

**DESOTO COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING MINUTES**  
**DISTRICT FIVE SUPERVISOR MICHAEL LEE, PRESIDING**

**April 25, 2022**

**A. CALL TO ORDER**

The April 25, 2022 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Michael Lee, Board President.

Chief Deputy Justin Smith 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 Ray Denison	District 3
Supervisor Lee Caldwell	District 4
Supervisor Michael Lee	District 5
Chief Deputy Justin Smith	Sheriff's Department
Misty Heffner	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

**B. INVOCATION**

Supervisor Mark Gardner offered the invocation.

**C. PLEDGE OF ALLEGIANCE**

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

Supervisor Lee asked if there was anyone who wished to add or delete items to the Agenda. No one had any additions or deletions.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell 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 Ray Denison, 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. Chickasaw Amateur Radio Operators Club**

Mr. Charles Byers stated the club's big training exercise for the year, ARRL Field Day, will be Saturday, June 26<sup>th</sup> at Hernando Point in the back section of the campground. He invited the Board to attend as the club gets points for all elected officials that come out. Mr. Byers stated they want people to understand what the club is doing and he thanked the Board for their support.

Supervisor Lee said the County will get the event posted on their social media and he asked the news media present to note it as well.

Supervisor Gardner thanked Mr. Byers for everything the radio operators do. He said the Board understands their importance because if the County communications go down; the amateur radio operators play a vital role.

## **F. CONSENT AGENDA**

## **G. OLD BUSINESS**

## **H. NEW BUSINESS**

### **1. Medical Cannabis**

Supervisor Caldwell asked the Board Attorney to go over the new Attorney General's opinion to the City of Southaven. Mr. Nowak stated that there have been many questions since the bill was signed into law with one of the biggest being the extent to which local building codes and zoning restrictions came into play. He said the AG opinion to Southaven basically said local zoning regulations are applicable to the medical marijuana activities, and the local authorities can adopt reasonable zoning regulations for those activities..

Supervisor Caldwell asked if the requests like variances and conditional uses for medical marijuana would come before the Board. Mr. Nowak affirmed and stated the Board will have to update their zoning regulations or adopt a specific set of regulations pertaining to medical marijuana in order to regulate it. He noted the zoning regulations can be updated at any time.

Supervisor Medlin asked about the distance from schools and churches. Mr. Nowak stated testing facilities cannot be within 1000 feet of the property line of a school or church; however the school or church can sign a letter saying they don't object if it is at least 500 feet. Supervisor Lee asked if that would come before the Board as a variance. Mr. Nowak said that depends on how the Board updates the zoning regulations.

Supervisor Medlin asked if the crop had to be grown indoors. Mr. Nowak stated it has to be indoors and secure. Supervisor Medlin asked if the County would have any control over the aesthetics of the building. Mr. Nowak said he thought they would to some extent. He stated a lot is controlled through the Board of Health and there are still not clear answers with respect to the Board of Health regulations. Supervisor Medlin asked about HOA standards. Mr. Nowak stated that typically HOA covenants go above and beyond the County's zoning regulations and, in his opinion, this bill. He said there are a lot of points to study.

Supervisor Denison said it is his understanding that it takes 100% or 75% vote to change HOA covenants in a development. He said there has to be some procedure in adding a facility to an established, platted subdivision. He said those are the things this board is going to have to look at to protect everyone, whether for or against, with proper ordinances. Supervisor Denison said he believes the Board should do what the people vote for; and, in this case, medical marijuana was well over a majority. He stated the Board still has a lot of work to do to iron out the questions and to decide where to have manufacturing, growing, dispensing, etc.

Supervisor Gardner stated he has heard from many constituents and he appreciates all the people he has heard from. He went on to say that the people have spoken in this initiative, even though the Supreme Court overturned the initiative. Supervisor Gardner said the people have decided this issue and this Board is here to be the representatives of the people. He said this board is happy to hear from anyone who wants to talk.

Supervisor Caldwell thanked the public for attending and reaching out to their supervisors. She agreed that 77% of the people voted for this initiative; and the Board's purpose here is to come up with appropriate zonings and go over the zoning practices. Supervisor Caldwell said she did not see any types of control over disposal and that is something they need to focus on. She noted there are different issues for each component of medical marijuana; and going through each area of zoning will take hours. She asked Mr. Nowak to verify the timeline. Mr. Nowak stated the bill will go in effect May 2<sup>nd</sup>; and the Board of Health will be issuing permits for cultivation and processing on June 2<sup>nd</sup>. He stated July 1<sup>st</sup> is the date the licensing will begin for dispensing.

Mr. Daniel Dunlap from the Alcoholic Beverage Control Agency stated they have been tasked with regulation of dispensaries. He stated the cultivation and processing regulations go through the Department of Health. He said the dispensary aspect is a moving target that seems to change daily.

Supervisor Lee said the unincorporated areas will most likely not have as many dispensaries as the cities. He asked Mr. Dunlap if it would fall to him to be sure they have their licenses and how the medical cannabis would be regulated from point a to point b. He said he thinks a lot of people think they can just go out and have dispensaries everywhere. Mr. Dunlap stated they will not issue licenses unless the applicant goes to a city board or county board; and they will have to have their permit in hand before submitting an application. He further noted the applicant will have to have a survey showing their property lines from churches, schools, and day cares with the measurements showing. Mr. Dunlap stated from dispensary to dispensary there has to be 1500 feet from front door to front door.

Supervisor Caldwell asked about the average size and security of the facilities. Mr. Dunlap said the size can vary; but it appears most will be in strip shopping centers. He stated the security is addressed in the law that they have to meet certain security criteria such as video, alarms, etc. Mr. Dunlap stated the ABC Attorney has offered to answer any questions that might come up and he is going to put out a booklet with pertinent information.

The Board discussed other items such as who issues prescriptions, if they are separate entities from existing pharmacies, site visits from ABC officers, zoning for growing, training for dispensaries, licensing fees, tracking, etc.

Supervisor Gardner stated the licensing fees are very expensive. Mr. Dunlap stated the product will be closely tracked from seed to sale. He said marijuana will still be illegal unless it is in a licensed dispensary.

Mr. Nowak stated Mr. Barber has worked on this a lot and everything will always be subject to licensing and zoning regulations as well as Dept. of Health regulations. Mr. Barber stated that currently the person applying has to be a state citizen; but in 2023, the Dept. of Health will issue licenses to people out of state.

Planning Director Bennie Hopkins showed a map noting C1, C2, and C3 zoning in the County. He said the zoning ordinance will need to be tweaked to address some uses that might come down the pipeline for the County.

Supervisor Lee invited the public to speak.

Speaking to ask the Board to opt in to the medical cannabis legislation were:  
Kelly Jacobs, 3985 Robertson Gin Road, Hernando  
Amy Smoot, 7384 Woodland Drive, Olive Branch  
Steven Brown, 845 Malone Rd South, Hernando  
Melvin Gunter, 8560 Byhalia Rd, Hernando

Mrs. Christie Barclay read statements that the following people sent in also asking the Board to opt in:  
Christina Crowley, no address given  
Jeff Aker, 3522 Fir Drive, Olive Branch

No one was present to speak against the issue.

Supervisor Lee said he has heard a lot of people talk about money. He stated the Board of Supervisor is about helping people; and the sale of medical cannabis will not benefit the County monetarily much at all. Mrs. Lynchard stated the 7% sales tax on dispensaries all goes to the State as the County does not collect sales tax. She stated the bill does address a 5% excise tax; and they do not know how much, if any, the County will receive from that.

Supervisor Gardner stated sometimes when the Board does not act, it accomplishes what the people are asking for. In this case, the bill will go into effect on May 2<sup>nd</sup> unless the Board votes to opt out.

No motions were made on this matter.

**I. PLANNING**

**J. EXECUTIVE**

There was no executive session on this day.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to note the comments made and adjourn the Board meeting until Monday, May 02, 2022 at 9:00 a.m.

The motion passed by a vote as follows:

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

THIS the 2nd day of May, 2022, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Michael Lee, President  
DeSoto County Board of Supervisors