecting old phones for the military. She said it really helps our military and she appreciates their work.

**2. Road Dept.: Request Permission to Accept Jet/Vac Truck from City of Olive Branch**

Road Manager Andy Swims said the Board discussed the purchase of a Jet/Vac from the City of Olive Branch in a recent Board Meeting. Mr. Swims said they took the truck to see if they could use it to blow out drains and it did a good job and is in good shape. Mr. Swims said that Olive Branch was asking \$70,000 for the truck and the Board requested that Mr. Swims make a counter offer of \$60,000. Mr. Swims said that Olive Branch accepted the offer and asked the Board to allow the purchase.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the purchase of a Jet/Vac truck from the City of Olive Branch in the amount of \$60,000

The motion passed by a vote as follows:

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

Supervisor Medlin said he voted no because he thinks the truck may be used for a short time and then not used. He told Mr. Swims he appreciated the counter offer to Olive Branch.

**J. NEW BUSINESS**

**1. Advertising County Resources: DeSoto County Prayer Breakfast @ the Landers Center October 29th, 7:00 a.m.**

Mr. Cecil Sowell said the Board generously contributes to the DeSoto County Prayer Breakfast every year and he is requesting a contribution this year. Mr. Sowell said that Rev. Nettie Winters, President of Mission Mississippi, will be the keynote speaker. The breakfast will be held at the Landers Center on October 29 at 7:00 a.m. Mr. Sowell invited the Board to attend the event.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve contributing \$150 per the policy after having determined that the request to advertise county resources met the guidelines of the policy adopted by the Board of Supervisors, in accordance with Section 17-3-

3, of the Mississippi Code of 1972, the Board of Supervisors did make a determination that the above request would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County.

|  |            |
|--|------------|
| 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 J.1**

**2. Road Department**

**a. Request to call Letter of Credit – Estates of Center Hill, Section D**

Road Manager Andy Swims said that the roads in Estates of Center Hill, Section D were last paved in 2006. Mr. Swims said he is concerned

Ms. Carol Johnson appeared before the Board in regards to the Estates of Center Hill, Section D. Ms. Johnson said the roads were paved in 2006 and she realizes that work needs to be completed. She said that it is torn up because Waste Connections has used it as a turnaround for their truck when it makes the pickup in the neighborhood. Ms. Johnson said she contacted Waste Connections and they did show up to discuss the issue.

Ms. Johnson said she has always taken care of the roads but currently she just does not have the money to make the repairs. She said that her partner died and she has medical problems. She said that Waste Connection should repair the roads. Ms. Johnson said that Steve Overton of Waste Connections told her he would come out to see the road.

The representatives from Waste Connections stated that several places were already damaged and ruts were in the road with grass growing in them. They said they did not feel it is Waste Connections responsibility to repair the road.

Mr. Kennedy said the best option is for the county to pull the bond and finish the development especially if we have another winter like we have had in the past. He said he can get a quote and then get together with Ms. Johnson. Mr. Kennedy said the county would get a better price than Ms. Johnson.

Supervisor Mark Gardner told Ms. Johnson he appreciated her situation. He said trash trucks go down every road in DeSoto County.

Mr. Kennedy said Ms. Johnson has always responded when they called her.

Supervisor Lee Caldwell said with improvements to the road, it may help Ms. Johnson to sell lots in the development.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve pulling the bond at the Estates of Center Hill, Section D, add the development to County Road Register and pave the roads within the current asphalt contract to maximize savings.

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 J.2.a**

**b. Finding of Fact**

**1) 4195 Dean Road, Nesbit**

Road Manager Andy Swims said the county damaged a driveway culvert which is causing flooding over the road affecting the health, safety and welfare of the public. Mr. Swims said the estimated cost to replace the culvert is \$1,731.00.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to accept the finding of fact and that the conditions at 4195 Dean Road, Nesbit would adversely affect the health, safety and welfare of the citizens of DeSoto County in accordance with Mississippi code section 19-5-92, that replacing the culvert that was damaged by the County at an estimated cost of \$1,731.00 would help prevent future flooding and protect the road and right of way; and to authorize the Road Manager to proceed with the work at an estimated cost of \$1,731.00.

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>ABSENT</u> |

**See Exhibit J.2.b.1**

**2) 1943 Deerwood Place, Hernando**

Environmental Services Manager Ray Laughter said he received a call about Waste Connections turning around in a resident’s driveway and damaged the culvert.

Representatives from Waste Connections agreed that they damaged the culvert and could reimburse the county for replacing it.

Road Manager Andy Swims said there are no school children in the neighborhood so there is no necessity for a school bus to have a place to turn around. Mr. Swims said it is going to be an expensive solution.

Supervisor Jessie Medlin asked if Waste Connections can fix it themselves. He said they need to install a longer pipe.

Mr. Laughter said this happened another time as well.

Supervisor Bill Russell said this issue seems like it is between the homeowner and Waste Connections.

Mr. Swims said this is not causing a flooding problem. He said that Waste Connections would fix the problem if the county will make a turnaround. There is no place for them to turn the truck around when they are servicing homeowners when they go down the road.

The representatives from Waste Connections said if there is no turnaround, they cannot service any of the people on the street.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to take this item under advisement.

The motion passed by a vote as follows:

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

Supervisor Harvey Lee, Fifth District

YES

See Exhibit J.2.b

**c. Request to Pay for Damages to Water Meter**

Road Manager Andy Swims said a county mower hit a utility meter located at 3200/3170 Copper Meadows Road in Lake Cormorant on July 3, 2014 owned by Mr. David Daleke. Mr. Daleke is requesting that the county reimburse him for the amount of cost incurred for the leak and repairs totaling \$378.00.

Mr. Swims said the county employee said the county does not mow in that area. He said that Walls Water Association believes we hit it as well. Supervisor Lee Caldwell said the water department said it would take something like the county equipment to cause the amount of damage that was done. She said the homeowner was out of town at the time.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to pay the damages, and water usage for the week that the homeowner was out of town, in the amount of \$378.00 and to pay it from the insurance fund as a matter of disputed liability, and for the homeowner to sign an affidavit confirming his assertion that he County caused the damage and to sign a release.

The motion passed by a vote as follows:

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

YES  
YES  
YES  
YES  
YES

See Exhibit J.2.c

**3. Office of Finance & Accounting**

**a. Inventory Dispositions - Preliminary: IT Department**

Inventory Clerk Char McCool presented a preliminary disposition for the IT Department.

IT Director John Mitchell said they do use parts off of items that are reusable. Mr. Mitchell said that phones are usually broken and or damaged and that is why they dispose of them. They cannot be repaired.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to approve the following preliminary dispositions for the IT Department:

| ASSET # | GRANT | DESCRIPTION           | SERIAL #               | ISSUE/REASON FOR DISPOSAL     | Y<br>R<br>A<br>C<br>Q | C<br>O<br>S<br>T | LOCATION AT<br>PRELIMINARY |
|---------|-------|-----------------------|------------------------|-------------------------------|-----------------------|------------------|----------------------------|
| 34069   |       | HP INKJET PRINTER     | CN498B8068             | Leaks Ink                     | 04                    | 1H               | IT STORAGE RM              |
| 35021   |       | ACER VERITON PC       | PS008047727060003B0100 | Bad Power supply & Hard drive | 07                    | 1K               | "                          |
| 35560   |       | HOWARD DESKTOP PC     | 0730564304             | Bad Mother Board              | 04                    | 8H               | "                          |
| 38093   |       | ACER PENTIUM COMPUTER | PSP37060037210C9B42703 | Bad power supply              | 07                    | 5H               | "                          |
| 40963   |       | DELL PC               | H9W5NB1                | Bad Mother Board              | 11                    | 3H               | "                          |
| 41565   |       | DELL OPTIPLEX         | JXT2LC1                | Blown Caps                    | 11                    | 4H               | "                          |
| 41755   |       | HP PRINTER            | HK188AZ01F             | power surge                   | 11                    | 2H               | "                          |
| 41885   |       | DELL OPTIPLEX         | F4TLPD1                | Will not turn on              | 12                    | 3H               | "                          |
| 42589   |       | DELL OPTIPLEX 745     | CN75ZC1                | Blown Caps                    | 12                    | 2H               | "                          |
| 43133   |       | APPLE IPHONE 4        | C8TK92P9DP0V           | phone over heating            | 13                    | 5H               | "                          |
| 43188   |       | APPLE IPHONE 4        | C8TK9331DP0V           | ringer on off button broken   | 13                    | 5H               | "                          |

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 J.3.a**

**b. Grants Administration: Approval to Accept Grants**

Grants Administrator Melissa Zizmann requested approval to accept the following grants.

**1) EMS: Homeland Security – DeSoto County Salaries Grant 13HS017T**

Supervisor Harvey Lee made the motion and Supervisor Lee Caldwell seconded to approve accepting the Homeland Security Grant number 13HS017T for EMS to be used for partial salaries for Chris Olson and Fred Randle in a total amount of \$60,000 from August 1, 2014 expiring 7/31/2015 and authorize the Board President to sign the documents.

The motion passed by a vote as follows:

|  |            |
|--|------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>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 J.3.b.1**

**2) MDEQ Waste Tire Grant WT495 – Acceptance of \$43,500**

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to approve accepting the MDEQ Waste Tire Grant number WT495 in the increased amount of \$43,500 for waste tires and the Board President to sign the documents.

The motion passed by a vote as follows:

|  |            |
|--|------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>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 J.3.b.2**

**c. Claims Docket**

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

Supervisor Jessie Medlin asked about the claim on page 87 for Mr. Woods. Mr. Arnold said Mr. Woods is a volunteer with the Medical Reserve Corp and he attended a seminar on the coast.

Supervisor Lee Caldwell asked if this position is funded by a grant. Mr. Arnold said yes; it is all of the state of Mississippi.

Supervisor Harvey Lee asked about the ice machine. Facilities Management Director Tony Martin said this for an ice maker and not an ice machine.

Supervisor Mark Gardner asked about the following claims;

Page 15 - Mr. Arnold said that is for unemployment and it is for multiple people.

Page 78 MDA - Mr. Arnold said that is the note on the tourism building and they reimburse the county.

Supervisor Gardner said he noticed the Sheriff is replacing 300 mattresses. Sheriff Bill Rasco said the inmates tear them up.

Page 91 Cooper & Associates – Mr. Arnold said this is for consulting fees for closing the rubbish pit.

Page 99 Neel Schaffer – Mr. Arnold said this may be for Swinnea Road but they do engineering services for the county.

Page 106 Overhead Door – Mr. Martin said that is for the new door at their new facility.

Page 113 Supervisor Gardner said he noticed that the CVB money really increased recently. Board Attorney Tony Nowak said he made a few calls to the State in an effort to discuss the history of the 2% tourism tax, and inconsistencies in collections over the past several months.

Supervisor Jessie Medlin asked about the claim to Browning and Ferris. Mr. Laughter said they take rubbish and garbage to Shelby County and that is the fee.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer.

The motion passed by a vote as follows:

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

**4. Board Attorney: Easement to DCRUA Walls Lagoon revised 7-28-2014**

Board Attorney Tony Nowak and DCRUA Attorney Nick Manley discussed a request for an easement to DCRUA at the Walls Lagoon and the need to revise the permit.

The Board discussed the feasibility of removing the fence and how to clean the area.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the temporary permit to DCRUA, to authorize removing the fence, to approve the easement to DCRUA as presented, and to authorize the Board President to sign the revised easement to DCRUA for access to the Walls Lagoon and to make it part of the Board minutes.

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 J.4.a**

**5. Contracts Administration: Annual Renewals**

**a. Road Department**

**1) Traffic Engineering Services contract with Kimley-Horn & Assoc.**

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve the annual renewal contract with Kimley-Horn & Associates for traffic engineer services and to authorize 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> |

**See Exhibit J.5.a.1**

**2) Annual Maintenance Agreement with Digital Now for Plotter**

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to approve the annual renewal contract with Digital Now for the Plotter and to authorize 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> |

**See Exhibit J.5.a.2**

**3) Traffic Engineering Services with ICA formerly Florence & Hutcheson**

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the annual renewal contract with ICA formerly Florence & Hutcheson for traffic engineering services and to authorize 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> |

**See Exhibit J.5.a.3**

**b. BOS - 2014 Exhibitor Contract with the Mid-South Fair for County Booth**

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the 2014 Exhibitor Contract with the Mid-South Fair for a county booth and to authorize 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 YES  
Supervisor Bill Russell, Third District YES  
Supervisor Lee Caldwell, Fourth District YES  
Supervisor Harvey Lee, Fifth District YES

**See Exhibit J.5.b**

**c. NovaCopy Contract: Add One Copier for EOC**

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract with NovaCopy to add one copier at EOC at a rate of \$29.50 per month which includes one thousand copies per month and to authorize the Board President to sign the document.

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 J.5.c**

**d. South Central Development Lease: Hire Board Attorney to Draft new lease agreement as this one is expiring September 30, 2014**

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve hiring the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft a new lease agreement with South Central Development Lease for the Sheriff's aviation unit at a yearly rate of \$18,000 and to authorize the Board President to sign the document.

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 J.5.d**

**6. County Administrator**

**a. I-69 Mid-Continent Highway Coalition, Inc.** This item was removed from the Agenda.

**b. Budget FY2015**

County Administrator Vanessa Lynchard presented an overview of the county finances. Ms. Lynchard said they flattened in 2009. She said the Board never budgeted more than they could live with over the last two years they have been in office. Ms. Lynchard said they also charged her with paying closer attention to other line items.

Ms. Lynchard said that subdivisions have continued to grow. She said the last two years there has been a slight decrease in personal property taxes. Ms. Lynchard said that last year the average number of families moving into the county in 2013 was 16.9 per week. Through May, 2014, the number of families moving into the county is 8.5 per week.

Ms. Lynchard commended the current Board and the previous Board for no millage increase in a decade.

Ms. Lynchard said public safety and judicial areas are presently growing faster than anything else.

Ms. Lynchard said growth in the county has increased since last year.

The Board agreed on having a Board Meeting to discuss the proposed budget on August 11, 2014 at 8:00 a.m.

**c. Human Resources: On Call Policy**

County Administrator said we have been inconsistent in the way we administer on call hours. Ms. Lynchard said she and Human Resources Director Janna Rogers have reviewed the policies for on call in the county and suggested making one policy using the model of Facilities Management. Ms. Rogers said that Mr. Martin developed the policy and has used it the past two years and it is fair and complies with the county procedure manual.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve implementing the recommendation relating to the county on-call policy as fully detailed in Exhibit J.6.c. effective immediately.

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 J.6.c

**K. PLANNING COMMISSION AGENDA**

**DESOTO COUNTY BOARD OF SUPERVISORS  
ORDER OF ITEMS  
August 4, 2014  
11:00 a.m.**

**1. OLD BUSINESS**

Supervisor Gardner made a Motion to open the Public Hearing to discuss an appeal of Board of Adjustment Decision. 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> |

Mr. Haysley asked if the request for a Design Standards Variance for Lifepointe Church could be moved to the top of the Planning Department agenda. The Board agreed to move it to the top of the agenda.

Supervisor Gardner made a Motion to recess the Public Hearing to discuss an appeal of Board of Adjustment Decision to hear the Design Standards Variance Request by Lifepointe Church. 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> |

**Design Standards Variance Request, Lifepointe Church – Application by Lifepointe Church for a Variance to the County Design Standards Ordinance to allow an accessory building with metal exterior siding. Property is identified as Parcel #3-07-02-03-00-0-00011-013, and is located at 50 Getwell Rd. S., on the east side of Getwell Rd. S. and south of Byhalia Rd. in Section 3, Township 3, Range 7. Zoned A-R. (District 5).**

Mr. Haysley presented the request by Lifepointe Church for a Design Standards Variance to allow a modular building with metal exterior walls. He stated the building would be located to the rear of the church on the south east side. He then stated the proposed building would be painted to match the church. Mr. Kevin Marr was present to represent the request.

Supervisor Russell asked if the existing church is brick. Mr. Marr stated the front and two sides are brick and the rear of the building is metal. Supervisor Medlin asked if the proposed building will be separate from the church building. Mr. Marr stated it will be a separate building to be used for classrooms, as they have out grown the children’s church area. He then stated they received a quote to brick the modular building and the cost would be \$18,000-\$20,000 and is not in the budget. Supervisor Caldwell asked where the brick would be on the new building. Mr. Marr stated there would not be any brick on the new building. Supervisor Medlin asked if the building would be on pads and be underpinned. Mr. Marr stated he spoke with the DeSoto County Building Official and was told he would need to comply with the standards for a mobile home.

Supervisor Medlin asked if he has spoken with the neighbors. Mr. Marr stated he has not, but he wouldn’t mind talking to the neighbors.

Supervisor Lee asked if the building will a permanent structure on the property. Mr. Marr stated it would be permanent. Supervisor Gardner asked if there will be any landscaping around the building. Mr. Marr stated they could landscape around the building.

Supervisor Lee made a Motion to approve Design Standards Variance Request, Lifepointe Church. 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 Medlin made a Motion to re-open the Public Hearing to discuss an appeal of Board of Adjustment Decision. Supervisor Gardner seconded the Motion.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

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

**i. PUBLIC HEARING (11:00 AM, CONTINUED FROM 7/21/14)**

- a. **Appeal of Board of Adjustment Decision – Bill Lauderdale (1464) - The DeSoto County Board of Supervisors will consider an appeal by Bill Lauderdale to overturn the action of the Board of Adjustment and deny the application by Bill Lauderdale for a Conditional Use to allow a motor cross track under Article V, Paragraph 1, Section C (20), Page 23 of the DeSoto**

**County Zoning Ordinance. Subject property is at 4020 Red Banks Road, on the west side of Red Banks Road and north of Abernathy Road, Parcel #3-05-9-30-00-0-00001-01 in Section 30, Township 3, Range 5 and is zoned Agricultural (A). (District 1)**

Mr. Haysley presented the Appeal of the Board of Adjustment Decision regarding the application filed on behalf of Bill Lauderdale. He stated the entire site is in the Floodway and cannot be developed. He stated it was determined by the Flood Plain Manager, Mr. Ted Garrod that moving dirt on the site would be ok but there can be no buildings. There was no one present to represent the Appeal.

Supervisor Caldwell asked if there was anyone present to speak against the application.

Thomas Taylor came forward and stated that to overturn this decision the Board of Supervisors would have to find that the Board of Adjustment acted outside of their authority. He gave the following reasons not to overturn the decision:

- The Board of Adjustment meeting was a fair and open meeting;
- The Board of Adjustment heard both sides equally;
- The Board of Adjustment made a decision based on statues and findings that governed their authority; and
- The Board of Adjustment found that the use overtaxed public utilities and adversely affected the character of the neighborhood.

Mr. Thomas stated he did not want it to affect the character of the neighborhood.

Dorothy Taylor came forward stated the community has been battling this since 2012. She stated she is concerned with the motocross track decreasing the property values in the community and affecting the character of the neighborhood.

Bernard Deseck came forward and stated he would not have moved to this area if he knew a motocross track was here. He then stated the noise adversely affects the character of the neighborhood.

Jim Stockard came forward and stated he bought in this community for the peace and quiet. He stated he had that peace and quiet until three years ago and that now he can't do anything outside due to the noise. He then stated he would like the Board of Supervisors to uphold the Board of Adjustments decision.

Zeela Stewart came forward and stated she has lived on her property all her life and that she is dissatisfied with how the community has become over the last three years. She stated that crime, traffic and noise have all increased since the motocross track was approved.

Supervisor Caldwell asked if staff had any information about the need for Emergency Services at the track for accidents since it began operation. Mr. Haysley stated according to the EMS office in 2013 there were 5 calls to the location and 2 of those call were for the Wing. He went on to state that staff knows of one death due to an accident at the track. Sherriff Rasco stated when there is activity at the site there is an increase in traffic and congestion in the area, as well as dirt and dust.

Supervisor Caldwell asked if there are competitions held at the site where money is taken up. Mr. Garrod stated that originally the track was for friends and family. However, it came to the attention of the County that the use had grown into more of an impermissible commercial use. He then stated the second Conditional Use requested would allow for donations and taking in money from spectators and participants.

Supervisor Medlin made a Motion to close the Public Hearing to discuss an appeal of Board of Adjustment Decision. Supervisor Russell seconded the Motion.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

|  |            |
|--|------------|
| FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN | <u>YES</u> |
| SECOND DISTRICT SUPERVISOR, MARK GARDNER | <u>YES</u> |
| THIRD DISTRICT SUPERVISOR, BILL RUSSELL  | <u>YES</u> |

FOURTH DISTRICT SUPERVISOR, LEE CALDWELL YES  
FIFTH DISTRICT SUPERVISOR, HARVEY LEE YES

Supervisor Medlin made a Motion to deny the Appeal of the Board of Adjustment Decision by Bill Lauderdale. Supervisor Lee seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

The Board was then advised that, due to an administrative error, the applicant had been advised this matter would be heard on a different day and not on this day. Based upon the confusion over the date for the hearing of this matter, and the applicant not being present due to the confusion over the hearing dates, Supervisor Russell made a Motion to approve reconsidering the previous motion and vote on the Appeal of the Board of Adjustment Decision by Bill Lauderdale. Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Supervisor Caldwell made a Motion to rescind the previous motion and vote on the Appeal of the Board of Adjustment Decision by Bill Lauderdale and continue this item to August 18, 2014 at 11:00 a.m. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES  
SECOND DISTRICT SUPERVISOR, MARK GARDNER ABSENT  
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES  
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL YES  
FIFTH DISTRICT SUPERVISOR, HARVEY LEE YES

ii. **PUBLIC HEARING (3:00 PM, CONTINUED FROM 7/21/14)**

- a. **Legacy Park Rezoning (728 ) – Application is for approval of Rezoning of property from Agricultural-Residential (A-R) to Planned Business (P-B), identified as Parcel #1-06-7-36-00-0-00002-01. Subject property is located on the south side of Goodman Road and east of Hacks Cross Road in Section 36, Township 1, Range 6 and is zoned Agricultural-Residential (A-R). (District 1)**

Supervisor Caldwell stated this item was continued from the July 21, 2014 meeting of the Board of Supervisors. She stated during this time two work sessions were held between representatives of the applicants and individual supervisors to discuss the concerns of neighbors. She went on to state that the Board members and staff have received several emails and calls with concerns for the project. Supervisor Caldwell stated they have worked with engineers to address concerns such as hydrology, transportation and fire safety. She then stated that all emails and calls will be submitted into record to be made part of the minutes.

Supervisor Medlin made a Motion to open the Public Hearing to discuss Legacy Park Rezoning (728). Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Mr. Garrod gave an overview of the project, past meetings and public hearings for this item. He stated representatives from Hillwood Properties first met with staff then met with the members of the Site Review Committee. He stated after meeting the Site Review Committee brought back a submittal that was presented to the Planning Commission on July 10, 2014 where the Planning Commission voted 6-4 to recommend the request to the Board of Supervisors but did not support the request for a Variance on the southern boundary of the site. The item came to Board of Supervisors as a Public Hearing on July 21, 2014 after hearing a presentation from Hillwood Properties and the concerns of the neighbors the item was continued until the August 4, 2014 meeting to allow some of the concerns such as drainage to be addressed. Mr. Garrod stated that during one of the work sessions the applicant brought in a civil engineer to address the drainage concerns.

Mr. Haysley presented the application. Mr. Garrod then discussed the Comprehensive Plan for DeSoto County and addressed the terms Residential Land Use Policy and Business Land Use Policy as discussed in the Comp Plan.

Mr. Toby Rodgers came forward stated that his company started the process of this project by viewing the Comprehensive Plan, Corridor Study and spent significant time with Planning Staff to make sure this project would fit the Plan and to make sure the City of Olive Branch was on board. He stated that he feels they have provided the Burden of Proof by showing there has been substantial change in the character of the neighborhood and there is a public need supporting the rezoning application. He then stated that they have attended workshops in the last two weeks to address the concerns of the neighbors. Mr. Rodgers stated they have complied with all codes and ordinances and have withdrawn the Variance request. He stated they have entertained and agreed to many of the concessions.

Mr. Rodgers stated he is afraid a “no” vote sends as a message today that even if you follow and exceed the County plans, guidelines and ordinances; County staff supports your project; and the Planning Commission approves and recommends the project to the Board of Supervisors; if there is any opposition it will be denied. He then stated that in other words the County’s plans, guidelines, ordinances, staff and Planning Commission take a back seat to residents who will dictate how other landowners’ land is used. Mr. Rodgers stated it sends a very loud message that DeSoto County does not need new business. He stated a “yes” vote sends out the message that DeSoto County has a unified plan in place that’s to be used to attract, guide and filter development that is to be used by staff and the Planning Commission when making recommendations to the Board of Supervisors. He then stated the board of Supervisors has received the recommendations of is Planning Commission, allowed for public comment and allowed ample time to address legitimate concerns.

Mr. James Collins came forward to address the traffic concerns. He stated the proposed use generates a smaller number of vehicle trips than other alternative uses mentioned for this site. Supervisor Caldwell asked about the traffic during school hours. Mr. Collins stated they obtained traffic counts during school hours. He stated they propose extending the existing left turn lane as well as adding a right turn lane. Supervisor Caldwell asked who will pay for the acceleration and deceleration lanes. Mr. Collins stated Hillwood Properties will pay for the lanes and also repair the existing lanes. Mr. Collins stated MDOT is more than happy to look at the speed limits on Hwy 302 if it is requested by the County or the City. He stated MDOT said adding more lanes could cause more safety issues, but synchronizing would help alleviate safety and traffic issues so there are less stops and starts. Supervisor Caldwell stated that there was discussion of the safety issues at Hacks Cross Road and Hwy 302 and that MDOT has agreed to work with the City and the County to make that a safer intersection. Mr. Collins stated MDOT has agreed to look at installing a single lane for truck traffic in this area.

Supervisor Caldwell asked Mr. Collins to discuss adding an extension to Polk Lane. Mr. Collins stated Hillwood Properties, if this application is approved, will be extending Polk Lane and will add not only

more roadway but will also modify the existing traffic signal and look at the north leg of Polk Lane to see how to make it operate more efficiently as well.

Supervisor Medlin asked how long the acceleration lanes will be. Mr. Collins stated all of that information is in the study for MDOT to approve. He went on to state that the storage lane at Legacy Boulevard coming in to the site from the west will be 415 ft. long plus a 150 ft. taper, the existing turn lane from the west Hillwood would extend that to be 450 ft. The existing west bound turn lane at Polk Lane would be lengthened to 450 ft. with a 150 ft. taper and there would also be an east bound right turn lane added at Polk lane with a storage length of 600 ft. plus the 150 ft. taper.

Supervisor Caldwell asked where the land will come from for the widening of Polk Lane. Mr. Collins stated the land to widen Polk Lane will come from Dr. White's property.

Mr. John Perry with Kimley Horn and Associates came forward to discuss hydrology and flooding. He stated the current design is for a 100 year storm event instead of the County standard of 25 year storm event. He stated they have done a predesign of the site, a preliminary detention study and have looked at mass grading. He stated the final design will be final grading and final drainage. He discussed the different types of storms such as 1 year, 2 year, 5 year, 10 year, 25 year and 100 year storm events. He stated a 100 year storm has 1% chance of occurring in any year based on historical statistics.

Mr. Perry presented slides of different detention pond designs that also showed each storm event water level in the detention pond.

Supervisor Russell asked where the storm water drains now and where it would drain post development. Mr. Perry stated by law they cannot change where the drainage basin is. He also stated that run-off will be less post development.

Slides of flooding were presented by Mr. Gary Bishop he identified where the pictures were taken over the last few years. He stated the flooding was from Cowlick Creek. Supervisor Gardner stated there has been substantial rainfall recently. Mr. Bishop stated anytime there is substantial rainfall there is flooding in the area. Supervisor Caldwell asked how far the flooding is from the White's property. Mr. Bishop stated the flooding is located on the opposite side of Cowlick Creek from the White's property. Supervisor Gardner asked if detention ponds would help with the flooding issues. Mr. Perry stated that a lot of the issues have been created due to a lot of rooftops being added without any detention. He stated he thinks the issues will become better with the proposed development.

Supervisor Medlin asked if Mr. Swims looked at the culverts that were extended when Hacks Cross Road was widened. Mr. Swims stated he has looked at these culverts and there was a small amount of debris and that the culvert is fairly stable. Mr. Bishop stated that Dr. Hughes property is not located in the flood area but he has had water back up into his property. Mr. Swims stated he takes these issues seriously and will watch the development closely and make sure everything is put in place and that maintenance is done. He then stated he will make sure flooding is not made worse, but that there is already flooding. Mr. Bishop stated he does believe in what detention ponds do but his concern is that overtime dirt, debris and growth collect in the detention pond, and wondered who would continually maintain the detention ponds. Supervisor Russell asked if the Engineering Department is satisfied that the plans fit engineering principles. Mr. Swims stated that at this stage of preliminary design he is satisfied with the plans. He then stated he is mainly concerned with what is built in the second phase. Mr. Swims stated the proposed detention of a 100 year storm event is more than is required. Supervisor Russell stated that since work on Phase 2 will not begin for another 4-5 years could Hillwood put in the detention ponds for Phase 2 now to help alleviate the flooding. Mr. Perry and Mr. Rodgers stated it may be a financial concern because it would mean grading the entire site.

Supervisor Caldwell presented some of the things requested if this project is approved, they are:

- Preserve some beauty of the area
- Asking for an additional 20% masonry on the front of the building, with the design to be approved by the design review committee
- Increase landscaping by 20% on frontage of property and at least half of the vegetation being indigenous and designed to help air quality in landscape area
- Involvement in Community fundraising for matters such as food pantry, volunteer fire department, etc.

- Help improve the fire rating- Hillwood has agreed to give 2 acres of land for a substation to help decrease the fire rating, a park and a walking trail will be on that 2 acres as well
- If Polk Lane is ever extended through the neighborhood that it would never be a truck route south of the section line. She asked Mr. Nowak to check how that can be done and to make sure the City of Olive Branch agrees if the property is ever annexed

Supervisor Russell asked if Hillwood Properties has agreed to all these things. Supervisor Caldwell and Mr. Finley both confirmed Hillwood Properties has agreed to these requests. Mr. Rodgers stated they plan to have a Plant Managers Association that will meet quarterly to discuss what is going on in the park. He stated each tenant who leases will be invited to send their general manager to the meeting to discuss how to give back to the community. He then stated they will have a forum for neighbors to let the association know the needs of the community.

Supervisor Caldwell stated that a citizen has a question concerning commercial creep and the super majority vote requirement for rezoning, and asked if staff could explain. Mr. Garrod presented a map that illustrated who would fall into the super majority and explained that the super majority requirement comes into play if owners representing 20% or more of the property within 160 ft. of any boundary north, south, east and west of the boundary of the property being rezoned file a written objection the super majority vote requirement is triggered. He then stated the super majority for this project would include the Whites, Sanders Farm, LLC, Oak Park, LLC, and Woods DeSoto, LLC. It was stated that Whispering Pines Subdivision was not within the 160 ft. boundary. Mr. Tony Nowak explained both the statutory and the County's zoning ordinance Super Majority vote requirements.

Mr. Garrod explained the Comprehensive Plan and stated that staff make sure applications are consistent with the Comprehensive Plan. Mr. Garrod confirmed the application is not inconsistent with the County's Comprehensive Plan. Mr. Garrod stated there was concern expressed about "commercial creep". He stated that the policy "comes into play where "commercial creep creates points of conflict on the road system due to small lot rezoning and gave Goodman Road as an example. Mr. Garrod explained Residential Land Use and Planned Business Land Use policies.

Supervisor Medlin asked if the 60% of open space included the parking lots. Mr. Perry confirmed that open space does include the parking lots.

Mr. Jim Flanagan came forward and stated that everyone present today are here to get guidance on how to strike a balance between quality of life and growth. He stated quality of life begins with jobs. He stated there are many families in DeSoto County that depend on jobs that are provided by manufacturing and distribution. He stated that these companies represent many good jobs. He then discussed the number of jobs possible with a project such as Legacy Park. He then stated that 25 of the top companies in DeSoto County are paying approximately \$1.9 million in school taxes on an annual basis. Mr. Flanagan stated that another contributor to quality of life is a stable tax base. He stated that thanks to the Board's policies of balancing the growth and quality of life, and insuring the growth of DeSoto County will never out strip our infrastructure, the Board has created this balance and stable tax base. He stated he has not seen a property tax increase for the last ten years. He stated he sees Legacy Park being the mixed use development that will bring corporate office, research and development, advanced manufacturing and distribution and logistics. All of these are critical to our economy, which is a critical public need. Mr. Flanagan stated the balance of growth and quality of life is what the Board of Supervisors has been successful in achieving and asked that they stay the course. He then stated that sixteen families a week move into DeSoto County and if the Board had not balanced growth and quality of life that would not be the case.

A letter from Mr. Dan Wilkinson was presented and entered into the record.

Dr. Tom Hughes came forward and stated the 2030 Comprehensive Plan was enacted in 2004 to serve as a guide to DeSoto County. He stated that according the Comp Plan the White's property should be low density housing. He stated page 12 of the Plan discusses quality development. He stated that more warehouses will not increase the quality of life in DeSoto County. He also discussed where traffic will go and the location of the site to the interstate. He stated that the applicant must show a public need for this type use and he does not feel that the applicant has discussed what public need is being addressed with this development.



Dr. Hughes discussed alternative uses for the proposed site. He stated there is warehouse zoning on Polk Lane to the north of Goodman Road and now looking to rezoning the south side of Goodman Road as industrial to him is an example of “commercial creep”.

A copy of Dr. Hughes presentation is included in the exhibits.

Mr. Tony Jones, representing the White Family, stated that Hillwood Properties has done an outstanding job with planning this project and read a letter from Dr. White and it was made part of the record.

Supervisor Russell discussed for clarification some of the conditions mentioned. Supervisor Caldwell stated one condition was enhanced design and review requirements to include a design and review team to help with the design development of the entry ways and some of the buildings, the requirement of 20% of masonry on the buildings and the overall look of the park. Supervisor Russell asked if the Design Standards Ordinance addressed the percentage of a building that must have a brick façade. Mr. Haysley stated that 20% of the north facing building would be masonry. There was discussion of what type of masonry it would be. Mr. Finley stated the actual type of masonry has not been decided it will be above and beyond the tilt wall. Mr. Rodgers stated that 20% of the tilt wall on the north side of the buildings would be covered with masonry. Supervisor Medlin stated if approved a couple of people from community could be on the design review committee and suggested Michael Hatcher be on the committee. Mr. Finley stated they do not mind include someone from the community on the design review committee. Supervisor Russell stated it is agreed that the design review committee will include two members of the community.

Supervisor Russell asked which two buildings will have the 20% increase in brick façade. Mr. Finley stated the north walls of buildings 1 and 2 will have the 20% increase of masonry.

Supervisor Russell asked for clarification about the association to be developed for community assistance. Mr. Rodgers stated they are committed to setting up an association of facility managers to facilitate ways to give back to the community. Supervisor Russell asked if they would agree for someone from each of the two subdivisions (Whispering Pines and Braybourne) to sit on the committee. Mr. Rodgers stated they were fine with someone from each of the subdivisions to sit on the committee.

Supervisor Russell asked if Hillwood intends to donate two acres of land for a fire station/park/walking trail and where the 2 acres will be located. Mr. Rodgers stated the 2 acres will be located between the cell tower and Polk Lane.

Supervisor Russell stated he has heard that Hillwood is willing to set aside 50 acres of the site for someone to come in and set up an office campus. Mr. Rodgers stated they will set aside up to 50 acres for marketing as an office campus for 6 months. Supervisor Russell asked when the 6 months would commence. Mr. Rodgers stated the six months would begin as soon as the rezoning was approved. Supervisor Russell stated this would allow for Mr. Flannigan to go out and recruit a company to be in the office campus. Supervisor Russell asked where on the property the land being set aside would be located. Mr. Rodgers stated it could be anywhere on the site but they would prefer it to be on the south side of the property. Mr. Finley stated they would hold off on breaking ground on 50 acres along the road frontage, to allow for a potential office campus, for 6 months.

Supervisor Caldwell made a Motion to put all documents presented, emails and call logs as part of the record. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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|--|------------|
| 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 Russell stated he deeply appreciates the public being here to be a part of this process and that due to the community input this is a much better plan than when the process started.

Supervisor Russell made a Motion to approve Legacy Park Rezoning (728) based upon a finding, after consideration of the comments of the applicants representatives, the planning department staff, and the public and; consideration of the recommendation of the planning commission and; consideration of all the documents presented that there is substantial evidence to conclude there has been substantial changes in the character of the neighborhood and there is a public need for the zoning classification requested. Further, that the approval of the rezoning request is subject to the following conditions:

1. There shall be an enhanced design review committee and Hillwood will invite two members of the community to participate in the design theme, which then will help maintain the farms historical heritage;
2. Provide a minimum of 20% masonry and/or stone material in addition to the approved concrete tilt walls on the north facade of buildings 1 and 2, which front Highway 302;
3. As described in the staff report there shall be a staff Design Review Committee (Planning Director, Building Official, County Engineer, Fire Marshall) given the authority to approve up to a 10% variation from the following site characteristics: building setback, building height and building square footage (maximum floor to area ratio of 0.50 shall be maintained);
4. There shall be a 20% increase in landscaping along Highway 302 frontage, with not less than 25% of the landscape plants being indigenous and air quality improving plants;
5. That 50% of the trees in all buffer areas will be of a nature that improve air quality and indigenous;
6. Hillwood will form a charity committee with the Legacy Park tenant managers to meet at least bi-annually to discuss local community needs. Hillwood will invite one resident from Whisper Pines and one resident from Brayborne to be on the committee. Targeted Charity Organizations shall include, but not limited to the following: Olive Branch Food Pantry, County Volunteer Fire Department, and Olive Branch Arts Council
7. Hillwood Properties shall donate 2 acres to DeSoto County for its sole use, which may include a fire substation/park/walking trail Hillwood will not be obligated to clear the site or provide any utilities. The two acres are to front Polk Lane; and
8. Hillwood Properties shall set aside 50 acres for an office campus for 6 months and Hillwood agrees to hold off development of warehouse during this time. The 6 months shall begin to run 8/4/14.
9. Hillwood shall detain water drainage to the 2 year, 5 year, 10 year, 25 year, and 100 year storm.

Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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|--|------------|
| FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN | <u>NO</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>NO</u>  |

2. **NEW BUSINESS**

- i. **Design Standards Variance Request, Lifepointe Church – Application by Lifepointe Church for a Variance to the County Design Standards Ordinance to allow an accessory building with metal exterior siding. Property is identified as Parcel #3-07-02-03-00-0-00011-013, and is located at 50 Getwell Rd. S., on the east side of Getwell Rd. S. and south of Byhalia Rd. in Section 3, Township 3, Range 7. Zoned A-R. (District 5).**

This item was moved to the top of the agenda.

**L. 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 to recess the Board meeting until August 11, at 8:00 a.m. The motion was seconded by Supervisor Harvey Lee.

The motion passed by a vote as follows:

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|--|------------|
| 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 4<sup>th</sup> day of August, 2014, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Lee Caldwell, President  
DeSoto County Board of Supervisors