

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

DISTRICT TWO MARK GARDNER, PRESIDING

February 12, 2018

A. CALL TO ORDER

The February 12, 2018 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Mark Gardner, Board President.

Deputy Bruce Holbrook 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 By Phone
Supervisor Michael Lee	District 5
Sheriff Bill Rasco	Sheriff - Absent
Misty Heffner	Chancery Clerk
Vanessa Lynchard	County Administrator
Sam Barber	Board Attorney

B. INVOCATION

Supervisor Mark Gardner presented the invocation.

C. PLEDGE OF ALLEGIANCE

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

1. Ray Laughter asked to add an Emergency Purchase to new business.
2. Supervisor Michael Lee asked to add discussion regarding an email he received over the weekend to new business.
3. Supervisor Jessie Medlin said he Andy Swims has an item to discuss under new business regarding beaver dams.
4. Supervisor Caldwell asked to add to old business, an update regarding HB1122
5. Supervisor Jessie Medlin asked to add an item to executive, Personnel Justice Court.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the agenda as amended.

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>

D. OLD BUSINESS

1. Update to House Bill 1122

Supervisor Lee Caldwell stated she would like to have the Board attorney work on HB 1122.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion for Board Attorney to work with the legislators to seek an amendment to HB 1122.

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>

E. NEW BUSINESS

1. Emergency Purchase

Ray Laughter explained to the Board of Supervisors the details of the accident that happened Friday afternoon at the Eastern Maintenance Plant. He said about 900 gallons of oil spilled out onto the ground, gravel and pavement. Mr. Laughter stated United States Environmental Services (USES) came out Friday to the site and estimated the cost to clean up the oil spill to be \$5,500 or less.

Supervisor Gardner commended everyone for their quick response to the spill and praised everyone for working together to contain the area.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the emergency purchase up to \$5,500 as quoted by USES and Board President to sign the agreement with USES.

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 E.1

2. Request for Consideration of Recognition – Lewisburg Fire Department

Supervisor Michael Lee discussed an email he received from Supervisor Gardner regarding David Linville and his years of service to Lewisburg Fire Department.

Supervisor Lee suggested a plaque to go on the building. There was discussion regarding other Fire Chiefs and their length of service.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve a plaque and a resolution to honor Chief Linville. Supervisor Bill Russell asked for further discussion. NO VOTE was made at the time of the motions.

Supervisor Russell asked what wording would be on the plaque.

Vanessa Lynchard stated she would need to check with the attorney to see if the Board could buy a plaque.

Supervisor Michael Lee withdrew his motion.

Supervisor Jessie Medlin suggested for Vanessa Lynchard to take this to the Fire/EMA committee to see what they suggest because the County has several Chiefs with as many years of service.

The Board referred this to the Committee.

3. Beaver Dam

Road Manager Andy Swims said Mr. Charles Kelsey contacted him about the beaver dam problems located behind his house located at 5191 Flynn Rd. Mr. Swims provided maps, GIS mapping and photos of the ditch behind Mr. Kelsey's house. Mr. Swims stated the property is located in the city limits of Olive Branch but they have not maintained the ditches.

Supervisor Medlin said Mr. Kelsey had called a year or two ago about the same problem. Supervisor Medlin said we called Olive Branch and told them to get this done to prevent further erosion.

Mr. Swims said the dam is causing water to dump into Nail Road and Flynn Road. He said he's been out there when the water has been really high.

The Board discussed the option for the County to get rid of the beavers and the City to clean up the ditches.

Mr. Barber said it looks as all this is private property.

Supervisor Gardner asked if Andy had pictures of water going over the road and crossing into the County. Andy said he didn't have pictures of water going over the road but showed the board picture of the high water from last week.

Supervisor Medlin said this ditch goes up Nail Road and Pleasant Hill and suggested Andy to get with the Board Attorney to see what the county can do. Supervisor Medlin asked Andy to get with the homeowner to get pictures when the water goes over the road.

Andy Swims said the beavers can be trapped but they will be back if the City of Olive Branch does not maintain the area.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion for Road Manager to contact owner for more pictures, and to see if the City of Olive Branch will agree to maintain and clean up the ditch.

The motion passed by a vote as follows:

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

Exhibit E.3.

4. Liberty Estates Parking Violation

Planning Director Bennie Hopkins said there is a home owner in Liberty Estates subdivision that is in violation of a court order stating no large trucks are allowed to be parked or brought into the subdivision.

Supervisor Bill Russell made the motion and Supervisor Mark Gardener seconded the motion to approve the Board Attorney to send a letter to the homeowner, if necessary, and proceed to court if needed.

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>

F. PLANNING

1. Zoning Ordinance Discussion

Mr. Hopkins presented the definition portion of the draft Zoning Ordinance. He stated staff wanted to make sure there are definitions to match the items in the use chart.

Country Store – Mr. Hopkins stated this use is usually only seen in the “A” Agricultural zone. There was discussion about the difference between a country store vs. a convenience store. In the updated ordinance the definition for country store states that it serves a sparsely populated area. Discussion as to whether there is a difference between a country store and retail business.

Country Club – feels that the definition may conflict with a private club. Ask CMPD to look into the definitions.

Supervisor Russell stated the definition for the Residential Development Agreement may need to be added. Mr. Cardosi stated that it can be added to the update.

Dirt Track Racing – should be better defined, should also add BMX and 4-Wheelers. Need definition for Motocross. If a Conditional Use will be able to place conditions on the use

Dwelling – need to strike cabin as not included out of definition

Dwelling, Patio vs. Dwelling, Zero Lot Line – may only need one definition. Feel like the two are the same definition

Elderly Housing – How can it be enforced? Need to strike retired from the definition, maybe disabled and works from home on a computer. What happens when built as elderly housing but later turns into an apartment complex.

Elderly Housing, Congregate Care Facility – concerned about the age of 60 in the definition.

Evaluation Criteria – strike this definition

Event Center – need to combine definition with Banquet Hall definition

Farm – discussion of House Bill 1122, definition probably needs to be left alone

Fence – discussion of when fences around pools are required

Floating Zone – strike this definition

Flood, 100-Year – may want to add a definition of the Flood Ordinance

Garage Apartment - there was discussion of when does it become a separate dwelling; Supervisor Medlin stated it should be attached to the primary residence.

G. EXECUTIVE SESSION

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

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to recess the Board meeting until February 20th at 9:00 a.m.

The motion passed by a vote as follows:

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

This the 12th day of February, 2018, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Mark Gardner, President
DeSoto County Board of Supervisors