

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

DISTRICT TWO MARK GARDNER, Presiding at Opening

After Passing of the Gavel

DISTRICT FOUR SUPERVISOR LEE CALDWELL, Presiding

January 7, 2019

A. CALL TO ORDER

The January 7, 2019 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Mark Gardner, Board President.

Sheriff Bill Rasco 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 Michael Lee	District 5
Sheriff Bill Rasco	Sheriff's Department
Misty Heffner	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

B. INVOCATION

EMS Director Mark Davis presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF DECEMBER MINUTES

Supervisor Gardner asked if everyone had read over the December minutes.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to accept the minutes of the Board of Supervisors for December, 2018, as presented this date 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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit D.

E. ORGANIZATION OF THE 2019 BOARD OF SUPERVISORS: ELECTION OF OFFICERS

Supervisor Mark Gardner stated it has been an honor to serve the citizens of DeSoto County as President of the Board of Supervisors for the past year, and that it was appropriate for him to vacate the office of President.

Supervisor Mark Gardner made the motion and Supervisor Michael Lee seconded the motion to appoint Supervisor Lee Caldwell as President of the Desoto County Board of Supervisors and Supervisor Jessie Medlin as Vice-President of the DeSoto County Board of Supervisors.

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 Michael Lee, Fifth District	<u>YES</u>

Supervisor Gardner then passed the gavel to Supervisor Caldwell.

F. APPROVAL OF AGENDA: ADDITIONS & DELETIONS

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

- 1. Director of Procurement and Administrative Services Pat McLeod requested to delete the following:**
 - a. Consent Agenda - Item H.5.c. – Facilities – Cintas Uniform Rental

- 2. County Administrator Vanessa Lynchard requested to add the following:**
 - a. Add Making the New State Mileage Rate Reimbursement Part of the Minutes (Consent, H.12.)
 - b. Transportation Committee - Holly Springs Road Engineer (Old, I.9.)
 - c. Drivers License Stations (Old I.10.)
 - d. House of Grace Funding (New, K.12.)
 - e. Disposal of Garbage by Waste Connections (New, K.13.)
 - f. Human Resources – Open Enrollment (New, K.14.)
 - g. Constable Resignation – District 2 (New, K.15.)
 - h. Finance - Late Bill – Insurance (New, K.5.c.)
 - i. Code Enforcement – 4248 Huron Road (New, K.16)

- 3. County Administrator Vanessa Lynchard requested to have the following considered for Executive Session:**
 - a. Human Resources – Personnel - Salaries (Executive, L.1.h.)
 - b. Potential Litigation – Signs in Right of Ways (Executive, L.3.b.)

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the agenda items and actions with the additions, deletions, and changes as 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 Michael Lee, Fifth District	<u>YES</u>

G. CITIZENS REMARKS & PRESENTATIONS

1. Shannon Rozell – Recognition of Exemplary Service

Supervisor Caldwell stated Judge Ken Adams called and said Ms. Rozell went above and beyond the call of duty and the Board wanted to recognize her for her efforts. Supervisor Caldwell read a Resolution of Appreciation for Ms. Rozell.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to make the Resolution of Appreciation for Shannon Rozell a part of the Board minutes.

The motion passed by a vote as follows:

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

See Exhibit G.1.

2. Request to Extend Harden Cove

Mr. Swims introduced Mrs. Pearline Johnson to the Board and stated Mrs. Johnson was requesting that the County extend Harden Cove to her property line as shown on a subdivision plat. Mrs. Johnson stated her property is landlocked and they would like to have access to it to garden and possibly for her nephew to live on the property. She stated she has 30 something acres.

Mr. Nowak stated the plat shows an easement going to Mrs. Johnson's property line, and the request is for the County to accept the prior dedication of the easement and make a public road. He stated they would not go onto private property by doing so. He stated the Board would need to find such action serves the public need and put the extension of the road on the Road Register. Mr. Nowak stated he could also look at issues related to land-locked property.

Supervisor Russell stated in case of a fire on the property, a fire department would not be able to get to the property. Mrs. Johnson agreed and stated they have gone through another person's pasture in the past just to get to the land.

Supervisor Medlin said if the County does extend the road, it should be done so that a garbage truck could turn around at the end.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to look into the legalities of extending the road and have Mr. Swims get a solid cost for graveling the road and making a turn around at the end.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit G.2.

Supervisor Caldwell asked if there was anyone from the public who wished to speak on an item not listed on the agenda. No one came forward.

H. CONSENT AGENDA

1. Department of Human Resources: Monthly Health Claims Report

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

Funding Request	Date Paid	Amount	Claim Type
	Date		
	12/1/18	\$101,200.22	Administrative Fees
	12/3/18	\$69,378.17	Medical
	12/3/18	\$7,005.50	Dental
	12/3/18	\$27,040.77	Pharmacy
		\$1,885.42	RXnGO Pharmacy
	12/10/18	\$42,077.94	Medical
	12/10/18	\$3,761.20	Dental
	12/10/18	\$24,551.11	Pharmacy
		\$3,375.00	RXnGO Pharmacy
	12/17/18	\$60,226.27	Medical
	12/17/18	\$6,029.80	Dental
	12/17/18	\$27,129.80	Pharmacy
	12/24/18	\$143,789.24	Medical
	12/24/18	\$10,352.45	Dental
	12/24/18	\$25,947.83	Pharmacy
	TOTAL	\$583,750.72	

2. Office of Finance & Accounting

a. Budget Amendments – Animal Services, Star Landing Bridge Replacement/State Aid, Volunteer Fire Department, Bridge & Culvert/NRCS Projects, Ingrams Mill Schoolhouse/Park Project, County Prop & Liability Insurance (2)

		Fund/Department #	001 / 445			
(1)	Animal Services					
			YEAR TO DATE	ADOPTED BUDGET	INCREASE	DECREASE
ACCT #	LINE ITEM					REVISED BUDGET
REVENUE						
001-000-370	Animal Shelter Donations		\$ 595.00	\$ 555	\$ 40	\$ 595
EXPENSE						
001-445-698	Canine Supplies - Food		\$ 5,509.97	\$ 20,260	\$ 20	\$ 20,280
001-445-938	Heating & Air Units - Donations		\$ -	\$ 10,816	\$ 20	\$ 10,836
TOTALS			OVERALL INCREASE			\$40.00
Reason for Request:	Increase revenue and increase expenses to account for recent restricted donations given to the animal shelter.					
(Show detailed						

		Fund/Department #	170 / 382			
(2)	Starlanding Bridge Replacement - State Aid					
			YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE
ACCT #	LINE ITEM					REVISED BUDGET
170-382-550	Legal Fees		\$ 202.50	\$ -	\$ 1,000	\$ 1,000
170-999-999	Ending Cash		\$ -	\$ 680,643		\$ 679,643
TOTALS				\$ 680,643	\$ 1,000	\$ 1,000
Reason for Request:	To account for necessary project legal fees.					

		Fund/Department #	106 / 251			
(3)	Volunteer Fire Department					
			YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE
ACCT #	LINE ITEM					REVISED BUDGET
106-251-503	Cellular Telephone Services		\$ -	\$ 500		\$ 400
106-251-550	Legal Fees		\$ 1,085.00	\$ 1,085	\$ 100	\$ 1,185
TOTALS				\$ 1,585	\$ 100	\$ 100
Reason for Request:	Reallocate funds to account for legal fees from line items where money is not utilized.					
(Show detailed						

		Fund/Department #	160 / 359			
(4)	Bridge & Culvert - NRCS Projects					
			YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE
ACCT #	LINE ITEM					REVISED BUDGET
160-359-550	Legal Fees		\$ 1,947.76	\$ 2,000	\$ 500	\$ 2,500
160-999-999	Ending Cash		\$ -	\$ 3,638,399		\$ 3,637,899
TOTALS				\$ 3,640,399	\$ 500	\$ 500
Reason for Request:	Reallocate funds to account for project legal fees.					

		Fund/Department #		101 / 541			
(5)	Ingrams Mill Schoolhouse - Park Project						
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET	
101-541-550	Legal Fees	\$ 595.00	\$ 1,000	\$ 200		\$ 1,200	
101-999-999	Ending Cash	\$ -	\$ 179,533		\$ 200	\$ 179,333	
TOTALS			\$ 180,533	\$ 200	\$ 200	\$ 180,533	
Reason for Request:		Reallocate funds to account for project legal fees.					

		Fund/Department #		001 / 106			
(6)	County Prop & Liability Insurance						
ACCT #	LINE ITEM	YEAR TO DATE	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET	
REVENUE							
001-000-376	Insurance Proceeds	\$ 24,761.64	\$ 17,837	\$ 11,182		\$ 29,019	
EXPENSE							
001-106-542	Vehicle Repair & Maintenance	\$ 5,985.65	\$ 5,986	\$ 11,182		\$ 17,168	
TOTALS				OVERALL INCREASE		\$11,182.00	
Reason for Request:		Increase revenue and increase expense to account for insurance proceeds to repair 2012 Pathfinder, Sheriff's Department vehicle.					
(Show detailed justification)							

		Fund/Department #		001 / 106			
(7)	County Prop & Liability Insurance						
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET	
001-106-581	Property/Auto Deductibles	\$ 4,000.00	\$ 4,000	\$ 2,000		\$ 6,000	
001-106-599	Small Claims-Non-Insurance	\$ 2,329.62	\$ 91,000		\$ 2,000	\$ 89,000	
TOTALS			\$ 95,000	\$ 2,000	\$ 2,000	\$ 95,000	
Reason for Request:		Increase deductible line item in order to pay County owed deductible for 2012 Pathfinder, Sheriff Dept, accident involving a deer. Insurance proceeds to cover remainder of the amount owed.					
(Show detailed justification)							

b. Second Quarter Allocations

TAX ASSESSOR:

Department 103.....\$344,478.00

TAX COLLECTOR:

Department 104.....\$348,738.50

SHERIFF:

Department 200 (Sheriff Administration) \$ 325,178.50
 Department 201 (Aviation) \$ 74,692.00
 Department 202 (Patrol/Law Enforcement) \$ 3,542,521.42
 Department 216 (DUI Grant) \$ 63,745.25
 Department 220 (Custody of Prisoners) \$ 1,290,162.17
 Department 222 (Prisoners' Medical Expense) \$ 285,955.75
 Department 223 (Juvenile Detention) \$ 322,381.75
 Department 225(Search Unit) \$ 8,387.50
TOTAL SHERIFF \$5,913,024.33

TOTAL ALLOCATIONS.....\$ 6,606,240.83

3. Road Department

- a. Monthly Road Report
- b. Monthly Work Schedule
- c. Road Bond Report

4. Office of Procurement

- a. Advertisement for Re-Bid of Johnson Creek Project STP-0017-00(036) LPA 106405-701000
- b. Remove Vickie Richmann as Requisition Signer for Human Resources (001-140) & County Insurance (501-000)
- c. Add Karen Smorowski as Requisition Signer for Justice Court (001-166) & Remove Ashley Wachenschwanz as Requisition Sign for Justice Court (001-166)
- d. Remove Lorrie Bay as Receiving Clerk for DHS
001-458 One Stop Shop
001-450 Economic Assistance
001-460 Child Protection Services

5. Contract Administration – Auto Renewal

- a. Veteran Services – Veteran’s Affairs License Agreement
- b. Facilities – Baker Roof Assurance
- c. Facilities – Cintas Uniform Rental – This item was deleted from the agenda.
- d. Environmental Services – Tradebe Agreement

6. Establish as Part of the Formal Record and Enter Into the Board Minutes

- a. Order of the Department of Revenue Authorizing the County to Expend the Avails of the (1) Mill Levy for the 2018 Roll Year

7. Justice Court Monthly Report

December 2018

Criminal Cases Filed	128
Civil Cases Filed	801
Traffic Tickets Filed	752
Total Cases Filed	1,681
State Assessments	\$71,050.07
County General Fund	\$121,654.28
DPS	\$7,650.00
Total Collections	\$200,354.35

8. Inmate Meal Log Affidavit

9. Tuition Reimbursements – Administration & Human Resources

10. Chancery Clerk Allowance

11. Chancery Clerk Allowance for Copying Assessment Rolls (MS Code 25-3-21)

12. Added to agenda: Making State Mileage Rate Reimbursement Part of the Minutes

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the actions and matters as set forth in the Consent Agenda with the addition of #12 (Making the State Mileage Rate Reimbursement Part of the 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 Michael Lee, Fifth District	<u>YES</u>

Later in the meeting: Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to authorize the clerk to write the checks for the tuition reimbursements (G.9.) at the request of the Finance 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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit H.

Supervisor Medlin asked about the Chancery Clerk’s charges. Mrs. Heffner stated the payment last month was for processing Homestead Applications and this one was for taking care of the tax rolls.

Supervisor Medlin asked about the Cintas uniform contract and asked if all the Facilities employees were getting Carhart jackets. Mrs. McLeod stated she pulled that off the agenda to see about getting better prices.

Supervisor Medlin pointed out the cash reserve on the insurance information and asked who put the money into the reserve. Mrs. Freeze stated payroll cuts a check and Finance did the transfer & deposit.

I. OLD BUSINESS

1. Aerial Photography Update

IT Director John Mitchell stated he has received a contract with Sanborn Map Company that has to be signed to move forward. He stated the MOUs with the cities has not been signed and he did not know if the Board wanted to continue without the commitments from the other entities that participated in the last aerial photography. Mr. Nowak said they would have to get confirmation from all entities involved to get a firm dollar amount and then the interlocal agreements would go to the Attorney General’s office; a process of about 60 days.

Mr. Mitchell stated the overall cost is \$33,912.75; and if all the entities participated as they did the last time, the cost sharing would take the County’s portion to around \$7,000. He apologized for the timing but explained that because of the State getting the counties and company together, it has to happen quickly to get the fly over before the trees leaf out.

Mr. Nowak stated the proposed interlocal states the other entities can buy the final product from the County and the cost will be broken up by population or a set fee of \$2,500 each for DCRUA and E911. He stated the County would pay the full bill and other entities can buy in as they want.

Supervisor Russell asked if there was any commitment from the cities. Mr. Mitchell affirmed saying they agreed to participate at the last Council of Governments meeting. He stated Mr. Rob Winkler will meet with DCRUA & E911 at their next board meetings.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to authorize the Board President to sign the contract with Sanborn Map Company, authorize the Board Attorney to keep working on the project to finalize the interlocal agreements, and authorize Mr. Winkler to contact DCRUA and E911 regarding their participation.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit I.1.

2. Office of Procurement

a. Reconsideration of Vote for Asphalt Patching Machine for Bid File #19-300-007

Procurement Specialist Karen McNeil said the Board voted in December to award the bid for the asphalt patching machine. She stated they have discovered the vendor that was awarded the bid cannot deliver by July 1st. Mrs. McNeil stated the MS Code says the County must take delivery by July 1st or have a unanimous vote to accept delivery after July 1st as this is the last quarter of the Board’s term. She asked the Board to reconsider their vote to determine whether the purchase is necessary and essential to the efficiency and economy of the operation of the county and have a unanimous vote to be able to purchase this piece of machinery for the Road Department.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to reconsider the previous vote to purchase the asphalt patching machine.

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 Michael Lee, Fifth District	<u>YES</u>

Supervisor Medlin asked when the delivery could be made. Mrs. McNeil said it would probably be sometime in July or August.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to purchase the asphalt patching machine from Thermolay on bid file #19-300-007 finding it to be essential to the efficiency and economy of the County business and accept delivery after July 1, 2019.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit I.2.a.

3. Personnel Manual Rewrite

a. Definition of Immediate Family

b. Approval of Chapters 1-9

c. Safety Sensitive Positions

Supervisor Caldwell asked what the recommendation of the committee was. Supervisor Russell said the committee did not come up with a recommendation. Mrs. Lynchard stated the committee wanted to show the Board the list of definitions for ‘immediate family’ before making a final decision. She said the SHRM for Sick Leave Policy seems to be logical; and the Board could make it more restrictive if they wanted.

Supervisor Russell asked if the same definition would carry throughout the manual. Mrs. Lynchard said it appears you can use different definitions for different areas.

Mrs. Lynchard stated she has not been over the safety sensitive positions with Supervisor Gardner.

Supervisor Caldwell said she would like to study the definitions a little more. No Board action was taken.

See Exhibit I.3.a. & I.3.c.

4. PIO Responsibilities

Mrs. Lynchard handed out a proposed job description. The Board discussed the position some and decided the committee needed to get back together with the Board's input and bring a recommendation back to the Board.

See Exhibit I.4.

5. Olive Branch Annexation

Supervisor Caldwell recognized the citizens in the audience that were present to hear about the proposed annexation. She reminded the audience this is not a hearing and they will keep the discussion to a minimum. She said this Board is willing to hear what the people have to say.

Supervisor Lee stated the proposed annexation by the City of Olive Branch is of interest to a large group of people. He said people are asking what the Board of Supervisors is going to do about it. Supervisor Lee said he has attended several HOA meetings, and there are a lot of unanswered questions. He stated trying to get information out to 50 square miles of people is difficult. Supervisor Lee said he, Supervisor Medlin and Supervisor Gardner are very concerned as this involves all three of their districts. He stated he wants to know what the County's involvement can be from a legal standpoint and he wants the citizens to understand that as well.

Supervisor Lee said he understands annexation if there is a need; and there are probably some areas in Mississippi that could benefit from annexation. He stated DeSoto County is a unique situation as there is already a sound infrastructure in place with great law enforcement and well maintained roads; things that are already in place and working well. Supervisor Lee stated the County has volunteer fire departments that he would put up against any paid fire department around. He said he does not see the need for this annexation.

Supervisor Medlin said he has spoken with some of the legislators about the annexation, and he feels cities should take care of their own business before getting into someone else's. He said Olive Branch has a lot of problems they need to take care of. Supervisor Medlin pointed out that annexation was meant to take in areas to benefit the citizens. He said the County has sound zoning ordinances, owns the sewer system, has one of the best Sheriff's departments in the country, has some of the best road building plans in place with some for which they are about to turn dirt, as well as other things. Supervisor Medlin said he felt the legislators need to step in and take care of some old laws. He said he thought that annexation should be a referendum to let the people involved, as well as the people currently in the city, decide if it is needed.

Supervisor Caldwell said the Board of Supervisors represents the people and they want the people to have a voice. She said the people in the proposed annexation area don't have a voice. She agreed with Supervisor Medlin about seeing if anything could be done with legislation. She also pointed out that this annexation could put some hardships on the people within the city limits as resources will be stretched.

Supervisor Lee said in talking about what the County has available, they could go on and on. He stated the County's recycling and garbage programs are the best in the state according to MDEQ. He also expressed concern about the people having a voice.

Mr. Mark Dickey, 4868 Bakersfield Drive, Nesbit said he is the spokesperson for a group currently formalizing an organization of the unincorporated areas of DeSoto County. He said they are reaching out to all the HOAs in the affected area which represents about 3900 citizens; but that leaves about 1000 people not represented. Mr. Dickey said they are trying to find out what the City of Olive Branch stands to gain, and what the people in the area stand to gain or lose. He thanked Supervisor Lee for his service to the citizens of District 5 and the time he has spent to listen to their concerns.

Mr. Dickey said their group feels the City of Olive Branch stands to gain more financially than the citizens will gain services from the city. He said the Sheriff's Department is always quick to respond and the Bridgetown, Lewisburg, and other fire services in the area are outstanding. He pointed out that 50 square miles is a huge area and there are presently areas where Olive Branch provides services such

as water and gas where the citizens have problems. Mr. Dickey said their group would like to work with the Board attorney and perhaps have an MOU with the Board. He said they want to help, support and stand by the Board of Supervisors.

Mr. Tim Curtis, 2382 Fletcher Cove in Grassy Pond Subdivision came forward and thanked the Board for assisting residents in his area. He stated this annexation will affect the entire County because of the changes in the tax base. He said Grassy Pond loses gas pressure when temperatures get in the mid 20's and they are served by the City of Olive Branch.

Board Attorney Tony Nowak stated the Board has voted to file an objection to the annexation by the City of Olive Branch and he will be representing the Board in that respect. He stated he has that objection ready to file. He said the Board is limited with respect to representation of HOAs, or private individuals. Mr. Nowak stated all the objectors will be looking at the same 12 factors the Judge will look at; and it is not uncommon for objectors to work together. Mr. Nowak stated if the group hires an attorney, he would be working closely with them and any other attorneys who represent opposition to the annexation, and such cooperation is a common practice.

Supervisor Gardner stated the County has pulled together a lot of data and they would share it with the other objectors.

Sheriff Rasco noted that all the law enforcement departments within the County are short handed. He said if Olive Branch gets this annexation, they will have to hire 35 officers and it would take them about 2 years to hire that many. Supervisor Caldwell asked if the officer shortage was due to not having a pool to hire from. Sherrif Rasco affirmed and said the shortage of people wanting to go into law enforcement is critical. Mrs. Lynchard said Shelby County and Memphis are saying they have the same problem.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the Board Order, presented by the Board Attorney, to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak file a formal objection to the proposed annexation by the City of Olive Branch.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit I.5.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to work with legislators to propose legislation that possibly requires a referendum for future annexations.

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 Michael Lee, Fifth District	<u>YES</u>

6. Alignment of Pleasant Hill & Getwell

Supervisor Caldwell said they have been getting some questions from landowners at this intersection. She stated the County is submitting this project to MPO for funding and there was a significant price difference if the alignment was included. Supervisor Caldwell said they met with the Mayor and some Aldermen from Hernando and the city is in agreement to move forward with this project.

Mr. Tracy Huffman handed out the preliminary drawing they will put forward with the TIP application showing a 3-lane widening with left turn lanes in all directions and signalization based on the traffic

warrants. He stated the dashed line shows what the intersection could look like if Getwell were widened to 5 lanes.

Supervisor Russell asked if the County will have to acquire right of way. Mr. Huffman stated they are still working to determine that, but it looks like right of way already exists.

Supervisor Caldwell said they went with the 3-lane proposal to try and complete the project through the MPO and keep the costs down to their limits.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to authorize Mr. Huffman to submit the 3-lane proposal to the MPO 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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit I.6.

7. Agri Ed Complex Update

Supervisor Caldwell said the AgriEd Committee had a good meeting with the architects; Shaffer, Zahner & Zahner. She stated they were so pleased with the work of the committee and the ideas presented they are ready to present a contract and begin architectural drawings. Mrs. Lynchard stated she received the contract and Mr. Nowak had made a few changes.

Supervisor Lee stated they talked about everything that would be on that property included an AgriEd center with an arena, ball fields, tennis courts, parking, RV parking, and more. Supervisor Caldwell said Mr. Schaffer talked about prioritizing the costs and only doing what the County can afford. She said once they get some cost estimates, the Board can decide what they want to move forward with.

Mrs. Lynchard stated Schaffer, Zahner & Zahner will not charge for travel time and they committed to be on-site once a week during the project.

Supervisor Caldwell said she will be meeting with the Armory representatives and asking them to pay for moving the utilities. She said the whole project site needs to go in tandem to be sure utilities are set in place for everything that is planned.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to move forward with the AgriEd project and authorize the Board President to sign the AIA contract with Schaffer, Zahner & Zahner with the changes Mr. Nowak made.

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 Michael Lee, Fifth District	<u>YES</u>

8. Love Station Road Update

Supervisor Lee stated he is still getting complaints about heavy vehicles coming through the subdivision. Supervisor Russell said weight limits do not have to be posted in order to be enforced. Mr. Nowak stated if the road is being damaged the Board can take action. He suggested revising the heavy haul ordinance to include language to keep the road free of debris, silt, etc. on their bond. Road Manager Andy Swims stated Mr. Sanders could possibly be made to post a bond if he is operating a business from the back of the subdivision. Mr. Nowak said he could look at the regulations if the Board wanted.

Supervisor Lee said the property adjacent to the Scott property has sold. Planning Director Bennie Hopkins said a home is being built on Smokestack where the road is still dirt.

Mr. Nowak stated they have a legal description of where the road extension will go. He said there were some discrepancies with the title and legal description, but all that is being worked out.

Supervisor Michael Lee made the motion and Supervisor Lee Caldwell seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to look into the issues with the subdivision roads related to the heavy hauling coming from the construction business being operated on the adjacent property

The motion passed by a vote as follows:

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

9. Transportation Committee – Holly Springs Road Engineer

Supervisor Caldwell stated they have been in close contact with MDOT regarding the BUILD grant and the committee has a recommendation. She stated they have also applied for the Emergency Road & Bridge Fund to help with Holly Springs Road. Supervisor Caldwell stated Waggoner Engineering cannot confer with MDOT until the Board authorizes them to serve as the County’s engineer.

Supervisor Medlin asked if Mr. Huffman thought the County could pay for phase 2 with Federal money. Mr. Huffman said that is the goal.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the contract with Waggoner Engineering, as presented, to begin engineering on phase 2 of Holly Springs Road and pay C&I & PE for phase 2 in order to expedite the process.

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 Michael Lee, Fifth District	<u>YES</u>

Supervisor Michael Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve the resolution approving the professional engineer selection of Waggoner Engineering, Inc for the Holly Springs Road project and authorize the Board President to sign the resolution.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit I.9.

10. Drivers License Locations

Mrs. Lynchard stated citizens are still complaining about the service at the Driver’s License stations. She said Tammy Hall blames the problems they are having on their computer system. Mrs. Lynchard stated Facilities went to Olive Branch to do some building maintenance and there was a line of people outside but plenty of room inside. She said the Driver’s License employees said they could not let people in if they did not have a chair to sit in. Mrs. Lynchard said the Facilities employee made a call

and Facilities took 30 chairs over there and set them up and people were allowed in to come in and sit down.

Mrs. Lynchard said Ms. Hall said it takes about 20-25 minutes per person to get a license renewed with their new system. She said she received a message today from someone at the Batesville office to call; but no one in the department seemed concerned about the problems.

Supervisor Gardner suggested the Board members that are going to MAS next week in Jackson could go meet with Marshall Fisher to discuss what can be done to improve the service.

Supervisor Caldwell said Rep. Foster said he was going to try to get something done legislatively.

J. PLANNING

1. PUBLIC HEARING – 9:30 a.m.

Supervisor Gardner made the motion and Supervisor Lee seconded the motion to open the Zoning Ordinance Amendment Public Hearing advertised for this day.

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, MICHAEL LEE	YES

- i. Zoning Ordinance Amendment – The DeSoto County Board of Supervisors will consider amending Article V, Paragraph 2, Sections C 11 & 12 of the DeSoto County Zoning Ordinance regarding mobile homes and regarding extraction of minerals including sand and gravel, respectively, to change the dates to read December 31, 2019.**

Mr. Hopkins presented the request to amend Article V, Paragraph 2, Sections C 11 & 12 of the DeSoto County Zoning Ordinance regarding mobile homes and regarding extraction of minerals including sand and gravel, respectively, to change the dates to read December 31, 2019.

Supervisor Medlin asked if the Zoning Ordinance update will have the same amount of Agricultural zoned property. Mr. Hopkins stated that the change would be most A-R zoned property being recategorized with Residential Estate zoning.

Supervisor Caldwell asked if there was anyone to speak for or against this item. There was no one.

Supervisor Medlin made a Motion and Supervisor Lee seconded the Motion to amend Article V, Paragraph 2, Sections C 11 & 12 of the DeSoto County Zoning Ordinance regarding mobile homes and regarding extraction of minerals including sand and gravel, respectively, to change the dates to read December 31, 2019.

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, MICHAEL LEE	YES

Supervisor Lee made the motion and Supervisor Medlin seconded the motion to close the Zoning Ordinance Amendment Public Hearing advertised for this day.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

2. OTHER

a. Legal Authorizations

i. 5251 Williams Road

Mr. Hopkins stated that the Conditional Use for this address has expired and the lot which is part of a major subdivision was subdivided without approval. He stated that property has been sold and was purchased to be used as a rental property. Mr. Cardosi stated that when staff was made aware that the property was for sale, they contacted the real estate agent to let them know that the mobile home on the property would have to be removed and that the owner will need to address the subdivision of the lot. He then stated that the agent made the buyer aware of this and the buyer still left the mobile home on the property and is remodeling it to rent.

Supervisor Caldwell made the motion and Supervisor Lee seconded the motion to authorize Smith Phillips law firm to take the appropriate legal action on 5251 Williams Road concerning zoning violations.

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, MICHAEL LEE	YES

ii. 875 Cedar Ridge Cove

Mr. Hopkins stated that the structure on the property at 875 Cedar Ridge Cove has been built without the proper permits and was built out of conformance.

Supervisor Lee made the motion and Supervisor Gardner seconded the motion to authorize Smith Phillips law firm to take the appropriate legal action on 875 Cedar Ridge concerning zoning and building code violations.

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, MICHAEL LEE	YES

iii. 8408 Hwy 51

Mr. Hopkins stated that a restaurant is being operated at 8408 Hwy 51 without any building permits being issued.

Supervisor Lee stated that he understands that the operator came in and made application for the restaurant but has not been issued the permits needed. Mr. Hopkins stated that is correct.

Supervisor Lee made the motion and Supervisor Gardner seconded the motion to authorize Smith Phillips law firm to take the appropriate legal action on 8408 Hwy 51 concerning zoning and building code violations.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

b. 6321 Spring Creek Road – Abandonment of Property

Mr. Hopkins presented a request authorization for the Board President to sign the necessary paperwork to release the right of way property adjacent to 6321 Spring Creek Dr.

Supervisor Gardner made the motion and Supervisor Lee seconded the motion to authorize the Board President to sign the necessary paperwork to release the right of way property adjacent to 6321 Spring Creek Dr., the Board having previously determined the dedication of the right of way had never been accepted by the County.

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, MICHAEL LEE	YES

See Exhibit J.

K. NEW BUSINESS

1. Approval of Appointment by Board of Supervisors – County Office Positions

- **Requisition Clerks & Receiving Clerks Approved on Consent Agenda as Changes Are Needed**

Mrs. Lynchard went over the list of County Office Positions that the Board appoints.

A vote was taken after the items in K.4. were reviewed, in conjunction with appointment to boards and commissions.

See Exhibit K.1. - K.4.

2. Approval of Bonds of Elected Officials as Presented by Chancery Clerk

Chancery Clerk Misty Heffner stated she has received the bond for the new Coroner, Josh Pounders and it has been filed appropriately. Mrs. Heffner said she needed to get Stephanie Hanks, Bryan Riley and Sissie Ferguson in Accounting bonded individually as well.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to authorize securing the bonding of Stephanie Hanks, Bryan Riley and Sissie Ferguson in Accounting.

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 Michael Lee, Fifth District	<u>YES</u>

3. Resignation of District 5 Planning Commissioner

Supervisor Lee stated Mr. Tom Hunt had resigned his position as a District 5 representative on the Planning Commission.

Supervisor Michael Lee made the motion and Supervisor Mark Gardner seconded the motion to accept the resignation of Mr. Tom Hunt as a District 5 representative on the Planning Commission.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.1. – K.4.

4. Appointments to Boards and Commissions

The Board went through the Appointment Directory and reviewed making the following changes:

- EEOC Officer – Carla Crockett, HR Director
- Agri Education Exploratory Committee – Disband entire committee
- Nesbit Fire District – Supervisor Caldwell asked to table
- Keep DeSoto County Beautiful – Supervisor Gardner asked to table Dist 2 appointment
- City of Southaven MR Davis Library – Supervisor Gardner asked to table
- City of Horn Lake MR Dye Library – Supervisor Caldwell asked to table
- North Delta PDD Board – Take off Supervisor Gardner, Add Supervisor Caldwell
- Planning Commission – Table Dist. 2 & Dist. 5 open positions
- Workforce Investment Board of Directors – Change to Supervisor Caldwell

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve all reappointed positions and newly appointed positions with the changes noted 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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.1 - K.4.

5. Office of Finance and Accounting

a. Budget Amendment – Community Foundation Grant – Youth Mentoring Program

Mrs. Freeze stated Grant Administrator Bryan Riley has been working with Joy Smith who works for Judge Treadway. Mrs. Freeze noted Ms. Smith’s salary is funded through the Vista AmeriCorps Grant. Mrs. Freeze stated Accounting has been carrying forward \$2,206.37 left over funds from a Community Foundation Grant for youth mentoring. She stated Ms. Smith is over that program and has given permission to used those funds in the County’s youth mentoring program. Mrs. Freeze stated Ms. Smith had a vision of what the funds could be used for and she put Ms. Smith in contact with Pat Sylvester as they are trying to accomplish some common things.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the budget amendment moving the funds from ending cash, where it has been carried year to year, into the Youth Mentoring Program fund.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.5.a.

b. Claims Docket

Chief Financial Officer Andrea Freeze presented a page by page declaration of the Claims Docket. Deputy Clerk Stephanie Hanks brought invoice documentation to address any questions.

Supervisor Jessie Medlin asked about the following:

Page 28 – Crescent Medical – Ferno – Supervisor Gardner said Ferno is a brand of stretchers. The invoice showed two stretchers for coroner’s office. Mr. Nowak stated that the coroner bought the van to carry out his duties and that the county can provide supplies for it. Supervisor Caldwell stated that there is money in the budget for the coroner.

Page 24 James Franks – Lunacy cases – Supervisor Medlin asked if there was a set amount every month? Mrs. Hanks said yes, the judge just did a new order to continue paying Mr. Franks. Mrs. Lynchard stated the Judge reviews the cases to see how many they do per year.

Supervisor Mark Gardner asked about the following:

Page 43 – A to Z Advertising – Supervisor Gardner asked if Mr. Nichols was still over Search and Rescue and how many volunteers they had. Sheriff Rasco stated that there are about 50. He said Mr. Nichols is doing a great job. He bought raincoats and shirts, etc. for the volunteers to use.

Page 48 – EMA - Camper City USA, Inc. –The invoice showed Sportsman Winch for trucks, installation and window tint. Mrs. Freeze stated that is for the 2 new trucks.

Page 69 – G & W Diesel Service – The invoice showed Paratech structural equipment for collapse of buildings, etc.

Page 79 – Positive promotions – The invoice showed Flag Lapel pins for promotional purposes and 18 duffel bags from fire code adoption funds. Mrs. Hanks said it went through procurement. Mrs. Freeze said they would check on that.

Page 85 – State Line Turf – The invoice showed chains for saws. Mr. Swims said they keep stock at the shop.

Page 86 – Coop – Muck boots – Mr. Swims stated he has two new employees, Copous & Adair . One employee, Mr. Starkey had old boots with holes and had to be replaced.

Page 92 – MH Corbin – Over \$5,000 – Mr. Swims said that these were traffic counters.

Page 81 – Southwest Ambulance Sales – Mrs. Freeze stated that there were two different funds used to pay for one ambulance. Capital purchases was for the ambulance and EMSOF purchased equipment. Two funding sources.

Page 96 – Lori S. Karas and Brenda Wyatt refunds for insurance. Mrs. Hanks stated their insurance status changed.

Supervisor Russell had no questions.

Supervisor Caldwell had no questions.

Supervisor Lee had no questions.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to authorize the Chancery Clerk to pay the bills ,except for the lapel pins on page 79, 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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.5.b.

c. Late Bill - Insurance

Mrs. Hanks informed the Board that the Sheriff’s Department made an arrest and during that arrest a cell phone was lost. The Sheriff said he addressed this with his employees.

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to pay the late bill with the insurance company for the lost phone.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.5.c.

6. Contract Administration

a. Facilities – Schindler Plus – Prepayment – Signature Required

Mrs. McLeod stated this is a renewal for the maintenance contract on 5 elevators located in DeSoto County buildings. She stated the Board made a finding of fact in 2017 to establish the prepayment and the yearly obligation is \$10,800.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the prepaid contract with Schindler Plus in the amount of \$10,800 paid yearly; finding them to provide an immediate and necessary service to the County and have a proven ability to provide the service; and authorize the Board President to sign the contract.

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 Michael Lee, Fifth District	<u>YES</u>

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b. Facilities – Cummins - Prepayment

Mrs. McLeod stated Mr. Jarman has combined all 14 generators in the County on one contract and the total yearly obligation is \$13,737.74. She stated this covers service & inspections of all the generators twice per year and it is not a prepayment, but is paid in arrears after each unit is checked.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract with Cummins for \$13,737.74 total yearly obligation and authorize the Board President to sign.

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 Michael Lee, Fifth District	<u>YES</u>

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c. Justice Court – Universal Collections

Mrs. Lynchard stated the intention of Justice Court Clerk Pat Sanford is to operate with both collection companies for a while to be sure this one will be flawless. She said he has been working with Universal Collections for a while to come to terms he is satisfied with.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract with Universal Collections for Justice Court and authorize the Board President to sign.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.6.c.

7. Road Department

a. School Bus Turnaround Requests – Clifton Road & 8858 Old Hwy 61

Mr. Swims presented pictures of the requested school bus turnarounds. He stated both sites required very little maintenance.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the repairs to the school bus turnarounds at the end of Clifton Road & at 8858 Old Hwy 61 as requested by the Board of Education.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.7.a.

8. Recognition of State Proclamation of Martin Luther King, Jr./Robert E. Lee Holiday – Monday, January 21, 2019

Mrs. Lynchard said the Secretary of State has published the State’s recognition of Monday, January 21, 2019 as a state holiday.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to recognize Monday, January 21, 2019 as a holiday and County offices will be closed.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.8.

9. Public Service Commission – Broadband Resolution

The Board had a conference call with Commissioner Brandon Presley to clear up a few concerns. Mr. Nowak noted that in Section 5 the resolution said no local authority could regulate facilities or services of broadband; but facilities would be a concern as it would be in the County’s right of way. Mr. Presley stated that language was not intended to take away any authority of the counties and would be amended. He suggested the Board could adopt a resolution to say they support the Broadband Resolution consistent with the public interest of the County. He said there was no intent to take away the County’s ability to exercise their legal duty and process for right of way.

Mr. Nowak asked if the County would be allowed to negotiate franchise fees. Mr. Presley said the existing capability would remain the same; and this bill would in no way change the nature of what the County is doing currently with any other provider.

Mr. Nowak asked if any other county had drafted a more generic form of the resolution that was suggested. Mr. Presley said everyone so far has passed the one he sent. He said they were fine with DeSoto County drafting one.

Supervisor Medlin asked if fees would be regulated through the Commissioner's office. Mr. Presley said fees would be regulated through the local board as Federal law preempts his office from that.

Supervisor Caldwell thanked Mr. Presley for answering their questions. The call ended.

Supervisor Russell said he felt like they also needed to send a letter to the legislative delegation.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to draft a resolution similar to the sample Commissioner Presley's office sent subject to the County's regulations and send a letter to the legislative delegation outlining the Board's concerns with the language.

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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit K.9.

10. Robinson Gin – Ingress/Egress

Supervisor Lee said he received a call about re-zoning on Robertson Gin Road and drove out to see where it was. He stated the section is within the city limits and the City of Hernando is proposing a rezoning there to allow an R20 subdivision. He said 97 homes on 70 acres is proposed. Supervisor Lee stated this is surrounded by County property and the citizens don't want it because it does not go with the character of the neighborhood. He said the County has not been contacted about deceleration lanes or the ingress/egress to the neighborhood onto a County road.

Mr. Swims stated they did some traffic counts at the proposed site and there were several cars in excess of 75 mph. Supervisor Lee said the surrounding properties are 40 acres, 80 acres and Green Village where the smallest lot is 1.5 acres, and most are over 2 acres. He said the residents are fine with 1.5 or 2 acre lots, but these R20 lots are 2200 square foot lots.

Supervisor Medlin stated the traffic count was really not accurate because school was not in session for part of the week.

Mr. George Ready stated everybody in the area is against this. He said the developers are not planning to have an ingress/egress on Oak Grove Road; but plan to take all the traffic out to Robertson Gin in a narrow, winding area of road.

Mr. Medlin noted that part of the development is in the floodplain and if it is built up it will affect the drainage off the property onto surrounding properties.

Supervisor Russell suggested sending a letter of notification to the City of Hernando stating the Board of Supervisors objects to the entrance and exit to this subdivision and insist on being a part of the solution. Supervisor Caldwell said if this was a County subdivision the Board would require a deceleration lane. Mr. Swims stated they only have about 300 feet of frontage and then they would have to get on another landowner's property.

Supervisor Lee stated they need another traffic count now that school is back in session. He asked Mr. Nowak if the County could deny access. Mr. Nowak said he would have to research that. Mr. Ready stated they have access to a city street, Oak Grove Road. Mr. Bennie Hopkins stated this subdivision is all pending the City Engineer's review for the City of Hernando and they may require another access.

Supervisor Lee said he did not want residents of 97 homes to start driving through Green Village. He compared this to Williams Ridge where the Board had the developer take out 2 exits to keep the traffic off Windemere.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board Attorney to assist the Planning Department with writing a letter to the City of Hernando Planning Department noting the Board's concerns with this development.

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 Michael Lee, Fifth District	<u>YES</u>

Supervisor Michael Lee made the motion and Supervisor Bill Russell seconded the motion to authorize the Board Attorney to research the Board's authority to deny access to Robinson Gin Road.

The motion passed by a vote as follows:

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

11. Yearly Approval to Travel

- a. **Board of Supervisors** – Annual regularly scheduled meetings for: MPO, MDOC Task Force, North Delta PDD, MAS Day Trips & Conferences, MAS Education Committee, MAAG, Keep MS Beautiful, MS Recycling, MODT, Legislative Day Trips, Economic Development, MS Partnership Local Workforce Development, Corps of Engineer Projects, Congressional Briefing Meeting in Washington, D.C.
- b. **County Administrator &/or Road Manager** - Annual regularly scheduled meetings for: MDOT, Legislative Day Trips, MACAC or MARME Day Trips & Conferences, Economic Development, Corps of Engineer Projects, Assoc. of Floodplain Managers Conference
- c. **Board Attorney** – Annual Regularly scheduled meetings for: Economic Development, MAS Trips & Conferences, Legislative Trips, Corps of Engineers Projects

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the yearly travel for the Board of Supervisors, County Administrator, Road Manager and Board Attorney 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 Michael Lee, Fifth District	<u>YES</u>

12. House of Grace Funding

Supervisor Russell said he had been approached about some financial difficulties that the House of Grace is experiencing. He requested the Board authorize the Chief Financial Officer to do an informal audit of the House of Grace to get a good financial picture of where they are to be able to help them in the future. Mr. Nowak stated the Board has the authority to audit any entity that they allocate money to.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to

authorize CFO Andrea Freeze to call House of Grace and set up a time to do an informal audit.

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 Michael Lee, Fifth District	<u>YES</u>

13. Disposal of Garbage by Waste Connections

Environmental Services Director Ray Laughter stated Mrs. Stacy Michaels from Waste Connections reached out because Waste Connections did not finish running a city route until late on Saturday after Christmas and the South Shelby landfill was closed. He said they took the garbage to their transfer station and then hauled to Walnut. He stated they are asking for reimbursement for disposal costs at County’s rate to South Shelby.

Mr. Nowak stated he would have to look at the contract and if that was not specifically stated, the County could not reimburse the fees.

Supervisor Medlin asked for more specifics. Ms. Michaels said they had to take about 10 to 12 loads to Walnut, MS. Mr. Laughter said they want to be sure this does not happen again with another holiday coming up.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to look at the contract with Waste Connections and see if the County can legally reimburse any costs to Waste Connections.

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 Michael Lee, Fifth District	<u>YES</u>

14. Human Resources – Open Enrollment

Human Resources Director Carla Crockett presented the dates, times, and locations of the open enrollment meetings. No Board action was taken.

See Exhibit J.14.

15. Constable - District 2

a. Resignation of Josh Wilson

Supervisor Gardner reminded the Board that he had mentioned in December that Constable Wilson was moving out of District 2. He stated Mr. Wilson has submitted his resignation letter effective today.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to accept the resignation of Constable Josh Wilson from District 2.

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 Michael Lee, Fifth District	<u>YES</u>

b. Appointment of Mitzi Hodge

Supervisor Gardner stated Mrs. Mitzi Hodge is a certified law enforcement officer and has experience with the Southaven Police Department. He stated Mrs. Hodge meets all the qualifications and is willing to serve. Supervisor Gardner stated Mrs. Hodge is highly recommended by Steve Pirtle, Macon Moore, Josh Wilson and Bobby Holloway.

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to appoint Mitzi Hodge to fill the District 2 Constable’s term through the end of 2019.

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 Michael Lee, Fifth District	<u>YES</u>

Supervisor Caldwell expressed her appreciation to Supervisor Gardner for his efforts in getting this position filled.

Supervisor Medlin stated he voted against this because Ms. Hodge has qualified to run for the position and he did not know if there was anyone else who wanted to come forward.

Supervisor Gardner said Mrs. Hodge will be bonded and have a swearing in and Constable Holloway will help with the process.

16. Code Enforcement – 4248 Huron Road

Supervisor Lee said he added this because he got a call on this property and all the contents of the house were in the front yard. He said he turned it over to Environmental Services and when they went out there this afternoon the yard was completely cleaned off so no action was needed.

K. EXECUTIVE SESSION

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

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to recess the Board meeting until Monday, January 14, 2019, at 8:00 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 Michael Lee, Fifth District	<u>YES</u>

THIS the 4th day of February, 2019, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Lee Caldwell, President
DeSoto County Board of Supervisors