

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**DISTRICT TWO SUPERVISOR MARK GARDNER, PRESIDING**

**May 14, 2018**

**A. CALL TO ORDER**

The May 14, 2018 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Mark Gardner, 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
Sam Barber	Assistant Board Attorney

**B. INVOCATION**

Supervisor Mark Gardner offered the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CITIZEN REMARKS & PRESENTATIONS**

Supervisor Gardner asked if anyone had anything to say to the Board that was not on the agenda. No one came forward.

**E. APPROVAL OF AGENDA: ADDITIONS AND DELETIONS**

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

**1. Board Attorney Sam Barber requested to add the following:**

- a. Bankruptcy (New, H.1.)

**2. Board Attorney Sam Barber requested to consider the following for Executive Session:**

- a. Potential Litigation

**3. Supervisor Jessie Medlin requested to add the following:**

- a. Mailer on Limb Pick Up

**4. Supervisor Michael Lee requested to add the following:**

- a. Phones on Limb Trucks

Supervisor Bill Russell 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 Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

## **F. CONSENT AGENDA**

## **G. OLD BUSINESS**

### **1. DeSoto River Park Ribbon Cutting**

Supervisor Russell asked if the project is complete. Mr. Laughter stated that improvements around the fence still need to be made. Supervisor Russell asked if the improvements could be done by next week. Mr. Andy Swims stated yes the Road Department should be able to complete the improvements by next week. Supervisor Russell asked if the DeSoto River Park Ribbon Cutting could be held on the afternoon of Thursday May 24, 2018. Supervisor Caldwell stated she would be out of town that day. There was discussion of other possible dates.

Supervisor Russell made the motion and Supervisor Caldwell seconded the motion to hold the DeSoto River Park Ribbon Cutting on Tuesday May 22, 2018 at 6:00 p.m.

The motion passed by a vote as follows:

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

### **2. Personnel Manual Rewrite – CDL Requirements**

Supervisor Russell explained the proposed addition to the Personnel Manual concerning CDL requirements. He stated that post accident if the employee involved is a non-DOT employee a rapid test would be required; if the rapid test is passed the employee could go back to work immediately. If the rapid test is positive the employee would be suspended with pay and would be required to take a second 5 panel test, if passed the employee can go back to work, if the second test is positive the employee is terminated.

Supervisor Medlin asked how long it takes to get the results back from a rapid test. Mrs. Lynchard stated it only takes 4 minutes to get the results of a rapid test.

Mrs. Lynchard stated we need Butler Snow to summarize the 700 page DOT manual in to a practical working document, so the request is for the Board of Supervisors to approve \$3500 for Butler Snow for the rewrite and also to authorize Tony Nowak to work on this project. Mr. Sam Barber advised the \$3500 is an estimate and the price could fluctuate. Supervisor Russell stated that “not to exceed \$3500” should be added to the motion.

Supervisor Caldwell made the motion and Supervisor Gardner seconded the motion to have pay Butler Snow not to exceed \$3500 to write the portion of the Personnel Manual concerning CDL and DOT and to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to work on the project.

The motion passed by a vote as follows:

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

### **3. Environmental Services – Stormwater Compliance Update**

Mrs. Lynchard stated that the committee has been meeting regularly and are ready to give a presentation of the policy they have been working on. She went on to state that storm water affects the Road Department, Planning Department, Building Department and Environmental Services and all of these departments were represented on the committee.

Mr. Laughter gave a slide presentation consisting of how the storm water process should be managed, how it is managed now and recommendations by the committee to manage the storm water process more effectively.

Mr. Laughter stated he gave each member of the Board a copy of an actual storm water file to illustrate how in depth the records are that are kept.

Mr. Laughter stated that the first slide of the presentation explains how the process should work in a perfect world but it doesn't always work this way. He stated that according to the County's Ms4 permit issued by the State, County Facilities should be inspected every two years. He then stated that this has not been being done as often as it should have been.

Supervisor Medlin asked Mr. Randy Williams what the old storm water permit/inspection process was. Mr. Williams stated a storm water permit was applied for and that generated a storm water inspection. He then stated that a storm water inspector would go to the site to inspect that storm water measures have been installed and if passed then the applicant could move forward with building inspections. Mrs. Lynchard stated that during the time that Mr. Jim McDougal was the Planning Director the applicant could not move forward with making application for a building permit until the developer had transferred the storm water permit.

The second slide in the presentation explained how the storm water process works when the parcel of land is greater than 5 acres. He stated this is how it should be done.

There was discussion if the fee is assessed on the amount of the property disturbed or the amount of property that is platted. Mr. Scott Young clarified that the storm water permit fee is based on the total number of acres that are platted.

Supervisor Russell asked what is meant on the slide that says MDEQ approves the developer's plan. Mr. Laughter explained that the developer will take the documents for the project, called SWPPPS, from the engineer to MDEQ for approval of the storm water plan. Once the plans are approved by MDEQ a State storm water permit issued and brought to the County Engineer as part of the County storm water permit process. Mr. Young explained the developer is given a Certificate of Coverage from MDEQ and that is brought to the County to apply for the County permit. Supervisor Russell asked if the parcel is over 5 acres do they have to go to the State first. Mr. Young stated that was correct and that if the parcel is under 5 acres, but over 1 acre, the applicant will just need a County storm water permit.

Supervisor Caldwell asked if a storm water permit is required for someone clearing land to plant. Mr. Young explained that someone clearing to plant may be able to get an exemption for agricultural use per the Storm Water Ordinance if they have a timber management plan. Supervisor Caldwell asked how someone clearing to plant will know they need to do this. Mr. Young stated that when they see the land being cleared they track down the landowner and issue a stop work order until the site is in compliance.

Supervisor Medlin asked if someone is developing a 100 acre Planned Unit Development that has 80 acres for lots and 20 acres for common open space how many acres will be used to determine the storm water permit fee. Mr. Young stated the permit would be for the entire 100 acres unless there is a lake or a pond on the property that is being left as part of the development then they will be credited for those acres. Mr. Young stated the fee for the permit is paid by the developer so each builder does not have to have an individual storm water permit.

There was discussion about parcels that are less than 5 acres, such as the landowner will need to talk to Mr. Young about the work being done and a storm water permit has to be applied for but

a SWPPP is not needed. If the parcel being disturbed is less than one acre a storm water permit is not required but the landowner must keep all dirt and mud on their property, not on the road or neighbor's property.

Supervisor Russell asked if the storm water permit fee is paid for the subdivision as a whole or by phase. Mr. Young stated the permit fee is paid per phase. Supervisor Russell asked how they know if a developer is working on a new phase. Mr. Young stated usually when the developer makes a subdivision application with the Planning Department. Mrs. Lynchard stated that many times the developer will get the workers running the bulldozer in one phase to go ahead and work some on the next phase. There was discussion of permitting the whole development from the beginning. It was discussed that it may be difficult to get a letter of credit in that large of an amount if required to permit the entire subdivision at one time.

There was discussion that part of the storm water process requires that a site be inspected after every significant rainfall and all compliance issues must be inspected in a development until the last home in the subdivision is complete. Supervisor Russell stated that seems like a massive undertaking. Mr. Laughter stated some of the inspections can be performed by someone who works for the developer who has been trained in storm water compliance. There was discussion of how many sites are to be inspected; each lot in a subdivision.

Supervisor Gardner asked how a new developer knows what has to be done storm water wise. Mr. Young stated that the engineer that the developer has worked with on the development usually knows what has to be done. Mrs. Lynchard stated that the County pays Neel-Schaffer to certify people in storm water for the developers.

Mr. Gardner asked if there was any way to streamline the process so that the storm water permit application does not have to be sent all over the County for approval. Mr. Laughter said each department that reviews the application specializes in a different aspect of the process. The time line of the storm water application was discussed. Mr. Blake Mendrop, Mendrop Engineering, came forward and stated the developer doesn't have to wait long once the application gets to the County. He stated the lengthy part of the process is getting the letter of credit issued by the developer's bank after getting the approval from MDEQ.

Mr. Laughter presented a slide that shows the letter everyone pulling a new home permit must initial stating they will abide by the County Storm Water Ordinance. This letter is in each new home permit folder. Mr. Williams stated that the letter states that a construction drive must be in before any building inspections are done. There was discussion of how some lots are accessed across other lots and before all construction drives are in place. Supervisor Lee asked what is a construction drive. Mr. Williams stated it is the place where the lot is entered. Mr. Swims said the ordinance addresses how long, how wide and the correct type of rock to be used to knock mud off the tires to keep the mud off the roads. Supervisor Russell asked if the building inspector notified the Environmental Services Department when storm water measures are not in place. Mr. Williams stated his department does try to notify the Environmental Services Department when they go to a site that does not have the proper storm water measures in place.

Mrs. Lynchard asked what has to be done on an individual permit after a significant rainfall has occurred. Mr. Laughter stated that his office has to re-inspect each site after a significant rainfall. Mrs. Lynchard read the code concerning construction drives from the Storm Water Ordinance.

Slide 5 addressed Individual Storm Water permits. Supervisor Russell asked how individual lot owners are referred to Mr. Young to discuss the necessary storm water measures for their property. Mr. Laughter stated an individual property owner is referred to Mr. Young by Building Permit staff when an individual home is applied for. Mr. Young stated that his office works with the individual landowner that is building a home to show them about installing the silt fence and how to contain the water on their property. Supervisor Russell asked how they know the amount of silt fencing required for their property. Mr. Young stated they work with them on that and try and get them to leave as much grass as possible on the site, as grass works better than a silt fence. Supervisor Russell asked how Environmental Services know what Mr. Young has told the individual lot owner concerning silt fence requirements. Mr. Laughter stated the Environmental Services Department inspects the site based on their own experience and training.

Supervisor Russell stated he feels there needs to be a sign on each site indicating that a storm water permit has been granted so that other County employees are able to know that the clearing work is permitted. He then stated if there is no sign on the site then any County employee could call Environmental Services Department to let them know the clearing is taking place without a permit. Supervisor Lee stated that Pine Tree Loop Minor Lot subdivision is a good example of clearing work being done without a permit. Mr. Young stated that is a minor lot and no permits have been pulled for homes yet.

The next slide presented information of concerning Municipal Inspections. Mr. Laughter stated every county facility in the unincorporated county is supposed to be inspected semi-yearly. Supervisor Russell asked who keeps the records of these inspections. Mr. Laughter stated the records are kept on site. Supervisor Russell asked if the Environmental Department makes up their own form for the inspection. Mr. Laughter stated you can make up your own form or you can get a form from MDEQ.

Mr. Laughter stated the following slides will show what really happens with the storm water process. He stated that people don't wait to begin work until they have a permit or storm water measure in place. Mrs. Lynchard stated MDEQ says there are developers that would rather pay the MDEQ fine than become in compliance because the fine is cheaper. Mr. Laughter stated that in the next 2-3 years MDEQ will be more active and more involved to make sure the County is doing what they are supposed to do to insure that the Storm Water Ordinance is being complied with. Supervisor Gardner asked if the County is fined can that fine be passed on to the non-compliant developer. Supervisor Russell asked if the County can issue fines. Mr. Laughter stated the County must go through court to issue a fine whether Justice Court or Chancery Court. There was discussion of what happens in each of these courts.

Mr. Laughter stated each builder signs a letter saying he will be in compliance with the Storm Water Ordinance when he makes application for a new home permit.

There was discussion of what happens when someone is not in compliance. Mr. Laughter stated a stop work order can be issued on the site if not in compliance. Supervisor Russell asked can you stop work on all of the developer's sites. Mr. Laughter stated he thinks that they can stop work on all jobsites, because the judge stopped work on all of Pintail's sites because of one non-compliant site. Mr. Barber stated he is not sure that work on all sites a builder is working on in the County can be stopped, because the Pintail case was an agreed order and was not heard by a judge. He stated we have not argued before a judge to be able to shut down all sites. Supervisor Russell asked if they are able to stop work on the non-compliant site. Mr. Laughter confirmed that they are able to stop work on the non-compliant site. Supervisor Russell asked what happens if work is still going on at the non-compliant site once a stop work order has been issued. Mr. Laughter stated his department will then have to go to the Board of Supervisors to get permission to take the item to court to get an injunction. Supervisor Russell asked if the Board could give approval to go to court without the matter coming to the Board. Mrs. Lynchard read the code in the Storm Water Ordinance concerning appeals to jobsite shut downs and also the code concerning the notice of violation and the process.

Supervisor Russell stated that nowhere on the non-compliance letter does it state that this is a stop work order. Mr. Laughter stated that it should be on the letter. He stated that in addition to the letter that is sent they keep a log that show that they call the non-compliant person as well as send a text or email. Supervisor Russell stated if mailed the letter could take 2 days to arrive to the person not in compliance. Mr. Laughter stated that if they do not comply, a stop work order is posted at the site. Supervisor Lee asked how they will know they have to stop work. Supervisor Russell said it should state in the letter that that if the issue is not remedied in two days the site will be shut down and all work must stop. Supervisor Russell asked does the Environmental Services Department have authorization to issue a stop work order without first coming to the Board for permission. Mr. Laughter stated they do have the authority to issue a stop work order but if work is not stopped his department must come to the Board to proceed with litigation. Mr. Laughter stated this has been loosely enforced in the past, but would like to enforce the Ordinance the way the Board wants his department to enforce it. Mrs. Lynchard stated there are recommendations at the end of the presentation concerning enforcement.

In slides 13-14 show examples of lots and there was discussion of where silt screen needs to be placed on the lots. Mr. Hopkins stated that sometimes temporary culverts are installed at a site to

keep the permanent culvert from being damaged during the construction process. Supervisor Lee asked if a temporary culvert is legal. Mr. Williams stated it is done all the time as the culverts are damaged during the construction process.

Slide 15 discussed Municipal Inspections. Supervisor Russell asked what is inspected. Mr. Laughter stated any buildings that are listed on Ms4 permit; generally anywhere chemicals are stored or used. Supervisor Caldwell asked who inspects the buildings. Mr. Laughter stated someone with the County who is certified to inspect the sites does that.

Slide 16 discussed the Court Process. Mr. Barber explained that Chancery Court is where the judge gives the person not in compliance time to comply and if they do not comply they are held in contempt and are subject to whatever penalty is listed in the order. He then stated that in Justice Court it is a criminal violation and a fine can be assessed on the day you go to court. Supervisor Russell asked why go to Chancery Court if the County has authority to issue a stop work order. Mr. Barber stated to get an injunction if the person does not comply with the stop work order issued.

There was a discussion of the time it takes to go to both courts and the difference in the court fees. Supervisor Russell asked which court could the County get into the quickest. Mr. Barber stated it depends on which judge is available in Chancery Court. He then stated it could be up to a month to get a court date in Chancery Court. Mrs. Lynchard explained the process of Justice Court and how County staff will have to wait at the Justice Court the day of the hearing to be heard. Supervisor Russell asked, from past experience, if work stopped when a stop work order was issued. Mr. Laughter stated it depends on the builder who is not in compliance.

Slide 17 discussed the training to certify contractors and municipal employees in storm water compliance. Supervisor Gardner asked how long the training took to complete. Mr. Laughter stated the training last half a day. Supervisor Gardner stated the training may need to be held quarterly so no one can say they have not had an opportunity to be trained. Mr. Laughter stated Neel-Schaeffer who conducts the yearly training session also offers individual training throughout the year as needed. He then stated if there are numerous people needing the training they will hold a training session.

Slide 18 discussed the penalties from MDEQ for non-compliance. Supervisor Russell asked if the County could get MDEQ to form the individuals not in compliance instead of the County taking them to court. Mr. Laughter stated MDEQ looks to the County first to see what the County is doing to enforce the Storm Water Ordinance.

Slide 19 discussed Temporary Certificates of Occupancy. Mr. Williams stated most times a temporary cert. of occupancy is requested when the site still needs to be sodded or seed with hay still needs to be installed but the home is complete. He stated one of the arguments he hears from the builder is that they are responsible for the house not for the sod. Supervisor Medlin asked what type of system is in place to go back and check that the work remaining on a temporary certificate of occupancy has been completed. Mr. Williams stated that the building inspector places a reminder on the Outlook calendar to go back in 30 days to make sure the work has been completed. He then stated that his office stopped issuing temporary certificates of occupancies this week. Mr. Gardner stated there is a domino effect of multiple home closings and when a certificate of occupancy is not issued it is the blame is placed on the builder. Mrs. Lynchard stated that Mr. Hopkins said in Collierville they will issue a temporary certificate of occupancy but that there is a monthly fee charged until whatever is needed is installed. Supervisor Gardner asked approximately how many temporary certificates of occupancy are issued each year. Mr. Williams stated that about 100 a year but not all are storm water related.

Slides 20-22 presented the recommendations from the employee committee. Mr. Laughter stated the key word is they need to hire help to manage storm water. He stated the County needs an enforcer who can develop a relationship with the developer. He stated as his staff stands right now they cannot keep up with inspections required or the administrative part of enforcing the Storm Water Ordinance. Mr. Laughter explained what the enforcer will do. He stated they would meet with the developer to go over what must be done at the site at the time of inspection which could take up to 4 hours at each site. He stated this person would also handle complaints and manage the program as the Ordinance is written. Supervisor Gardner asked if it would be more practical for this person to be in the Planning Department, Environmental Department or the

Engineering Department. Mr. Laughter stated that the committee feels this person should be in the Environmental Department. Supervisor Caldwell asked if this person would be responsible for permitting as well as enforcing the Ordinance. Mr. Laughter stated that Mr. Young would still be responsible for the permitting. Supervisor Gardner asked what the ballpark amount for the salary is. Mr. Laughter stated \$30,000-\$35,000. Supervisor Gardner asked if one person could handle this work load. Mr. Laughter stated it will help but will not solve the whole issue. He then stated it is possible if someone is properly trained and with help from the Environmental Services staff. Supervisor Gardner asked Mrs. Brynn McCarver if she felt one person could handle this work load. Mrs. McCarver stated if doing only this, then yes one person could handle the workload. Supervisor Gardner asked if there is any way to recoup part of the salary from the permit fees collected. Supervisor Russell asked how many times each house is inspected. Mr. Williams on average a home is inspected 6-7 times for building inspections. Mrs. Lynchard asked Mrs. McCarver of the 18 inspections for storm water she did last Friday, how many are processed. Mrs. McCarver stated that not all sites were not in compliance so not all needed to be processed. She then stated that she was not able to physically get to some the sites.

There was discussion of how new home permit fees are determined and discussion of re-inspection fees for building inspections. Supervisor Russell stated he feels there need to be re-inspection fees for storm water inspections as well. Mrs. Lynchard stated the County already charges a storm water permit fee. There was discussion that the storm water fee is paid by the developer on the entire development, but not by the individual builders on the lots. It is the individual builders on the individual lots causing the issue and they are not charged a storm water permit fee.

There was discussion that the County may need to resume preconstruction meetings for residential projects that include the Planning Department, the Environmental Department, the Road Department and the developer. It was discussed the preconstruction meetings should probably start again.

Mrs. Lynchard went back over the suggestions and asked which ones the Board would like to have looked into more as follows:

1. Neel-Schaffer offering the training quarterly – not really needed
2. Authorize Environmental Services to issue stop work orders without Board approval first – Yes
3. Stop Temporary Certificates of Occupancy for anything storm water related or outside of the home – yes
4. Charge Storm Water re-inspection fee on individual lots, Mrs. Lynchard and Mr. Laughter will work on this and check with other jurisdictions- yes
5. Check cost of Neel-Schaffer to do enforcement of the Storm Water Ordinance or hire in house employee, need to see what the total cost would be to include salary, truck, office space, computer, etc. – yes
6. Storm water permit needs to be issued before a building permit can be applied for – yes
7. Supervisor Russell stated he wants signs on sites stating a storm water permit has been applied for.

**See Exhibit G.3.**

**4. Mail-out for Rubbish Pickup** (discussed in Item 5)

**5. Phones on Limb Trucks**

Road Manager Andy Swims stated that a determination of cost has to be made before any loads are picked up. His drivers never show up with an empty truck and may have to come back a second time just to complete removing the first load.

Supervisor Jessie Medlin asked for the board order from the April 16<sup>th</sup> board meeting regarding this policy.

Board Attorney Sam Barber said that for enforcement purposes, the county needs to have a plan for gathering evidence should a matter go to court. Supervisor Mark Gardner said that digital cameras could be used for such evidence. Supervisor Lee said that the Road Department superintendent already has a cell phone and could take the picture using existing cell phones.

Road Manager Andy Swims said that they needed to know clearly when they should charge even if it is left up to a superintendent. Mr. Swims said it would be a difficult determination for anybody, but the superintendent would make the final call.

After a thorough discussion, Supervisor Lee Caldwell motioned to amend the previous motion from the May 7, 2018 meeting (Item H.6.) to do away with the cell phones. Supervisor Michael Lee seconded this motion.

Supervisor Lee Caldwell rescinded/withdrew her previous motion. Supervisor Michael Lee rescinded/withdrew his motion.

Supervisor Michael Lee motioned and Supervisor Jessie Medlin seconded the motion to rescind the previous motion from the May 7, 2018 board meeting (Item H.6.) regarding the Limb Pickup Policy.

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 felt that this matter should have been tabled at the last board meeting or issues should have been separated with two motions. The issue was how to charge people for excessive limbs, but there were dissenting votes because of the use of cell phones in the process. Supervisor Lee felt the Road Department superintendent should look at the rubbish load if it was estimated by the driver to result in a charge and then the superintendent should determine cost instead of the limb pickup driver. He felt the issue should be voted on for limb pick up only, and vote on the process in a separate vote.

Supervisor Mark Gardner suggested identifying each member's priorities and goals for the program.

Supervisor Michael Lee said he did not want to buy additional cell phones because the superintendents could take the pictures with their cell phone. He said he only wanted to vote on policy and pickup, and did not want mailers involved in this motion.

Supervisor Lee Caldwell said that she was fine with the resident being charged \$100 per load if there were two loads or more, and in these cases, the truck driver would call the superintendent. She also did not want to purchase additional cell phones. She wanted people to be notified before this procedure was implemented.

Supervisor Mark Gardner stated that he would go along with the other supervisors with no charge for less than two loads. He, also, wanted a mailer to notify the people.

Supervisor Bill Russell said that the notice should say anything less than two loads is free. He agreed the truck driver could call the superintendent which would remove the need for the truck drivers to have cell phones.

Supervisor Jessie Medlin stated he was not for the mailer. He was agreeable that less than 2 loads would be free and the truck driver would call the superintendent for pickups estimated to be 2 or more loads.

Supervisor Michael Lee motioned and Supervisor Bill Russell seconded the motion that the county charge \$100 per load for two loads or more, with the superintendent being notified by the truck driver of such loads so the superintendent can measure and estimate the cost of the pickup, photograph the debris, and transfer the information where the billing process can start; provide limb service at no cost for any load under two truckloads for every resident needing service

during the 7-14 day cycle; and the effective date being June 15 and enforcement being done through MS Code 19-5-17.

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 motioned and Supervisor Mark Gardner seconded the motion to use a mailer, door hanger, social media, and the website to notify the public of the new Limb & Rubbish Pick-Up Policy and that the mailer should be brought back to the Board at the next meeting for their review; and the program will not start until the public has been notified.

The motion passed by a vote as follows:

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

Supervisor Lee Caldwell motioned and Supervisor Mark Gardner seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to draw up a contract with the city of Walls regarding the limb and rubbish pick-up.

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>

## **H. NEW BUSINESS**

### **1. Bankruptcy**

Mr. Barber stated their office received a bankruptcy from the Superior Court in the State of Washington. He stated the County is one of the creditors in the bankruptcy and he needs to meet a deadline to file the necessary proof of claim on the County's behalf.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to file the necessary proof of claim in the bankruptcy case on the County's behalf.

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>

## **I. PLANNING**

## **J. EXECUTIVE**

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

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to recess the Board meeting until Monday, May 21, 2018 at 9:00 a.m.

The motion passed by a vote as follows:

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

THIS the 4th day of June, 2018, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Mark Gardner, President  
DeSoto County Board of Supervisors