

**DESOTO COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING MINUTES**  
**DISTRICT FOUR SUPERVISOR LEE CALDWELL, PRESIDING**  
**February 19, 2019**

**A. CALL TO ORDER**

The February 19, 2019 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Lee Caldwell, Board President.

Deputy Bruce Holbrook 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 - ABSENT
Misty Heffner	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

**B. INVOCATION**

Supervisor Lee Caldwell introduced Pastor Austin Black and his son Rylan from First Baptist Church Nesbit. Pastor Black offered the invocation. Supervisor Caldwell presented Rylan with a Desoto County Board of Supervisors' lapel pin and declared him an "official" Supervisor for the day.

**C. PLEDGE OF ALLEGIANCE**

**D. APPROVAL OF AGENDA: ADDITIONS & DELETIONS**

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

- 1. Board Attorney Tony Nowak requested the following be considered for Executive:**
  - a. Litigation – Lynxx Investments (Executive, J.4.)
- 2. Road Manager Andy Swims requested to move the following items from Consent to Old Business for discussion:**
  - a. From Consent F.2.a. – Budget Amendment for Road Department (Old, G.4.b.)
  - b. From Consent F.3.c.2. – Hot Mix Overlay Specs – (Old, G.4.c.)
- 3. Director of Procurement and Administrative Services Pat McLeod requested to remove the following:**
  - a. Consent, F.3.b. – Remove "Add Patricia Cross as Assistant Receiving Clerk"
- 4. County Administrator Vanessa Lynchard requested to add the following:**
  - a. Environmental Services – DeSoto River Park Announcement (Citizen Remarks, E.3.)
  - b. Road Department – Equipment Rodeo Update (Old, G.4.)
  - c. Board Appointments – District 2 Planning Commission & M.R. Davis Library (Old, G.5.)
  - d. PIO Report (Old, G.6.)
  - e. Road Department – Finding of Fact – 373 Laughter Road (New, I.5.c.)

- f. Procurement – Purchase of Chairs for Sheriff’s Department (New, I.12.)
- g. Environmental Services – Keep MS Beautiful (New, I.13.)
- h. EMA – Rural Fire Truck Acquisition (New, I.14.)

**5. County Administrator Vanessa Lynchard requested to delete the following:**

- a. Executive – Coroner Personnel – (Executive J.1.c.)

**6. Supervisor Lee Caldwell requested to add the following:**

- a. Old Landfill Property – Star Landing (Old, G.7.)
- b. Request Building Permit Waiver for School (New, I.15.)
- c. Make Part of Minutes – Nesbit Cemetery Request (New, I. 16.)

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the Agenda with the additions, deletions and corrections 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>

**E. CITIZEN REMARKS & PRESENTATIONS**

**1. Recognition of Lewisburg Boys’ Soccer Team – MHSAA 5A MS State Champions**

Supervisor Michael Lee recognized the team and their coach, Harl Roehm. He stated he has known Coach Roehm for many years and he is a fine example for the boys he coaches. Supervisor Lee expressed the Board’s appreciation to the team for coming to the Board meeting today.

Supervisor Lee read the Resolution of Appreciation. The Board and others congratulated the team on their performance and their contribution to DeSoto County.

Supervisor Caldwell stated she has known Coach Roehm for a long time and said he is an excellent teacher and role model.

**See Exhibit E.1.**

**2. Homestead – Disability Eligibility Request – Wanda Barron**

Chancery Clerk Misty Heffner stated Ms. Barron went to the Tax Assessor’s office to file for disability homestead and they sent her to the Chancery office to verify her paperwork. She stated the paperwork is not on the list the Department of Revenue says they will accept.

Ms. Barron stated she is new to Mississippi and she brought her disability paperwork when she filed for homestead. She said someone at the Dept. of Revenue told her the court order would be sufficient as it states she is disabled and will receive compensation until June 2038 at which time she will begin social security.

Mr. Nowak stated he reviewed Ms. Barron’s paperwork and in his opinion, the court order abides by the state statute granting disability homestead. He stated the final approval lies with the Department of Revenue, but that the Board could approve a resolution granting disability homestead exemption to which the Dept. of Revenue could approve or disapprove.

Supervisor Medlin asked if this was for 2019. Mr. Nowak affirmed. Supervisor Medlin asked if this was related to workmen’s comp if it could change. Mr. Nowak said the court order stated Ms. Barron will be permanently disabled.

Supervisor Mark Gardner made the motion and Supervisor Michael Lee seconded the motion to approve Ms. Wanda Barron’s disability homestead exemption based on counsel opinion and the court order, presented by Ms. Barron, certifying her disability.

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.2.**

### **3. Environmental Services – DeSoto River Park**

Director of Environmental Services & Parks Ray Laughter stated the MS River is up and has gone over the road to the River Park. He stated the River Park will be closed until the river recedes. Mr. Laughter said the barricades are up and the gates are closed, but people are walking around and it is very dangerous with the strong undertows in the MS River. He stated they will get the word out about the closing by means of the County’s website and social media. Mr. Laughter stated they will announce when it is safe to open the park after the water recedes and it is cleaned up. He stated he anticipates that date to be in March.

**See Exhibit E.3.**

### **4. Kelly Jacobs**

Mrs. Kelly Jacobs of 3985 Robertson Gin Road, Hernando, MS stated she is very concerned about speeding in DeSoto County. Mrs. Jacobs noted a traffic study done by the County which showed cars on Robertson Gin Road going in excess of 75 miles per hour. She stated when that information was given at a Hernando City Hall meeting everyone in the room was shocked. She also noted that recently 2 teenagers had a horrific wreck and were seriously injured. Mrs. Jacobs asked the Board to consider other alternatives to try and control speeding as the County is not allowed to have radar.

Supervisor Lee asked what the posted speed was on Robertson Gin Road. Mr. Swims stated it is 45 miles per hour. Supervisor Lee stated the Board did need to look at that winding section of road and possible posting some flashing signs. He reminded the Board that the traffic study showed over 140 cars traveling at 75 miles per hour or more. He said he felt like some people realized they were probably speeding there when he made that announcement at the Hernando meeting. Supervisor Lee said they would also talk to the Sheriff about getting a speed trailer out there to make people aware of how fast they are driving. He said they will also discuss the issue with the Transportation Committee.

Supervisor Medlin said the Sheriff needs to get the speed trailer out there very soon with baseball practices beginning. Supervisor Caldwell agreed and said the Board needs to do everything they can to protect the children.

## **F. CONSENT AGENDA**

### **1. Publication of Board Proceedings – Need Board President Signature**

**ORDER APPROVING ALL COUNTY BILLS THE MONTH OF January 2019.  
AS AUTHORIZED AND PROVIDED UNDER SECTION 19-3-67 AND 19-3-35, MISSISSIPPI CODE 1972  
AMENDED.**

FOR CLAIMS NUMBERED 1435-1851 (Fund 001); 13-18 (Fund 024); 24-31 (Fund 025); 43-56 (Fund 026); 13-18 (Fund 027); 32-37 (Fund 028); 7 (Fund 033); 37-42 (Fund 044); 11-14 (Fund 075); 3 (Fund 097); 44-55 (Fund 101); 56-66 (Fund 105); 20-22 (Fund 106); 12-14 (Fund 108); 1 (Fund 113); 8-12 (Fund 120); 246-333 (Fund 156); 109-161 (Fund 160); 4 (Fund 170); 2 (Fund 315); 6-8 (Fund 380); 29-41 (Fund 501); 3 (Fund 604); 12-14 (Fund 650); 4 (Fund 654); -121 (Fund 681); 9-10 (Fund 682)  
TOTALING \$ 10,701,788.45

**BE IT ORDERED:**

That all county bills for DESOTO COUNTY for the month January 2019 claims numbered as noted above totaling \$ 10,701,788.45 is hereby approved as presented by the Chancery Court Clerk of DeSoto County.

These are claims presented and approved during the month of January 2019.

ORDERED AND DONE THIS 28th DAY of January 2019.

Supervisors that were present at the January 28, 2019 meeting were Michael Lee, William Russell, Mark Gardner, Jessie Medlin and Lee Caldwell.

**2. Office of Finance & Accounting**

**a. Budget Amendments – Animal Services, Board Attorney, Coroner, Chancery Clerk, County Registrar, Election Support Fund, Walls Volunteer Fire Dept., Det. Of Road Management, Election Commissioners, Garbage & Solid Waste**

		Fund/Department #		001 / 445						
(1)	Animal Services									
ACCT #	LINE ITEM	YEAR TO DATE	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET				
<b>REVENUE</b>										
001-000-370	Animal Shelter Donations	\$ 1,105.00	\$ 900	\$ 205		\$ 1,105				
<b>EXPENSE</b>										
001-445-698	Canine Supplies - Food	\$ 7,654.40	\$ 20,335	\$ 5		\$ 20,340				
001-445-938	Heating and Air Units	\$ -	\$ 10,991	\$ 200		\$ 11,191				
<b>TOTALS</b>				<b>OVERALL INCREASE</b>		<b>\$205.00</b>				
Reason for Request: (Show detailed)		Increase revenue and increase expenses to account for recent restricted donations given to the animal shelter.								
		Fund/Department #		001 / 130						
(2)	Board Attorney									
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET				
001-130-550	Legal Fees	\$ 50,833.57	\$ 173,150		\$ 1,600	\$ 171,550				
001-130-594	Other Contractual Services	\$ 1,850.00	\$ 1,850	\$ 1,600		\$ 3,450				
<b>TOTALS</b>				\$ 175,000	\$ 1,600	\$ 1,600	\$ 175,000			
Reason for Request: (Show detailed justification)		Reallocate funds to account for paying for appraisals directly to the company performing the work as Board approved. In the past these expenses were reimbursed to Smith Phillips. Attorney Nowak has suggested this would be a better way to track this type of service.								
		Fund/Department #		001 / 167						
(3)	Coroner									
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET				
001-167-571	Dues and Subscriptions	\$ 300.00	\$ 250	\$ 50		\$ 300				
001-167-587	Training & Registration	\$ 1,640.00	\$ 4,500		\$ 50	\$ 4,450				
<b>TOTALS</b>				\$ 4,750	\$ 50	\$ 50	\$ 4,750			
Reason for Request:		To account for increase in dues owed for coroner's staff.								
		Fund/Department #		001 / 101						
(4)	Chancery Clerk									
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET				
001-101-556	Recording Fees	\$ 88.00	\$ 12,000		\$ 300	\$ 11,700				
001-101-451	Homestead Exemption Service	\$ 4,007.00	\$ 3,800	\$ 300		\$ 4,100				
<b>TOTALS</b>				\$ 15,800	\$ 300	\$ 300	\$ 15,800			
Reason for Request: (Show detailed justification)		Reallocate funds to accommodate the increase of 700 homestead applications from 2017 to 2018.								
		Fund/Department #		001 / 181						
(5)	County Registrar									
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET				
001-181-501	Postage/Box Rent/Courier	\$ -	\$ 1,000	\$ 4,350		\$ 5,350				
001-999-999	Ending Cash	\$ -	\$ 31,887,991		\$ 4,350	\$ 31,883,641				
<b>TOTALS</b>				\$ 31,888,991	\$ 4,350	\$ 4,350	\$ 31,888,991			
Reason for Request: (Show detailed justification)		To account for the Board approved voting precinct change to cover the cost of 4,556 new voter registration cards to be printed and mailed.								
		Fund/Department #		001 / 182						
(6)	Election Support Fund									
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET				
001-182-544	Service/Maintenance Contract	\$ -	\$ 30,000	\$ 865		\$ 30,865				
001-182-924	Computer Hardware & Software	\$ 213,425.00	\$ 325,040		\$ 865	\$ 324,175				
<b>TOTALS</b>				\$ 355,040	\$ 865	\$ 865	\$ 355,040			
Reason for Request: (Show detailed)		To cover the annual cost of maintenance for the DS 200's. Amount is slight increase from prior year.								

		Fund/Department #	313 / 348			
(7)	Walls Volunteer Fire Dept					
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET
313-348-639	Signs	\$ -	\$ 2,800		\$ 2,800	\$ -
313-348-907	Other Improvements/Under 25000	\$ -	\$ 3,660	\$ 2,800		\$ 6,460
313-348-639	Signs	\$ -	\$ -	\$ 2,800		\$ 2,800
313-999-999	Ending Cash	\$ -	\$ 44,618		\$ 2,800	\$ 41,818
<b>TOTALS</b>			\$ 51,078	\$ 5,600	\$ 5,600	\$ 51,078
Reason for Request: (Show detailed justification)	To void prior budget amendment done incorrectly and to correctly record budget amendment from ending cash for signalization at Walls Fire Dept.					
		Fund/Department #	156 / 300			
(8)	Dept of Road Management					
ACCT #	LINE ITEM	Dept. of Road Management - Moved to Old Business (G.4.c.)				REVISED BUDGET
156-300-592	Pavement					\$ 1,127,100
156-300-593	Contract P					\$ 3,030,000
156-999-999	Ending Ca					\$ 6,231,879
<b>TOTALS</b>			\$ 10,388,979	\$ 1,057,100	\$ 1,057,100	\$ 10,388,979
Reason for Request: (Show detailed justification)	To account for FY 2018 invoice paid for in 2019 for pavement preservation and FY 2018 contract paving retainage paid for in FY 2019.					
		Fund/Department #	001 / 180			
(9)	Election Commissioners					
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET
001-180-475	Mileage & Other Travel Costs	\$ 1,376.88	\$ 2,150	\$ 485		\$ 2,635
001-180-603	Office Supplies and Materials	\$ 153.99	\$ 2,850		\$ 485	\$ 2,365
<b>TOTALS</b>			\$ 5,000	\$ 485	\$ 485	\$ 5,000
Reason for Request: (Show detailed justification)	To cover the annual cost of maintenance for the DS 200's. Amount is slight increase from prior year.					
		Fund/Department #	105 / 340			
(10)	Garbage and Solid Waste					
ACCT #	LINE ITEM	YEAR TO DATE	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET
<b>REVENUE</b>						
105-000-270	Restricted for Public Works	\$ 32,619.77	\$ 173,400	\$ 28,500		\$ 201,900
<b>EXPENSE</b>						
105-340-594	Other Contractual Services	\$ 18,904.28	\$ 50,000	\$ 28,500		\$ 78,500
<b>TOTALS</b>				<b>OVERALL INCREASE</b>	<b>\$28,500.00</b>	
Reason for Request: (Show detailed justification)	Increase revenue and increase expenses to account for correct amount of restricted grant for Household Hazardous Waste.					

## 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 and for the District Attorney's Office to receive their 20% in the form of a check. Please approve the transfer of the funds and the clerk to write the check.

Case #	Date Seized	Receipt #	Amount	Date of Forfeiture	District Attorney (20%)
2017-57862	9/23/17	34521	1025.00	12/19/18	205.00
2018-51457	9/29/18	36434	240.00	1/30/18	48.00
		Total	\$ 1,265		\$ 253.00

Transfer from Sheriff-Seized Fund (123-000-001) \$ 1,265

Transfer to Sheriff-Forfeiture Fund (120-000-001) \$ 1,265

Amount to remain in forfeitures (120-000-238) \$ 927.00

Check amount to the District Attorney (120-000-147) \$ 338.00 (20% plus clerk fee \$85)

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The following seized funds listed have been forfeited by court order to be transferred from the seized account to the forfeiture account and for the District Attorney's Office to receive their 20% in the form of a check. Please approve the transfer of the funds and the clerk to write the check.

Case #	Date Seized	Receipt #	Amount	Date of Forfeiture	District Attorney (20%)
2018-43400	8/10/18	36252	112.00	8/16/18	0.00
		Total	\$ 112		\$ 0

Transfer from Sheriff-Seized Fund (123-000-001) \$ 112  
 Transfer to Sheriff-Forfeiture Fund (120-000-001) \$ 112

**3. Office of Procurement**

- a. Add Receiving Clerk to Circuit Court #001-079, 024-161, 025-171 – Rachel Allen
- b. ~~Remove Rebecca Minter Noe & Add Patricia Cross as Assistant Receiving Clerk for 001-631~~ ‘Add Patricia Cross’ was removed from the Agenda
- c. Request to Approve Bid Specifications & Solicit Bids for:
  - 1) 19-341-001 Class I Rubbish Facility Phase III Cell Construction
  - 2) ~~19-300-008 Hot Asphalt Overlay Work~~— This was moved to Old Business, G.4.b.

**4. Inmate Meal Log Affidavit**

**5. Justice Court Monthly Report**

**6. Enter Into the Formal Record and Make a Part of the Board Minutes**

- a. LSBP – 17 (7) Final Acceptance Letter with Signatures

**7. EMS Monthly Report**

January 2019

Number of ambulance runs billed: 153  
 Amount billed: \$ 98,338.40  
 Amount collected: \$ 44,094.30  
 Un-collectable amount: \$ 13,393.93

	Eudora	Lewisburg	Walls
Dispatched Calls:	67	79	74
Refusals:	15	10	19
Standby Only:	0	1	0
Billed:	48	56	49
Other:	4	12	

Other = unable to locate patient, treated and transferred, treated and released, no treatment required, no patient found, dead at scene, cancelled and unknown.

**8. Road Department – Safety Report**

**9. Tuition Reimbursement – Human Resources & Authorize Clerk to Write Check**

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to approve the actions and matters presented in the Consent Agenda including moving two Road Department items (F.1.a./Road Dept. & F.3.c.2.) to Old Business and not adding Patricia Cross as receiving clerk to 001-631(F.3.b.).

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>

Discussion: Supervisor Medlin asked Mr. Swims about the pothole on Box Corner that was listed on the safety report. Mr. Swims showed the Board a picture and there was a small chunk of asphalt missing from the side of the road. He said insurance denied the claim.

**See Exhibit F.**

## **G. OLD BUSINESS**

### **1. Juvenile Detention Camera Project**

Facilities Director Robert Jarman stated he and John Herring, Sheriff's Department IT, got 2 quotes on the equipment needed to finish the project as follows:

	Zones	Next Step Innovation	CDW-G
Cameras, mounts, license -	\$12,626.50		\$12,997.00
Switch-	\$3230	\$4200	

Mr. Jarman stated MTS is currently installing the system, and will install the additional equipment for \$6,300 which would bring the total to \$22,156.50 to finish the juvenile detention camera project.

Supervisor Medlin asked what areas this would cover. Mr. Herring stated it covers the booking area and hallway to the first pod. Supervisor Medlin asked how much more this cost by not doing it all at one time. Mr. Jarman said he did not think it would have been cheaper as MTS is not charging a big mobilization fee to come back since they did the original installation.

Supervisor Gardner asked if this was all that was needed at the juvenile detention center. Mr. Herring said it is enough for the foreseeable future. Supervisor asked if the corridor between the detention center and the courtroom was camera covered. Mr. Jarman affirmed and stated the hallway where they bring in the adult prisoners to the courtroom is also covered.

Supervisor Caldwell asked where the \$22,156.50 would come from. Mr. Jarman stated he only had the original project in his budget. Mrs. Lynchard stated this will come from ending cash.

Supervisor Caldwell stated this will need to be voted on in 3 parts; equipment, installation and budget amendment.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the purchase of cameras and equipment from Zones for \$3,230 for the switch and \$12,626.50 for the cameras, mounts, etc. finding them to be the lowest and best qualified quote.

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 authorize the installation of the cameras and equipment by MTS as they were the installers of the rest of the system.

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 Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to approve the budget amendment from ending cash for \$22,156.50.

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.1.**

**2. Johnson Creek Greenway – Recommendation to Award Bid**

Mr. Collins Simpson of Waggoner Engineering stated they received 2 bids; Rose Construction and Malouf Construction. He stated after looking at the bids and talking with MDOT the Attorney General’s office and the Board Attorney; they are recommending awarding the bid to Malouf Construction and considering Rose Construction’s bid as irregular because they did not indicate which crushed stone alternate to use. Mr. Nowak stated Rose Construction’s bid was not properly presented and it is MDOT’s opinion is that the bid cannot be considered. Mr. Nowak noted the importance of MDOT’s opinion as the bid specifications incorporated, by reference, the MDOT specifications for projects, including the procedures for reviewing bid submissions.

Supervisor Medlin asked how wide the trail would be. Mr. Simpson stated the paved width is 10 feet and it is a bike and pedestrian trail. Supervisor Medlin asked why they were using thermoplastic. Mr. Simpson stated the parking lot will be striped.

Supervisor Medlin asked what the County’s cost would be. Mr. Laughter stated it is 20% and was included in the FY19 budget.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to accept the Bid from Malouf Construction at \$1,276,607.48 as recommended, to execute the contract, to exclude the bid from Rose Construction and determine it to be irregular, according to the bid specs, and it must be rejected.

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 Russell asked how long this project would take. Mr. Simpson stated it was in the contract to be 60 working days after the Notice to Proceed was executed.

**See Exhibit G.2.**

**3. Human Resources – Personnel Manual**

**a. Definition of Immediate Family, Extended Family & Relative**

Director of Human Resources Carla Crockett stated the committee has narrowed down the definitions and determined that the State of MS definition was suitable for most sections except

FMLA and the FMLA definition would be used there. She said that is the committee's recommendation.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to accept the immediate family definition from the State of MS and include step siblings, and accept the FMLA definition, as written, with respect to FMLA matters

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 Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to rescind the previous 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 Michael Lee, Fifth District	<u>YES</u>

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to accept the definitions used by the State of Mississippi, as presented in Exhibit G.3.a., for all matters other than FMLA.

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>

Mrs. Crockett stated the only time the County would have a different definition in the personnel manual is for FMLA reasons.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to accept the FMLA definition of immediate family as presented, to include the federal definition of nearest blood relative, for FMLA policy matters.

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 asked if this policy applied to all County employees; even elected officials. Mr. Nowak stated it applies to elected official unless they adopt their own policies but, to his knowledge, no elected officials have a different policy with respect to leave policies.

**See Exhibit G.3.a.**

**b. Approval of Chapters 1-9**

Mrs. Crocket stated chapters 1-9 have been vetted by Human Resources and reviewed by Mr. Nowak and the committee. She asked if any Board members had questions after having had time to review the chapters. There were no questions.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve and adopt Chapters 1-9 of the DeSoto County Personnel Manual.

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>

**4. Road Department**

**a. Equipment Rodeo Safety Day Update**

Mr. Swims stated they have had a lot of interest and one vendor has agreed to pay for lunch and a tent. He asked the Board to accept donations toward safety day and put it in an account. Mrs. Lynchard said she did not think they could do that. Mrs. Freeze said vendors would need to donate to the Landers Center for the event. Mr. Swims stated they have lots of vendors that want to participate and help; and that the local entities are very interested in the event as well.

**b. Budget Amendment (Moved From Consent F.2.a.)**

Mr. Swims stated they needed to change the budget amendment to move \$1,057,100 from Roads ending cash to pavement preservation and contract paving. Mr. Young stated \$700,000 was in pavement preservation and they were approved to move \$520,441 at the last meeting. Mr. Young said they need that much in pavement preservation to take care of this year’s work. He noted an FY18 invoice came in and was paid in FY19 so they need \$1,057,100 moved into the paving lines as follows:

- \$427,100 to 156-300-592 – Pavement Preservation
- \$630,000 to 156-300-593 – Contract Paving

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin made the motion to approve the budget amendment moving \$427,100 from ending cash to #156-300-592, Pavement Preservation; and \$630,000 from ending cash to #156-300-593, Contract Paving.

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>

		Fund/Department #		156 / 300			
(8)		Dept of Road Management					
ACCT #	LINE ITEM	YEAR TO DATE EXPENSES	ADOPTED BUDGET	INCREASE	DECREASE	REVISED BUDGET	
156-300-592	Pavement Preservation	\$ 606,610.25	\$ 700,000	\$ 427,100		\$ 1,127,100	
156-300-593	Contract Paving	\$ 47,340.51	\$ 2,400,000	\$ 630,000		\$ 3,030,000	
156-999-999	Ending Cash	\$ -	\$ 7,288,979		\$ 1,057,100	\$ 6,231,879	
<b>TOTALS</b>			\$ 10,388,979	\$ 1,057,100	\$ 1,057,100	\$ 10,388,979	
Reason for Request: (Show detailed justification)		To account for FY 2018 invoice paid for in 2019 for pavement preservation and FY 2018 contract paving retainage paid for in FY 2019.					

See Exhibit G.4.b.

**c. Hot Mix Overlay specs (Moved From Consent F.3.c.2.)**

Mr. Swims stated he and Mr. Scott Young have created a base bid with 10 optional additions to the bid made up of 10 different roads from throughout the County. He stated they hope to be

within budget and be able to look at optional roads. Mr. Swims stated they are a little concerned they may end up with a higher bid, so there is a possibility of not being able to do everything on the list. He stated they wanted to be sure the Board was aware of this.

Supervisor Medlin asked would it be possible to have 3 to 5 different bidders be awarded. Mr. Swims stated it was possible by having the optional list. Mr. Nowak stated the concern stemmed from the Supreme Court case and if the proposed bid amounts went over by 10%, the entire bid would be thrown out.

Mr. Swims and Mr. Nowak stated the funds have to be allocated for overlays before going out to bid. Mr. Young stated they need to have \$3.5 million in the paving fund to cover their estimate of \$3.2 million in the event of the bids being more. He stated if the bids do come in over, they will have to look at the list and take some of the optional addition roads off.

Mrs. McLeod stated the bid specs state the County can award in whole or in part. Mr. Young stated this bid would allow for a contractor to come in and bid on alternate items and another contractor bid the big project. Mr. Nowak reiterated that there has to be enough in allocated funds or the County would have to reject all bids.

Mrs. Lynchard stated if the Road Department intended to award roads off the optional list, it needed to be clear in the specs that a contractor may be awarded an option and not get the base bid or if a contractor did not get the base bid, they would not get any optional bids.

Mr. Swims stated when one contractor gets the base bid; they will give optional bids as much as they can within the budget.

Mrs. Lynchard stated they needed to make it clear in the specs they will award the base and optional list together.

Mr. Swims stated they will remove the “in whole or in part” and state the bid will be awarded and any optional adds they choose will be awarded to the same bidder.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to authorize the changed wording to remove “in whole or in part” and state the bid will be awarded in whole to the lowest bidder of the base plus any optional bids as the budget allows.

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>

## **5. District 2 Appointments**

Supervisor Gardner stated Mr. Greg Paylor has had a chance to meet with Planning Director Bennie Hopkins about the responsibilities of the job and he has accepted.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to appoint Greg Paylor, 4432 Bloombury, Southaven, MS 38672 as a District 2 Planning Commissioner.

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 said Mrs. Shinault was willing to serve on the library advisory board and he felt she would do a very good job.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to appoint Elaine Shinault, 8523 Pleasant Hill Road, Olive Branch, MS to the M. R. Davis Library Advisory Board.

The motion passed by a vote as follows:

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

## 6. PIO Report

Mrs. Lynchard stated the committee had another meeting to set some guidelines. She stated this recommendation is for her to take on the role of Public Information Officer; and she said it would not be burdensome at all as it is a pleasure to speak on behalf of the Board. Mrs. Lynchard also gave out a proposed job description for an Administrative Assistant who would report to her and help with other things; and she said she included proposed funding for the position.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to table this discussion to give the Board time to look over 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 Michael Lee, Fifth District	<u>YES</u>

See Exhibit G.6.

## H. PLANNING

### 1. Public Hearing 9:30 a.m.

Supervisor Gardner made the motion and Supervisor Medlin seconded the motion to open the Public Hearing for all Planning items 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

#### a. Old Business

- i. **The Orchard (772) - Application is for approval of Rezoning of property from AR to AR Overlay identified as Parcel # 206515000001000, located north side of Stewart Road and east of Highway 305 in Section 15, Township 2, Range 6 and is zoned AR (District 1)  
Applicant: Chad Fischer**

Supervisor Medlin stated that the engineer for this application is waiting to hear from MDOT concerning access on to Hwy 305. He then stated if the access is approved the subdivision would be accessed by Hwy 305 and not Steward Road. He stated that the applicant would like to table this item for 30 days.

Supervisor Caldwell asked if there was anyone who wanted to speak for or against this item. There was no one who wished to speak at this time.

Supervisor Medlin made a Motion and Supervisor Russell seconded the Motion to table The Orchard application for rezoning of property from AR to AR Overlay until the March 18, 2019 meeting at 9:30 a.m.

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

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

**Rezoning**

- ii. **Oxner C-2 Rezoning (775) – Application is for rezoning of 4.5 acres from AR to C-2, Located on the west side of Hwy 178 and south of Miller Road, identified as Parcel #2-05-4-17-00-0-00003-00 & #2-05-4-18-00-0-00021-02 in Section 17 &18, Township 2, Range 5 (District 1)**  
**Applicant: Donald Oxner**

Mr. Hopkins presented the Oxner C-2 Rezoning application for rezoning of property from A-R to C-2. Mr. Donald Oxner was present to represent the application.

Mr. Hopkins stated that the Planning Commission recommended approval conditioned upon the following uses removed from permitted and conditional uses:

- permitted use #2, 4, 6, 7, 9, 12, 14, 15, 17, 18, 19, 21, 25, 27, 29, 32, 33, 35, and 36
- conditional use #1, 2, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, and 18

He then stated that the applicant agreed to remove the above uses.

Mr. Donald Oxner came forward and stated that he has a family owned lawn business that has been in operation for over 20 years. He then stated he would like to establish his business and build a building at the site on Old Hwy 178. He stated that is his reason for justifying the rezoning and also the increased business activity and traffic in the area.

Supervisor Caldwell asked if the applicant has gotten MDOT approval for the curb cut for the property. Mr. Oxner stated that he has not received approval yet but he is working on it.

Supervisor Medlin stated that he met with Mr. Oxner and he wants to put his business there. He then stated that the area between the two highways will never be residential.

Supervisor Gardner asked where the building will go on the property. Mr. Oxner stated that the building will go in the area that has no flood. Supervisor Gardner asked what he will use the portion of the property for that is located in the flood. Mr. Oxner stated that it will be used for storage.

Supervisor Lee stated that covenants will need to be recorded for the property listing the uses that have been struck from permitted and conditional uses. Mr. Nowak agreed that covenants will need to be recorded if the restricted uses are to run with the land.

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 Gardner seconded the Motion to approve Oxner C-2 application for rezoning of property from AR to C-2, conditioned

upon covenants being recorded to run with the land to reflect the following be prohibited on the site:

- The permitted uses listed in the zoning ordinance as #2, 4, 6, 7, 9, 12, 14, 15, 17, 18, 19, 21, 25, 27, 29, 32, 33, 35, and 36
- conditional uses listed in the zoning ordinance as #1, 2, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, and 18;

finding that after consideration of the recommendation by the Planning Commission, the comments of the applicant and the public from this meeting, documents presented, his knowledge of the area, this rezoning will not adversely affect the character of the surrounding residential neighborhood, that there is substantial evidence of a change in the character of the neighborhood and there is a demonstrated public need for the zoning.

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

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

**b. Appeal**

- i. Appeal by M&I Properties for the denial of a Conditional Use to allow gas pumps as an accessory use for a convenience store in accordance with Article VII, Paragraph 1, Section C(4) Page 61 of the DeSoto County Zoning Ordinance. Subject property is located on the west side of Red Banks Road and south of Byhalia Road, Parcel #3-05-3-06-02-0-00001-00 in Section 3, Township 3, Range 5 and is zoned C-1. (District 1)**

Mr. Hopkins presented an appeal by M&I Properties of the Board of Adjustment denial of a Conditional Use to allow gas pumps as an accessory use to a convenience store. Mr. Bill Brown was present to represent the appeal.

Mr. Bill Brown- 770 Byhalia Road - came forward and stated that the property has a history of applications for gas pumps. He then highlighted the previous application as initially being approved by the Board of Adjustment but was appealed to the Board of Supervisors where it was denied due to concerns about the drainage, exits, and size of the lot. He stated since being denied by the Board of Supervisors the applicant has looked into the concerns. Mr. Brown stated that they have found that run-off does not drain to the properties that were concerned with run-off. He then stated that they have experts at the meeting today to discuss gas pump hazards. He stated that there is documentation from MDEQ that there were once gas tanks on the site, and they may still be on the site. Mr. Brown stated that they feel there was a mistake made in the 1994 rezoning of the property due to the existing gas pumps at the time the, and he feels the property should have been rezoned C-2 not C-1. He stated that he feels the concern of the neighbors is more to the convenience store not gas pumps. He stated there has been major residential growth, Lewisburg Schools have opened, DCRUA is providing wastewater treatment capacity for the area and I-269 has opened and would support a convenience store with gas pumps in this area.

Mr. Brown stated there has been a change in convenience stores over the years, all have gas pumps now. He stated there will always be a need for gas and gas pumps as long as vehicles need gas to operate. Mr. Brown stated that I-269 is now open through DeSoto County and this property is close to the Red Banks exit. He then stated that zoning along I-269 exits will be commercial. He then stated there was recently a convenience store approved at the Laughter Rd. exit.

Mr. Brown asked Mr. Ben Smith if he was able to locate a spot on the property that will accommodate the convenience store and gas pumps. Mr. Smith stated he was able to locate a spot on the site that will accommodate a convenience store and the owners

have acquired a 1 acre easement adjacent to the proposed site to accommodate the waste water system and storm water detention from the site. Mr. Brown asked Mr. Smith to list what is different on this site plan than the original site plan. Mr. Smith listed the following changes:

- Additional 1 acre easement for waste water system and detention
- Exits on Byhalia Road and Red Banks Road, the new plan does away with the exit onto Old Byhalia Rd.
- Waste water treatment system with a spray field
- The treatment system releases less than 200 gallons a day which is the equivalent of a 3-4 bedroom home
- Will have a storm water detention pond on the easement

Mr. Smith explained that the rate of run-off will be equal to or less than the pre-construction rate of run-off. Supervisor Russell asked Mr. Smith to explain drainage. Mr. Smith explained the drainage plan discharge from the detention pond to the pipe under Byhalia Road. He stated that there will be a trash collection inlet that can even filter cigarette butts. He stated all trash will be collected by the trash collecting inlet. He then presented a drawing explaining the natural water flow of the property.

Supervisor Russell asked why the one acre was done as an easement. Mr. Brown stated that originally the applicant tried to buy the one acre but the condition of approval for final subdivision of the lot was that all landowners in the subdivision must sign the revised plat before it could be recorded. He then stated that one neighbor requested an exorbitant sum of money to sign the plat revision. He then stated the applicant was then able to get an easement for the one acre as purchasing the lot was not feasible.

Supervisor Medlin asked if any of the water runs back to Old Byhalia Rd. Mr. Smith stated that it does not run back to Old Byhalia Road and explained the flow of water in the area. There was discussion of whether the existing 24 inch pipe in the area was adequate to handle water from the detention pond.

Supervisor Caldwell asked who will maintain the easement area. Mr. Brown stated that the convenience store owner will maintain the detention area and the treatment system area. He then stated that a natural buffer will be left on the property. There was discussion of who will pay the taxes on the property that the easement is located on and what will happen if the property is lost in a tax sale.

Mr. Smith addressed gas spills and stated that if conditions are dry the gas will evaporate. He then explained what would happen if gas spills during rainy conditions.

Mr. Smith presented documentation that there is adequate water in the area for water service. He then stated that Lewisburg Water Association says they can provide water to the site. He stated the documentation also addresses water line sizes and fire hydrants in the area.

Mr. Smith stated they have not done a lighting plan yet. He then presented an example of a lighting plan of a car dealership in Olive Branch. He stated that the lighting plan for the convenience store would be very similar to this plan. Mr. Smith stated the lighting is down turned with very little light pollution leaving the site.

Mr. Smith referenced a 67 acre site that was approved for C-2 and feels this site was more rural than the proposed site. He stated that convenience store with gas pumps was not struck from that rezoning approval.

Mr. Smith stated that the applicants feel they have addressed most if not all the objections from the Board of Adjustment meeting.

Mr. Brown asked if Mr. Smith felt that the opening of I-269 will relieve some traffic from Byhalia Road. Mr. Smith stated that he does feel there is less traffic on Byhalia Road now that I-269 is open. There was discussion of how traffic would access the convenience store from I-269. Mr. Brown stated a convenience store will be built. He then asked Mr. Smith what his opinion is if gas pumps will increase traffic on Byhalia

Road. Mr. Smith stated that he does not feel adding gas pumps will increase on Byhalia Road. He then stated that he feels it will increase traffic on Red Banks Road.

Supervisor Russell asked how the property was rezoned. Mr. Smith stated the property was commercially zoned prior to 1994. He stated that there was a store and gas tanks on the property prior to 1994. Supervisor Medlin stated that the site was originally approved with an understanding that it would be used for an antique store and then the owner came back and asked to be allowed to sell cold cuts and now the current owner is asking for gas pumps. He then stated he doesn't feel the neighbors would be concerned with an antique store. Mr. Brown asked Mr. Hopkins to clarify that with the C-1 zoning a convenience store is a permitted use. Mr. Hopkins confirmed that a convenience store is a permitted use in the C-1 zoning district. Mr. Brown then asked if the I-269 Corridor Study recommended Neighborhood Commercial for this area. Mr. Hopkins stated that was correct.

Mr. Michael Dees came forward and stated he is with Dees Oil Company. He then stated that his company would be maintaining all gas equipment on the property and they would make all repairs needed for the gas supply portion of the business. Mr. Dees stated that his company works with MDEQ to monitor the site. Mr. Brown asked what licenses Mr. Dees holds. He stated that he has an installer's license and they also use 3<sup>rd</sup> party installers.

Supervisor Russell asked if it is known if there are existing gas tanks in the ground. Mr. Brown stated he is not sure. Mr. Dees stated that if there are, they will want to remove those and do soil samples to check for contamination before installing new tanks. Mr. Dees then explained the difference between old tanks and the newer tanks. He explained how the new tanks are made and how they work. He explained what type of leak detectors and sensors the new tanks would have. He then explained the process of installing the tanks and receiving the fuel. Mr. Dees then explained the initial tests that are performed for MDEQ. He explained how consumer gas spills are handled, what happens when a gas pump is hit to shut gas flow off and how other gas/oil spills are handled on site. He stated that he has dealt with over 200 stores with gas pumps over the years and has not seen it be an inconvenience to neighbors. He then stated that it seems to be a convenience.

Mr. Dees stated that his company goes to the stores they serve every 30 days and steam clean the lot. He then stated that his company requires the operators of the store to keep the area clean.

Ms. Shawn Poole – 114 Bailey Dr. – came forward and stated she is an Environmental Expert/Hydrologist. She then stated that she is part of a State of Mississippi Response team for spills and such. She stated that she specializes in compliance of convenience stores. Ms. Poole stated she is a licensed contractor with the state for fuel tank removal. She then stated that according to documentation this site used to be Stonewall Grocery and tanks were installed around 1968. She then stated as far as they know the tanks are still in the ground.

Ms. Poole stated that installation of new tanks would be overseen by the state. She then stated that MDEQ does regular inspections of the site.

Supervisor Caldwell asked if there has been an inspection of the site to see if there are any environmental issues from the tanks. Ms. Poole explained how in 1986 it was a state requirement to register tanks and owners either need to bring the tanks up to certain standards or take the tanks out of service. She stated that most small owners chose to take tanks out of service. She stated they did not have to remove the tanks but had to remove the gas from the tanks and most owners added water to the tanks. Ms. Poole discussed the different types of tanks, what happens when there are leaks in the tank and customer leaks on site, and what permits and fees are required.

Ms. Poole stated that small spills, such as what happens when gas is being pumped, most times just evaporate, but that the operator will be required to keep oil dry on site. She stated she does not feel a convenience store with gas pumps will be an

inconvenience to the neighbors. Mr. Brown asked if there is any concern to the water supply being contaminated. Ms. Poole stated that the tanks are designed to make a spill that would possibly affect the water supply not happen due to monitoring systems that would shut off the supply and alarms will set off.

Ms. Poole stated that small spills will dilute with the detention pond and curbing on site. Mr. Brown asked if surface spills would contaminate well water. Ms. Poole stated she doesn't think so. She stated that was more common with the old type of tanks. Mr. Brown asked if it would be a benefit to the County and neighbors to get the old tanks removed. Ms. Poole stated it would be a benefit to both the County and the neighbors to have the old tanks removed. Supervisor Lee asked if it is Ms. Poole's job to approve sites for new tanks. Ms. Poole stated her job is to do Environmental Phase 1 assessments.

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

Kim LeBaron – 12755 Old Byhalia Rd. – came forward and has the following concerns:

- Increased traffic
- Will have an adverse effect on the community
- It was denied by the Board of Adjustment due to it would increase traffic, increase natural hazards, adversely affect the general welfare of the County, overtax public utilities, adversely affect the character of the neighborhood and is in conflict with the Comprehensive Plan
- Gas on the site
- There is nothing in the detention pond to address gas, there is no oil/water separator
- A man at the Board of Adjustment meeting stated he would manage the store and explained when there is a small gas spill he pours soapy water on it
- Who will be responsible for contamination to the detention pond
- What will happen if property with the easement is sold
- The area is served by a volunteer fire department, so there is a longer response time
- Commercial lighting will impact the area
- Past history of M&I Properties having Notice of Violation from MDEQ, she stated they have two sites that are not allowed to have gas delivered due to violations
- Feels a lot of the information presented today is based on opinions not regulations
- Line of site issues for traffic coming off Old Byhalia Road
- How the site will get gas if trucks are not allowed in the area
- Decreased property values
- There will be an increase in homeowners' insurance due to increased traffic and crime due to the convenience store
- There is no information on the tanks supposedly existing on site
- Gas spills

Ms. LeBaron presented a letter of opposition from Mr. Johnny Watkins who was not able to attend today's meeting.

Annie Stewart – 12885 Byhalia Rd – came forward and stated that she owns the property that the easement is located on. She then stated at first she felt like she was being discriminated against when she was required to have everyone in the subdivision sign the plat in order to subdivide the lot to sell a portion to the applicant. She then stated that when she tried to get the signatures on the plat one neighbor told her they would sign the plat if she gave them \$50,000.00. She then stated she does not feel it will increase crime, that there is already crime in the area. She stated she feels it will be a convenience to the community.

Supervisor Medlin explained that all plats that involve a revision of lots that are subdivided have to be signed by affected parties.

Zach Sims – 12690 Byhalia Road – came forward and had the following concerns:

- Not concerned with a convenience store, his concern is the gas pumps
- That the plat to subdivide the lot for detention and water treatment system has not been signed by all neighbors, so that has not been resolved
- Light pollution
- Increased trash
- Increased traffic
- How lighting will change over time
- Will attract people into the neighborhood who are not wanted
- What will happen if the property with the easement is sold
- No one wants a gas station

Bill Welch – 12980 Byhalia Road – came forward and had the following concerns:

- Drainage on to his property
- Increased traffic
- Possible that in the future will sell diesel to 18 wheelers on site

Doug LeBaron – 12645 Byhalia Road – came forward and had the following concerns:

- Increased traffic
- Increased traffic hazards

Mr. Brown stated that to address the comments about the opinions the applicant presented, that these are expert opinions, they have a basis from experts in their fields. He then stated that M&I Properties owns no other gas stations so there are no sites with violations, that is slander. He stated the applicants offered to meet with the neighbors after the first Board of Adjustment meeting but the neighbors refused. Mr. Brown stated that to address the easement, it is a perpetual easement and will continue to exist even with future owners.

Mr. Brown stated that there will be lights with or without gas pumps, but with gas pumps there will be canopies. Mr. Brown stated he feels they have addressed the concern about trash. He then stated that he feels like that no matter what the applicants do, they cannot appease the neighbors. He then stated there will be a convenience store with or without pumps. He then stated he cannot understand how a property a few miles away was rezoned to allow gas pumps but that the Board will not allow gas pumps here on this site where there are possibly existing gas tanks. He stated that he feels the County will benefit from this by keeping the sale of gas from going to Marshall County. He stated that this project will not over tax public utilities as there are water lines already in the area.

Mr. Brown stated that he feels most of the concerns presented by the neighbors are issues with the convenience store. Mr. Brown then explained the Conditional Use approval process and that, in this case, the only issue is the permissibility of gas tanks.

Supervisor Russell asked if there is such a thing as an oil/water separator. Mr. Dees stated there is and it could be installed on this property. He then stated that they will install an oil/water separator on the site.

Supervisor Lee asked where the closest place that sells gas is in relation to the site. Mr. Sims stated that there is gas available at Hwy 305 and Byhalia. Supervisor Medlin stated there has not been gas at that site in 30 years.

Supervisor Medlin made a Motion to uphold the decision of the Board of Adjustment to Deny the Conditional Use to allow gas pumps at the site at Red Banks and Byhalia Road because it will significantly increase traffic, adversely change the character of the neighborhood and the site is not compatible to hold this use due to traffic sight line issues and drainage concerns based on the findings of the Board of Adjustments, there is no public need for gas pumps in the area, the comments of the applicant and the public from this meeting, the documents presented, and his knowledge of the area. Supervisor Lee seconded the Motion.

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

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>YES</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>NO</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>YES</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

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

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

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

**2. Final Subdivision**

- a. **Lewisburg Crossing (7317) - Application is for final subdivision approval of sixteen (16) lots on 47.36 acre(s). Subject property is identified as Parcel(s) #3-06-1-01-00-0-00006-00. Subject property is located on the southeast corner of Byhalia and Box Corner Rd in Section 1, Township 3, Range 6 and is zoned A. (District 1)  
Applicant: EBI Land, LLC**

Supervisor Caldwell recused herself from this item.

Mr. Hopkins presented the application for Lewisburg Crossing for final subdivision approval of sixteen (16) lots on 47.36 acres. Mr. Andy Richardson was present to present the application.

Supervisor Medlin stated that this application could have been a minor lot but the applicant chose to present this as a major subdivision to have more regulations. Mr. Richardson stated that the lots on the south side of the subdivision will have a minimum building setback to include the natural buffer.

Supervisor Medlin made a Motion and Supervisor Gardner seconded the Motion to approve Lewisburg Crossing for final subdivision approval of sixteen (16) lots on 47.36 acres with a minimum house size of 2,500 sqf., there is to be a 50 ft. strip that is a no disturb area along the southern border of the subdivision, Lot 8 must be accessed by Box Corner Road, covenants must be recorded with the plat and to approve the President of the Board to sign the Residential Development Agreement and the Erosion Control Agreement.

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

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>YES</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>YES</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>ABSENT</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

**3. Consent**

- a. **R. Hamm Minor Lot (7322) - Application is for final subdivision approval of two (2) lots on 10.00 acre(s). Subject property is identified as Parcel(s) #3-07-8-27-00-0-00005-02. Subject property is located on the north side of Cleveland Road and east of Getwell Road in Section 27, Township 3, Range 7 and is zoned (A). (District 5)  
Applicant: Robert Hamm**

- b. Sunset Place Minor Lot (7323) - Application is for final subdivision approval of one (1) lot on 6.72 acre(s) out of 19.02 acres. Subject property is identified as Parcel(s) #2-07-7-26-00-0-00008-00. Subject property is located on the north side of Sunset Road and east of Malone Road in Section 26, Township 2, Range 7 and is zoned (A). (District 5) Applicant: Bynum Enterprises**
- c. Lauderdale 5 Acre Minor Lot (7324) - Application is for final subdivision approval of one (1) lot on 5.35 acre(s) out of 132.00 acres. Subject property is identified as Parcel(s) Parcel #3-07-8-34-00-0-00002-01. Subject property is located on the south side of Cleveland Road and east of Getwell Road in Section 34, Township 3, Range 7 and is zoned (A). (District 5) Applicant: Joe Lauderdale**
- d. Sammons 3 Lot Minor Lot (7325) - Application is for final subdivision approval of three (3) lots on 3.92 acre(s). Subject property is identified as Parcel(s) Parcel #2-07-7-35-00-0-000013-04. Subject property is located on the east side of Malone Road and north of Byhalia Road in Section 35, Township 2, Range 7 and is zoned (A). (District 5) Applicant: Ian Sammons**

Mr. Hopkins presented the Consent Agenda items above. He then stated the applications meet all Subdivision Ordinance requirements.

Supervisor Lee made the motion and Supervisor Medlin seconded the motion to approve the Consent Agenda items and actions as presented.

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

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

**See Exhibit H.**

**I. NEW BUSINESS**

**1. 2:00 p.m. – Business Investment Incentives**

**a. Avanos Medical Sales, LLC – Free Port Warehouse**

Mr. Jim Flanagan, President /CEO of the DeSoto County Economic Development Council introduced Mr. Mark Aquadro as the legal representative for Avanos Medical Sales, LLC. Mr. Aquadro stated that O & M Halyard, Inc. has been operating in Southaven, Mississippi since 2014 and was reorganized in 2018. He stated that Avanos Medical Sales, LLC took over the facility and still had inventory at the first of the year. Mr. Aquadro introduced Mr. Wesley Bond, Director of Domestic Tax, Finance and Ms. Karen Smith, with O & M Halyard, Inc. Ms. Smith stated that a portion of the warehouse was sold and they are currently cohabitating until their new warehouse is ready on Commerce Drive. Ms. Smith stated that Avanos warehouse distribution center is the largest in the United States and is important to the company.

Supervisor Medlin requested information as to what type of warehouse Avanos Medical is and Ms. Smith stated that it is used for the distribution of medical products. Ms. Smith stated that the company manufactures products for respiratory health, digestive health, and some pain management.

Supervisor Gardner asked how many people work for this company. Mr. Bond stated that the company has 75 employees and almost half of those are from the DeSoto County area.

Supervisor Caldwell stated that she would appreciate the company continuing to hire DeSoto County residents. She requested that the company continue to be philanthropic.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the Free Port Warehouse tax exemption for Avanos Medical Sales, LLC in Southaven.

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.a.**

**b. Emerson Climate Technologies, Inc. – Free Port Warehouse**

Mr. Flanagan introduced Ms. Joyce Morgan who represents Emerson Climate Technologies, Inc. Ms. Morgan stated that their headquarters is located in St. Louis, Missouri. She stated the company distributes air conditioner compressors; and one of their largest customers is Carrier in Collierville. Ms. Morgan stated they use Olive Branch Logistics as a third party logistics company. She stated the company has 11 employees and 45% are from DeSoto County.

Supervisor Caldwell stated that she would like for the company to continuing hiring DeSoto County residents.

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to approve the Free Port Warehouse tax exemption for Emerson Climate Technologies, Inc. in 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.1.b.**

**c. DSV Solutions, LLC (Tenant) & DeSoto 55 Logistics Center Phase I, LLC (Owner)  
10-Yr. Real Property (New): \$10,223,877.00 (Effective: 01/01/2019 – 12/31/2028)**

Mr. Flanagan introduced Mr. Charles Marshall, General Manager of DSV Solutions, LLC and Mr. Rodney Davidson with DeSoto 55 Logistics Center who are requesting a tax exemption on the real estate property. Mr. Charles Marshall with DSV Solutions, LLC, a third party logistics company, stated that they are moving a client into the center at this time, which is Karcher, an industrial cleaning equipment company who is looking at bringing all of their operations to the facility in Horn Lake. The facility is approximately 300,000 square feet. He stated there are 37 employees initially and all are from DeSoto County. Mr. Marshall stated the warehouse should be in full operation beginning April 8, 2019. Supervisor Lee Caldwell thanked Mr. Marshall for hiring DeSoto County residents.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve the new 10-Year Real Property tax exemption to DSV Solutions, LLC (Tenant) & DeSoto 55 Logistics Center Phase I, LLC (Owner) in the amount of \$10,223,877.00, effective 1/1/2019 to 12/31/2028.

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

YES

**See Exhibit I.1.c.**

**2. EMA/Solid Waste – Disaster Debris Plan Request**

Chief Chris Olson stated the County has a make-shift plan in place for the aftermath of a disaster, but they want to work on revamping it and make a team effort between Emergency Services, Road Department, EMA, Environmental Services, Board members, and the Board Attorney. He said he has an idea and it may involve looking at a contract down the road.

Supervisor Russell asked if this was a requirement from some organization. Chief Olson said it is not, but it would be to the County’s advantage to have a plan in place. He stated if the President declares a disaster area, FEMA can come in and help; and if a plan is in place, they may pay a percentage more to take care of clean up. Chief Olson state MEMA would keep a copy of the plan on file but the County would develop, maintain, work and exercise the plan.

Chief Olson said at one time the County paid a contractor to be on standby. Mr. Laughter stated the County has a short plan contract with Waste Pro, but after 2 weeks the area would be in trouble.

Supervisor Russell asked if the debris could be burned. Chief Olson stated that at present MDEQ says they will not allow burning. Supervisor Russell asked if there was a feeding plan. Chief Olson said that would mostly depend on volunteer organizations. He stated there is something in the Comprehensive Emergency Management Plan, but it is not detailed. He said the Homeland Security Task Force team has done a lot of feeding.

Supervisor Caldwell said John Wheeler and John Woods both go into disaster areas to feed people.

Mr. Laughter said they would like to set up a committee and work with the Board Attorney and include 2 Board members, 1 from the Solid Waste Committee and 1 from the Fire/EMA Committee.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to authorize Chief Olson & Mr. Laughter to set up a committee to include the agencies mentioned above and Supervisors Russell & Gardner and authorize them to work with the Smith Phillips law firm.

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.**

**3. Office of Finance and Accounting**

**a. Claims Docket**

**Supervisor Medlin had no questions.**

**Supervisor Gardner asked about the following claims:**

Page 5 – Travelers – Mr. Nowak stated one was the Road Dept. vehicle that made a U-turn and collided with another vehicle and Hughes was Southaven PD, but she named the Sheriff’s Department because she was taken to jail

Page 12 – MS 811 – Mr. Jarman stated that was 2 bills as they did not receive one last year.

Page 15 – Engineer Mechanical Equipment – Mr. Jarman stated that was a thermostat control piece that goes on the Ag Building air conditioning unit.

Page 18 – Tony W. Tadros – The records showed a Court order by Judge Wilson for interpreter.

Page 29 – Election Systems – Mrs. Freeze stated that is the yearly maintenance agreement for DS200.

Page 31 – Emergency Equipment Professionals – The invoice showed 1 belt, 4 pair of pants, and 1 pair of boots for Craig McCompsy in Aviation – Mr. Herring said he is a new pilot. Later Mrs. Hanks received confirmation from Mrs. Ford at the Sheriff’s Dept. that he had used his uniform allocation at one time.

Page 34 & 35 – 23 Dodge Chargers from Landers – Supervisor Gardner asked if they were bought with the \$90,000 that was moved from personnel. Mrs. Freeze stated the Sheriff did move \$90,000 from personnel to buy cars.

Page 45 – Galls – Mrs. Hanks stated this did go through the boot policy. Mrs. McLeod said they were for the Animal Control Officers - New ones for James and replacements for Wayne.

Page 56 – Guardian RFID – The invoice showed wristbands 10 at \$450 each. Mr. Laughter stated trustees have to wear the wristbands when they leave the jail.

Page 63 – Tradebe – Mr. Laughter stated that was the last payment for Household Hazardous Waste Day

Page 68 – Mrs. Hanks stated she spoke with Andrea Black and they went through the boot policy. Mr. Swims stated they were for Stan Freeman

**Supervisor Bill Russell had no questions.**

**Supervisor Lee Caldwell had no questions.**

**Supervisor Michael Lee had no questions.**

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 except for Neel Shaffer on Page 43.

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 recused himself from the meeting. In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Chancery Clerk to pay the bill for Neel Shaffer on Page 43.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>RECUSED</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.3.a.**

#### **4. Grant Administration**

##### **a. Request Approval of FY19 DUI Grant Modification & Board President Signature**

Grant Administrator Bryan Riley requested modification of the FY19 DUI Grant M5X-2019-MD-11-71. He stated that Sheriff’s Department had been given \$3,990.00 from Highway Safety for in car cameras, but they have already been bought with other monies. Mr. Riley stated Officer Bigham requested the purchase of portable breathalyzers, in the amount of \$2,225.00.

He stated the rest of the grant balance will be moved into personnel to help with salaries through the end of the fiscal year.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the modification to the FY19 DUI Grant and authorize the Board President to sign any necessary 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 Michael Lee, Fifth District	<u>YES</u>

**See Exhibit I.4.a.**

**b. Request Approval to Apply for Recreational Trails Program Grant**

Mr. Riley stated he and Mr. Laughter found a grant for \$120,000.00 from Mississippi Wildlife Fisheries & Parks and it is an 80/20 match. He stated this grant will be used for the Ingrams Mills Community Park Walking Trail. Environmental Services & Parks Director Ray Laughter stated this request is to apply for the grant, as there are no actual figures yet. He stated they will get the figures together and the true amount of the cost for construction will be brought back to the board.

Supervisor Caldwell asked when the application is due. Mr. Riley stated that it is due by March 21, 2019 and they should hear something by June.

Supervisor Medlin stated that it might be cheaper to use concrete rather than asphalt for the trail. Mr. Scott Young stated you can do asphalt with a base, concrete with a base or concrete with no base according to the guidelines of the grant. Supervisor Medlin asked if they were trying to incorporate some of the existing fence. Mr. Laughter said yes. He said the Road Department has helped make some improvements out there and it is really looking good.

Supervisor Medlin made the motion and Supervisor Russell seconded the motion to approve applying for the Recreational Trails grant and authorize the Board President to sign any necessary 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 Michael Lee, Fifth District	<u>YES</u>

**See Exhibit I.4.b.**

**c. Request Approval to Apply for MS Office of Highway Safety DUI Grant & Board President Signature**

Mr. Riley stated that it is time to apply for FY20 Highway Safety DUI Grant FY20 MOHS (154/405) in the amount of \$200,000.00, actually \$199,076.00, and the County's match is to pay the officers' fringe benefits. He stated the Sheriff's Department is also planning to hire a fourth DUI officer. There is no equipment for a fourth officer at this time and the only other item requested is money for the DUI officer's training.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve applying for the DUI grant as presented and authorize the Board President to sign any necessary 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 Michael Lee, Fifth District	<u>YES</u>

**See Exhibit I.4.c.**

**d. Request Approval to Apply for MS Office of Highway Safety Occupant Protection Grant & Board President Signature**

Mr. Riley stated that it is time to apply for the FY20 MS Office of Highway Safety (402) for seat belt and child restraint safety occupant protection. This is to pay for over-time salaries for officers. He stated he is applying for \$23,480.00 to pay officers to do checkpoints.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve applying the MS Highway Occupant Protection Grant and authorize the Board President to sign any necessary 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 Michael Lee, Fifth District	<u>YES</u>

**See Exhibit I.4.d.**

**5. Road Department**

**a. Adopt-A-Road Request – Barry & Donna Sisk**

Mr. Laughter stated he got a call in his office that the Sisk family wanted to help with the litter problem in their area. He got them in touch with the Road Department to sign up. Mr. Swims stated they would like to adopt Red Banks Rd South from Ingrams Mill Grocery to Chatterbox Restaurant.

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to allow Barry & Donna Sisk to adopt a section of Red Banks Rd South from Ingrams Mill Grocery to Chatterbox Restaurant and authorize the signs to be installed.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>ABSENT</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.a.**

**b. Entergy Utility Agreement – Bethel & Craft**

Mr. Scott Young stated the original estimate for utility relocation by Entergy was \$65,000 with a 40% contingency and the total cost after adjustments is \$99,212.85.

Supervisor Medlin asked if this would take care of the entire project and Mr. Young stated it was just for the bid out section.

Supervisor Michael Lee made the motion and supervisor Lee Caldwell seconded the motion to approve the Entergy Utility Agreement at Bethel & Craft 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>ABSENT</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.b.**

### **c. Finding of Fact – 373 Laughter Road**

Mr. Swims stated the homeowner said a mower hit their driveway culvert and broke it. He stated the broken culvert is causing the road to flood. Mr. Swims stated the crew will take a look and see if the culvert can be repaired; and if not, they will replace it at an approximate cost of \$2,145.74.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Road Department to fix or replace the culvert at 373 Laughter that appears to have been hit by a County mower finding the damaged culvert is causing the public road to flood and cause a danger to the health and safety of the traveling public.

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.c.**

### **d. Star Landing Road – Old Landfill Property**

Supervisor Caldwell stated since the old landfill property is currently under a site review plan and will have people on the property; the AgriEd Committee decided to not renew the contract for a citizen to cut hay on the site. She stated they had several complaints about the property not being cut, so the Road Department will be taking care of it. She stated the property will be posted against hunting and trespassing and a gate will be put up.

## **6. Request Acceptance of Interest from Closed Court Accounts**

Mrs. Lynchard stated Chancery Clerk Misty Heffner turned in interest checks in the amounts of \$912.03 and \$54.94 and requested the Board accept them.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to accept the checks in the amounts of \$912.03 and \$54.94 from the Chancery Clerk from interest on court accounts.

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. Contract Administration**

**a. Facilities – Entergy – Road Department – Signature Required**

Facilities Manager Robert Jarman stated he had the invoices for the Road Department and Parks Department changed to go to each department to approve before payment; and he had all the due dates changed to be the same to help with the bookkeeping.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the changes to the Entergy contracts as presented 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 I.7.a.**

**b. Facilities – Entergy – Parks – Signature Required**

See discussion and vote at I.7.a.

**See Exhibit I.7.b.**

**c. Facilities – Siemens – Signature Required**

Mr. Jarman stated this is the energy performance contract the County has had with Siemens since the chiller was installed. He stated that the County will not show any more savings in the contract at this point and he would like to end this contract. Mr. Jarman stated the County currently pays \$6,000 every quarter, and that money can be put back into the County budget.

Mr. Jarman stated he does need an agreement with Siemens to get any work done quickly, but he did not think this particular contract was necessary. Mr. Jarman also noted that EK Automation cannot do anything to the chiller as long as the County has a contract with Siemens as it is proprietary equipment.

Mrs. Lynchard noted there is always a potential for something to break and the budget will be adjusted if that were to happen.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to terminate this part of the contract with Siemens and amend the budget to put that money into ending cash 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 I.7.c.**

**d. Facilities – EK Automation**

Mr. Jarman stated he talked with Jerry at EK Automation about the price of the contract per quarter. He said EK Automation agreed they could do more and added an addendum at no extra cost. Mr. Jarman stated they are going to take over the water treatment systems at the chiller. He stated the County was paying \$4,000 per year for a contractor to do the same work.

Supervisor Medlin asked how much the contract was for. Mr. Jarman said it was a little over \$6,000 per quarter and that this contract would put EK in there for a monthly inspection and service rather than once per quarter.

Supervisor Michael Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract with EK automation to take over the water treatment systems at the chiller 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 I.7.d.**

### **8. Desoto County Public Improvement Corporation**

Mrs. Vanessa Lynchard, County Administrator stated this was something former County Administrator Ken Murphree set up so that the Administration Building could be built on this property that used to be the site of a historic home. She stated it was only used one other time when the county bought the old Board of Education building. Mrs. Lynchard said she received a letter from Mr. Donald Clark, Jr who is resigning as the registered agent on behalf of the corporation. She stated the County no longer has any contracts with this corporation, and the corporation is not having any meetings. Mrs. Lynchard asked the Board if they wanted to dissolve the corporation.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to dissolve the DeSoto County Public Improvement Corporation.

Supervisor Bill Russell stated the Board might need this for the future; and there would be a lot of filing to reinstate the corporation if needed. Supervisor Medlin withdrew the motion and Supervisor Caldwell withdrew the second.

Supervisor Caldwell made a motion and Supervisor Medlin seconded the motion to allow the firm of Smith, Phillips, Mitchell, Scott & Nowak to look into the matter.

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.8.**

### **9. North Delta PDD Senior Employment Agreement – Signature Required**

Mrs. Lynchard stated that DeSoto County is the only county in the North Delta district that uses senior employees. She presented the new agreement and requested to have the Board President sign.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the North Delta PDD Senior Employment Agreement and authorize the Board President to sign any necessary 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 Michael Lee, Fifth District	<u>YES</u>

**See Exhibit I.9.**

**10. Public Records Request**

Board Attorney Tony Nowak stated that the Sheriff’s Department received another Public Records Request. He requested authority to work on it to see what needs to be redacted.

Supervisor Bill Russell made a motion and Supervisor Jessie Medlin seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to work on this matter.

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. Inmate Meal Log Report**

Director of Administrative Service and Procurement Pat McLeod state that this report should have been in consent at the last board meeting, and she requested to make the affidavit supporting the payment of February 4, 2019 invoices a part of the Board Minutes.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to make the Inmate Meal Log Affidavit a 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 Michael Lee, Fifth District	<u>YES</u>

**See Exhibit I.11.**

**12. Procurement – Purchase of Chairs for Sheriff’s Department**

Commander Chad Wicker stated he wanted to buy 12 chairs for the jail. He stated these are 24 hour chairs and they need to be substantial.

Mrs. Lynchard stated Procurement got quotes and found one chair for \$138 but she was not sure it met the weight requirements the Sheriff’s Department was wanting. Mrs. McLeod stated the other quote was for \$205 and would still be under \$5,000.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to authorize the purchase of 12 chairs up to \$205.00 each based on the weight restrictions needed and noting these chairs are used 24 hours a day and 7 days per week.

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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### 13. Keep Mississippi Beautiful Meeting

Mr. Ray Laughter said there is an ice cream social and garbage bag giveaway in Jackson for the legislators on Wednesday, February 27<sup>th</sup>. He invited the Board to attend. Supervisor Caldwell said that coincides with the North Delta Legislative Day so some of the Board may already be in Jackson.

### 14. Rural Fire Truck Acquisition

Chief Chris Olson stated ACI wants to purchase another fire truck. He stated the Rural Fire Truck Acquisition money has not been approved yet, but they are accepting applications. He requested the Board President sign the application to request a truck for ACI. Chief Olson said this purchase is supplemental and is \$70,000.

Supervisor Michael Lee made the motion and Supervisor Mark Gardner seconded the motion to authorize Chief Olson to submit the application for the Rural Fire Truck Acquisition for ACI Volunteer Fire Department 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 I.14.

### 15. Request for Building Permit Waiver from DeSoto County Schools

Supervisor Caldwell stated the School District has requested the County to waive the building permit fees for Lewisburg Intermediate and Lewisburg Elementary Schools.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to waive the building permit fees for DeSoto County Schools for Lewisburg Intermediate and Lewisburg Elementary.

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>ABSENT</u>

See Exhibit I.15.

### 16. Make Part of Board Minutes – Nesbit Cemetery Request

Supervisor Caldwell reminded the Board they approved fixing the Nesbit Cemetery driveway at the last meeting. She stated she received a letter from the Nesbit Cemetery Board formally requesting gravel for the cemetery drive and asked to make it a part of the Board minutes.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to make the letter from the Nesbit Cemetery Board a 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                    YES  
Supervisor Michael Lee, Fifth District                    YES

**See Exhibit I.16.**

**J. EXECUTIVE**

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

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to recess the Board meeting until Monday, February 25, 2019 at 8:30 a.m.

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 Michael Lee, Fifth District                    YES

THIS the 4th day of March, 2019, 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