

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES
DISTRICT ONE JESSIE MEDLIN, PRESIDING

October 3, 2016

A. CALL TO ORDER

The October 3, 2016 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff's Department was present and opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Michael Lee	District 5
Sheriff Bill Rasco	Sheriff
Misty Heffner	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

B. INVOCATION

Supervisor Mark Gardner presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF SEPTEMBER MINUTES

Supervisor Medlin asked if everyone had read over the September minutes.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to accept the minutes of the Board of Supervisors for September, 2016, as presented this date with no changes to the draft minutes previously submitted; pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated.

The motion passed by a vote as follows:

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

See Exhibit D.

E. CITIZEN REMARKS & PRESENTATIONS

Supervisor Medlin asked if there was anyone present that wished to address the Board on any matter not on the agenda.

Mrs. Kimberly Prachniak and Mr. Stanley Prachniak asked to be heard. Supervisor Lee stated the Prachniaks live in Turkey Creek subdivision and they have an issue in their subdivision they wanted to bring before the Board.

Mrs. Prachniak stated she and her husband appreciated the time already spent by Supervisor Lee, Mr. Swims and Mr. Kennedy looking into their flooding and erosion problems. The Prachniaks presented a PowerPoint slide show showing the flooding and erosion on their property and their adjoining neighbor's property, as well as flooding across Turkey Creek Drive. She stated the neighbor across the street at 2691 Moonlight Shadow filled in a drainage ditch on his property to make his lot easier to mow and that is when the flooding started.

Mrs. Prachniak stated she reported the flooding to Stan Rochelle at the Road Department, and while he was very nice, the problem was not correctly fixed. She stated the County did come dig the ditch out some, but not to its original state and the flooding was not resolved.

The Prachniaks said they lived on the property for 3 years with no flooding issues, and the issues started when the neighbor filled in the ditch and has continued since that time.

Supervisor Gardner asked Mr. Swims if anyone from the Road Department has spoken with the neighbor and explained the problem he caused. Mr. Swims stated he will be glad to do that.

Supervisor Lee asked if the County could go back to the developer's original stormwater plan. Mr. Swims stated he will talk with the man that filled in the ditch; but he also wants to talk to the Prachniak's next door neighbor as this will send more water down the other side of her property.

Supervisor Gardner asked Mrs. Prachniak what they were asking for. Mrs. Prachniak stated they are requesting the damage to their property be corrected as they have been asking for a solution for 3 years, and to make the drainage as it was before the ditch was filled in and excess water flow started. Mr. Nowak stated if the flooding is causing damage to the road or if it is a health and safety issue, the County can correct the problems but otherwise they have no authority to go onto private property. Mr. Nowak also noted that the County has no authority to repair the damage that has happened to private property.

Supervisor Lee asked Mr. Swims if he could contact NRCS regarding this erosion and the resulting erosion into Turkey Creek. Mr. Swims stated he has contacted them about Turkey Creek with no response.

Supervisor Russell stated, if the neighbor filled in the drainage ditch, he thinks the neighbor should be responsible for fixing it back to its original design. Mrs. Prachniak stated she felt the responsibility fell to the Road Department because she did not think they followed the County's Stormwater Procedures, and did not take care of the ditch properly in the beginning.

Mr. Kennedy stated a large part of the problem was Mrs. Prachniak has spent several months emailing Mr. Rochelle's email address that is no longer active, and leaving messages on an old voice mail.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to authorize Mr. Swims to speak with the neighbor at 2691 Moonlight Shadow, contact NRCS, and set up a meeting with the three neighbors and the Road Department.

The motion passed by a vote as follows:

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

See Exhibit E.

F. APPROVAL OF AGENDA: ADDITIONS & DELETIONS

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

1. Supervisor Bill Russell requested to add the following:

Travel to MS Recycling Conference in Biloxi 10/31, 11/1, 11/2 for anyone on the Board, Ray Laughter & Brynn McCarver

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to authorize travel to the MS Recycling Conference in Biloxi 10/31, 11/1, 11/2 for any Board member, Ray Laughter & Brynn McCarver.

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. County Administrator Vanessa Lynchard requested to add the following in New Business:

- 1) Recreational District Appointment** (New, I.19.)
- 2) Renaming of Old Highway 304** (New, I.20.)

3. County Administrator Vanessa Lynchard requested to delete the following items:

- 1) Contract Administration – Election Commission – Daniel Klein** (Consent, G.6.a.)
- 2) Contract Administration – Election Commission – John R. Beale** (Consent, G.6.b.)

4. Supervisor Mark Gardner requested to add the following:

- 1) Discussion on Parks & Greenways regarding direction**
- 2) Consideration for 2 items in Executive, Potential Litigation**

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve the agenda items and actions with the additions, deletions, and changes as set forth above.

The motion passed by a vote as follows:

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

G. CONSENT AGENDA

1. Publication of Board Proceedings

2. Department of Human Resources: Monthly Health Claims Report

FISCAL YEAR: 2016/2017

PRELIMINARY

FINAL

INVENTORY DISPOSITION

REVISED SEP 2015

DEPT NAME:

1163 - Juvenile Court

UNIT - NON-REPAIRABLE (CODE) X = THOUSANDS
N# - NON-REPAIRABLE Y# - NUMERICAL
DAS - DECLARE AS SURPLUS D = DOLLARS

DEPT #:

1163

LOC#:

1163

ANNUAL	DESCRIPTION	MODEL	QUANTITY	UNIT	LOCATION AT DISPOSITION	TREATMENT APPROVAL DATE	REPORTED BY	FINAL DISPOSITION LOCATION	DATE OF FINAL APPROVAL
40469	HP Scanjet Scanner	CN999W5PH	1	1H	163	11/2			
32551	Fujitsu Scanner	006197	1	1R	163	11/2			
40407	HP SCANJET SCANNER	CN999W5PH	1	1H	163				
32551	Fujitsu Scanner	006197	1	1R	163				

AUTHORIZATION TO DISPOSE		INVENTORY CLERK		NOTES
PROPERTY:	DATE: 8/22/16	DECLARATION:		
PROPERTY:	DATE: 9/28/16	DECLARATION:	9-26-16	
PROPERTY:	DATE: 9-22-16	DECLARATION:	10-3-16	

4. Office of Procurement – Request to Approve Bid Specifications & Solicit Bids

- a. Rubber Tire Backhoe (17-300-013)
- b. Knuckleboom Trucks (17-300-014)

5. Road Department

- a. Road Report
- b. Monthly Work Schedule
- c. Road Bond Report
- d. Additions to Road Register & Map

6. Contract Administration – Auto Renewal – (These items were deleted from the Agenda.)

- a. Election Commission – Daniel Klein (deleted)
- b. Election Commission – John R. Beale (deleted)

7. Request Legislation for Special Designations of Portions of Highway Systems & Bridges – Hwy 302 Spanning I-55 – Renaming for Senator George E. Guerieri, Sr.

8. Time Extension Request for EWP Projects

9. Enter Into the Formal Record and Make Part of the Board Minutes – Contract Administration - All Signatures Achieved

- a. Grants – Homeland Security Grant \$40,000
- b. Grants – Homeland Security Grant \$8,000
- c. Planning Commission – Commerce Extension MOU
- d. Planning Commission – MDOT Replacement MOU 304 Overlay

10. Department of Revenue Approval to Expend the Avails of the One Mill Levy to be Spread Upon the Minutes

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to approve the Consent Agenda items and actions as set forth above, deleting Item G.6.a. & Item G.6.b. per Mrs. Lynchard’s request as shown in F.3. above.

The motion passed by a vote as follows:

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

See Exhibit G.

H. OLD BUSINESS

1. Facilities – Emergency Bills from September 24 at Jail

Facilities Director Robert Jarman stated he has received the bills from the emergency purchase on September 24. A-1 Fire Protection did not charge to come out and inspect. Quarles Fire Protection changed the sprinkler heads that popped off and their bill was \$450.00.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to approve the payment to Quarles Fire Protection for \$450.00 for the emergency purchase at the jail and previously approved by the 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>

See Exhibit H.1.

2. Approval of Letter to Corps of Engineers Regarding Memphis Metro

Mr. Tracy Huffman stated the County was not able to get funding last year, but he was encouraged by Secretary of Civil Works Darcy to apply again this year. Mr. Huffman stated the letter outlines the requirements for funding. He said this is a five-county program in TN & MS, and the purpose is to address some of the larger flooding issues in the County. Mr. Huffman informed the Board the first step will be to conduct a feasibility study that will hopefully lead to a program that would address flooding and erosion programs.

Supervisor Caldwell stated Congressman Kelly and the Colonel from Memphis Metro came to DeSoto County and were very encouraging about the two Corps working together. They suggest face time in Washington to push the programs forward.

Supervisor Medlin asked if Mr. Huffman had some areas already identified. Mr. Huffman stated they are looking at Horn Lake Creek Basin and Camp Creek, and they have been deemed eligible, but there is no funding. He also stated, in addition to this letter, another letter would go to the delegation and there would be a need to meet with them later.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the letter to the Corps of Engineers regarding Memphis Metro 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 H.2.

3. MDOT Construction Engineer & Insurance Contract Review – Signature Required

Deputy Planning Director Austin Cardosi stated the MDOT Construction Engineer & Insurance Contract is ready for inspection and the Board President Signature. Mr. Cardosi informed the Board that a lot of signage has been struck from the original as well as a part of the bike trail, both from Pleasant Hill Road, because of safety issues. He stated the signage is along McIngvale & Swinnea; and there are sections concerning the River Overlook, River Ramp, Trailhead at Johnson Creek, and Delta View Bike Trail.

Supervisor Caldwell asked if this was the final phase. Mr. Huffman said yes and they are ready for the bid advertisement. He also pointed out this will complete the Trail Head part, including a pavilion and the bike trail at Baldwin Rd. and Johnson Creek Greenway, close to Star Landing and Baldwin Road.

Mr. Nowak stated this completed survey includes 2 bridges and the bike trail. He also stated the changed association with Larry Jarrett does not change any of the current projects. Mr. Nowak informed the Board he had to go back and re-qualify for the grants in the name of DeSoto County.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve the bid specifications as presented by Mr. Cardosi for the MDOT project as outlined in Exhibit H.3. and authorize the Board President to sign the 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 H.3.

4. Environmental Services – Keep DeSoto County Beautiful Fall Clean-Up Recap

Environmental Services Manager and Interim Parks Director Ray Laughter thanked Mr. Tanner Kuntz for the nice write-up on Fall Clean-Up Day in the DeSoto County Employee Newsletter. Mr. Laughter informed the Board over 100 people worked to clean up 4 parks and 10 roads and picked up more than 16 tons. Mr. Laughter stated the results were not as large as the spring clean-up day, but it is all about awareness and letting people know we are getting DeSoto County cleaned up.

No Board action was required.

See Exhibit H.4.

5. Tate County – Smith Road MOU

Mr. Nowak reminded the Board that Tate County had presented DeSoto County with a request to partner on stop signs at Smith Road and County Line Road/DeSoto Road. Mr. Nowak stated according to the agreement, Tate County will provide the signs and DeSoto County will install the signs along with advance traffic warnings and striping.

Supervisor Bill Russell made the motion and Supervisor Michael Lee seconded the motion to approve the MOU with Tate County for stop signs at Smith Road and County Line Road/DeSoto Road 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 YES
Supervisor Michael Lee, Fifth District YES

See Exhibit H.5.

6. 2016 G.O. Bond

Mr. Nowak stated that the County has to pay the full debt service of the 2016 G.O. bonds, but a portion is for the CVB Bond partial refunding. The Memorandum of Agreement calls for the CVB to pay their portion of the debt. It outlines that not less than 48 hours before the debt service is due, they will write a check to accounting for their part of the debt which amounts to \$3,862,706.25. Mr. Nowak requested the Board approve the Agreement and authorize the Board President to sign.

Supervisor Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the Memorandum of Agreement with the CVB for their payment of the debt service attributable to the \$3,862,706.25 of 2009B bonds refunded by the 2016 G.O. bonds as discussed, and authorize the Board President to sign.

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

See Exhibit H.6.

7. Handicap Compliance Grievance Committee

Mrs. Lynchard presented the Board with a history of the Handicap Compliance Grievance Committee and their function. She pointed out that Districts 1 & 3 appointees need to be replaced. The Board will come back with appointments as necessary at the next meeting.

See Exhibit H.7.

8. Holiday Pay Update

Mrs. Lynchard stated that Sheriff Rasco, Chief Deputy Moore, and EMS Director Mark Davis have spent a great deal of time coming up with a policy. She stated they found that many surrounding cities and counties and comparable size counties do the same compensation DeSoto County is doing now using 8 hour days. She stated there is no mandate from FLSA on this. Mrs. Lynchard informed the Board they would like to revisit the issue and take another good look at it.

No Board action was required.

9. DHS Child Support Update

Mr. John Davis, Executive Director of DHS, expressed his thanks for the Board having them appear to discuss the future of the Child Support office in DeSoto County. Mr. Davis introduced DHS Attorney, Mack Reeves; Deputy Director Eric Shields; and Mr. Earl Scales of the Attorney General's Office.

Supervisor Medlin asked Mr. Davis when his office knew about this change. Mr. Davis stated they have been looking at this for a couple of years, and have had a pilot program of 17 counties in South Mississippi; but they made the final decision about 3 months ago when their budget came from the State Legislature with a 12% cut.

Mr. Davis stated they ran the pilot program to be sure they had good support for children and families. He said, after the 12% budget cut, they sent an RFP request for proposal to vendors to take the child support program as privatization. Mr. Davis stated Young Williams ran the pilot program and they will now service child support needs statewide. He also stated Young Williams is a Mississippi company.

Mr. Davis went on to say Young Williams has worked with DHS to determine the least amount of disruption for the constituents as possible. He stated they implemented a 30/60/90 day transition period to make sure all constituents would know where to go.

Mr. Davis also informed the Board the vendor agreed to hire all the employees in the child support division; 321 employees state-wide. He also stated a certain number of employees have to remain on staff with the State to report to Federal agencies.

Supervisor Medlin asked how this affected the employees' PERS. Mr. Davis stated they worked with individuals close to retirement, and there were areas they could move into with no disruption of their PERS. He informed the Board many employees were happy with the benefits and pay the vendor offered. Mr. Reeves stated that all employees were offered positions at their current salary. Mr. Davis stated this was important in order for the public to continue seeing the same case workers. He said he feels good about outsourcing, saving the State money, and serving the constituents at a greater level. Mr. Davis also stated this company will be aggressive in collecting the outstanding payments that are sitting out there.

Mr. Davis stated he wanted to address some concerns that Mrs. Lynchard had approached him with and he has contacted the Attorney General, Secretary of State, and State Auditor to try and answer. He stated the space currently being occupied will continue to be reimbursed to the County. He stated the vendor will pay for all commodities wholly and solely in the Child Support office. Mrs. Lynchard asked if utilities would be reimbursed 100%, and Mr. Davis stated they will still be reimbursed according to the Federal Reimbursement Policy. He stated they will have to do a new cost allocation plan, but it will remain the same for 60 days.

Supervisor Medlin asked how long they would require the office space now in use. Mr. Davis stated the vendor would be out of that office by the end of the year. He said they are looking to procure space and they will decide where to put their regional offices. Mr. Davis also stated DHS is expanding Child Protective Services and they will need more space for them. Mrs. Lynchard stated the Facilities Department needs to know what the facilities plan will be for the building. Mr. Davis stated they will work closely with the County to get the building needs situated and come up with a cost allocation plan designed to be good for the County.

Mrs. Lynchard stated it was her understanding that the Board needed to make a finding of fact for use by a private company in the County building.

Mr. Eric Scales of the Attorney General's office stated the Board needs to find there is a mutual benefit with the county, state, and for-profit entity to benefit the constituents of DeSoto County. He stated DHS absolutely has the authority to privatize, and his office is of the opinion that it is feasible to let the private company use the County building if the findings are made. Supervisor Medlin asked if the Board could get that opinion in writing for the minutes. Mr. Scales affirmed.

Supervisor Gardner asked if the County was required by statute to provide office space for DHS and how much the reimbursement would be. Mrs. Lynchard stated DHS provides a partial reimbursement. Supervisor Gardner stated his concern is if the County is providing office space for less than fair market value, we are adding to their profitability. Mr. Nowak stated the County has the authority and requirement to contract with the Dept. of Public Welfare, and they have the authority to sub-contract. He stated the County is obligated to the Office of Public Welfare not the private entity. Thus, if the County satisfies its obligation to the Office of Public Welfare by providing adequate office space the Office of Public Welfare could then allow its contractor to use the space. Mr. Davis stated the statute has been in place a long time and been through many changes. He agreed the County's relationship is with the Dept. of Public Welfare. Supervisor Gardner stated he felt this would qualify as another unfunded mandate. Mr. Davis pointed out that more than \$6,000,000.00 in SNAP benefits come into DeSoto County alone, and child support has a lot of dollars coming in as well.

Mrs. Lynchard asked who the County Facilities Director would work with as a point of contact for facilities issues. Mr. Davis stated Mrs. Kristy Greer would remain to take care of that and she will be the one making sure the Facilities Plan is submitted to the State.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to permit DHS to subcontract use of the building currently being used by DHS Child Support to a private

entity, Young Williams; based on the finding of fact this is a mutual benefit for the County, State, and the constituents of DeSoto County; and ask for a formal opinion from the Attorney General's office stating such a contract is proper; 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>

Supervisor Caldwell asked when the building is vacated, where the child support office will be located. Mr. Shield stated that is up to the vendor. He said they are proposing 8 regional offices throughout the state. Mr. Davis stated the Counties with higher caseloads will factor in, and his office will be working closely with the vendor.

See Exhibit H.9.

10. AgriEd Center Exploration Committee Appointments

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to appoint Kacky Wright to represent District 1.

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 Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to appoint Todd Willis to represent District 2.

The motion passed by a vote as follows:

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

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to appoint Mallory Sayles to represent District 3.

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. NEW BUSINESS

1. Office of Tax Collector – Insolvency Report

Tax Collector Joey Treadway presented the yearly insolvency report. Mr. Treadway noted Personal Property is up because of about \$1 million that they are working to recover and feel will come in soon. He stated Public Utilities sent in a check that was wrong; and his office sent it back but has not received

it back here to date. He stated there is a lot still in the process of collecting.

Mr. Treadway stated the Tax Sale brought in about \$4,000,000.00 with apx. \$271,800.00 in overbids that go straight to the County coffers.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to accept the Insolvency Report as presented by Tax Collector Joey Treadway and make it 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.1.

2. Resolution to Initiate Incorporation of A.C.I. Fire Protection Grading District

EMA Director Chief Bobby Storey stated the preliminary work is done by getting the petition signatures in the proposed grading district area. Mr. Nowak stated the Board needs to accept the petition and make it a part of the minutes, authorize the Board President to sign the resolution to initiate incorporation of A.C.I. Fire Protection Grading District, and set the public hearing for proof of public convenience and necessity for the same on November 7, 2016 at 9 a.m.

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to accept the petition for the creation of the Alphaba, Cockrum & Ingrams Mill Graded Fire District and make it a part of the Board minutes; authorize the Board President to sign the resolution to initiate the incorporation of A.C.I. Fire Protection Grading District; and authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to publish notice of a public hearing for proof of public convenience and necessity for the same on November 7, 2016 at 9 a.m.

The motion passed by a vote as follows:

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

See Exhibit I.2.

3. 10:00 a.m. – Mobilitie Intelligent Infrastructure

Engineering Director Scott Young requested the minutes to reflect that he got an email last night around midnight saying the representative from Mobilitie was ill and would not be attending today’s meeting as scheduled. The Board asked Mr. Young to present his facts as there were some citizens in the Board room to hear the facts.

Mr. Young stated Mobilitie was proposing to put an antennae pole on County ROW. Planning Director Bennie Hopkins stated Mobilitie was told that to erect a pole over 35 feet, they had to go before the Board of Adjustment and get a variance. He stated they then produced a Certificate of Public Need from the Public Service Commission, and they stated they do not have to get a variance because of it.

Mr. Young stated Mobilitie is proposing a 40-inch diameter pole located 20 feet off the edge of the pavement at the corner of College Road and Craft Road. He stated he is concerned about safety along the road and the fact that they can come into the County and place the poles anywhere they want. He further stated Mobilitie is asking for Craft Road to be closed for one week during installation.

Supervisor Caldwell asked how tall the proposed pole is. Mr. Young stated it is 120 feet tall and 40-inches diameter.

Supervisor Medlin asked if the company had to prove this is a dead spot. Mr. Nowak stated there are several things the Board can ask them to do and a number of things to ask regarding telecommunications, such as proof of dead zones, safe zones, etc.

Supervisor Medlin stated many people get cell towers on private land and get paid, and some people depend on that extra income. He asked if this would affect those people. Mr. Nowak stated some companies consider private location options as they do not want to chance road widening, liability, etc.

Supervisor Caldwell talked to the Public Service Commissioner in TN because this company is located there now. They are having problems with closing the areas to put the towers in, and each time Mobilitie works on the tower, they have to close the road. She stated she is also concerned with devaluing property.

Supervisor Medlin asked if any of the public had questions. One gentleman stated he just wanted to hear what was presented. Mr. Medlin stated he was also concerned with sewer lines.

Mr. Young stated Mobilitie has not yet filed for a utility right of way use application.

Supervisor Caldwell stated she has also spoken with the Public Service Commissioner in MS and she is thinks the Certificate of Need does not cover wireless. She cited MS Code 77-7-3, Item 3 to back up that concern. Supervisor Caldwell asked Mr. Nowak to look into that and see if the CON is valid. Mr. Nowak stated there is a statute that allows telecommunication to go onto the ROW, and he thinks they are trying to use the CON to support their argument that they are a telecommunication system. He stated that his research does not support the fact that Mobilitie delivers wireless themselves. He said they basically put up a pole and lease space with providers to put an antenna on the pole, supposedly in dead spots.

Supervisor Medlin asked if that particular stretch of Craft Road is State Aid. Mr. Huffman stated he thinks it is. Mr. Swims stated 120 feet of right of way on Craft Road between Church Road and College Road was sub-laid for 5-lane. Mr. Young stated the utility request states the company has to move their own poles at their own expense if the road widens.

Supervisor Caldwell stated she had a list of questions for Mr. Nowak to look at.

No Board action was required as the Board had previously authorized Mr. Nowak to do research on this matter.

See Exhibit I.3.

4. Recognize Tony Nowak

Mrs. Lynchard brought to the Board's attention that not only has Mr. Nowak been selected by his peers to be recognized by *Best Lawyers* again, he received their "Lawyer of the Year" award for Municipal Law. Mr. Nowak is the only recipient in the Memphis metro area to earn that distinction.

The Board expressed their appreciation to Mr. Nowak for the fine job he does in representing the Board and "keeping them straight".

See Exhibit I.4.

5. Fire Truck Acquisition – Lewisburg Fire Department

Chief Bobby Storey stated Lewisburg Fire Department has requested to use \$70,000.00 in Rural Fire Truck Acquisition Grant money to offset the cost of the purchase of a new unit. He requested approval to turn the specs in to the State to use the grant.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to authorize Chief Storey to turn in the specs to the State in order for Lewisburg Fire Department to be

able to purchase a fire truck and offset the cost with revenue from the fire department and Rural Fire Truck Acquisition money.

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.

Chief Storey also requested permission for the County to put down white rock at the Bridgetown Fire Department for additional parking. Chief Storey reminded the Board the Fire Department is used as a polling place. Supervisor Caldwell stated there is a real need for more parking during elections.

Supervisor Michael Lee made the motion and Supervisor Mark Gardner seconded the motion to authorize the Road Department to put white rock in at Bridgetown Fire Department for parking.

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. EMS – Approval to work with Tony Nowak in Compiling Standard Operating Guidelines

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize Mr. Nowak to work with Mr. Davis as necessary to compile Standard Operating Guidelines for the EMS Department.

The motion passed by a vote as follows:

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

See Exhibit I.6.

7. Facilities Management – Service Master Termination

Mr. Jarman stated the cleaning has gotten worse in all the buildings; and since meeting with Service Master to point out the problems, there has been no communication from them at all. He recommends terminating them effective November 11. Mr. Jarman stated he has 5 companies looking at the buildings now. He also stated he is quoting the jobs as the Board approved.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to terminate Service Master effective November 11.

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.

Mr. Jarman reported to the Board the helicopter hangar came today, and it should all be up and ready to use by Saturday. He stated the walls were already up after just a few hours.

8. Environmental Services

a. Proposed Winter Saturday Hours of Operation – Rubbish Facility on Sandidge Road

Environmental Services Manager Ray Laughter stated the Board changed the rubbish pit hours last year to be 7 a.m. – 2 p.m. He stated Waste Connections is requesting the hours on Saturdays, from December 1 – March 31, be changed to 7 a.m. – 12 noon.

Supervisor Gardner asked how this benefitted the citizens. Mr. Laughter stated it will save space in the landfill.

Supervisor Mark Gardner made the motion to deny the request. There was no second.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the request to change Saturday hours to 7 a.m. to 12 noon from December 1, 2016 through March 31, 2017.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>NO</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.a.

b. Proposed Pricing for Rubbish Disposal at Railroad Avenue Rubbish Facility

Mr. Laughter reported the Consumer Price Index went up about 1.1% in August compared to last year and according to the MOU with Waste Connections that equates to a 3-cent increase per cubic yard.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to accept the price adjustment at Railroad Avenue Rubbish Facility as presented to be \$2.49 per cubic yard effective 10/1/2016.

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.b.

c. Rubbish Disposal MOU – Star Landing Rubbish Facility

Mr. Laughter stated that Jim Becher’s operation has been bought out by Waste Pro. He stated they need to clean up the MOU and add an addendum stating Waste Pro is the operator.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to work on the agreement with Waste Pro as necessary.

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.c.

d. Parks & Recreation – Hawks Crossing Lewisburg Future Park Erosion

Mr. Laughter informed the Board the erosion was discovered around the lake on County property when a lot was being prepared for building. The builder called and reported some major erosion issues. Mr. Laughter also stated his office received a call that the grass in this area had not all been cut. When he went out to check on these issues he found some very deep erosion that had caused the mowers not to be able to get all the county’s area cut.

Mr. Scott Young stated he thinks the problem is a compaction issue from when the developer built the lake. His recommendation is to grade the area, fill it, and do some compaction. Mr. Young stated they need to bring the runoff to one point and take it to the lake. Mr. Swims stated they are also looking at berming the area slightly and taking the runoff to the lake at several points. The estimate from the Road Department is \$10,688.00.

Supervisor Medlin asked if the lake had an outlet. Mr. Laughter stated it goes into Camp Creek. Mr. Kennedy stated he believes most of the problem goes back to a flood that overflowed the lake and blew out the DCRUA pipe.

Supervisor Medlin asked where the money would come from. Mr. Laughter stated he will transfer the funds from parks to roads. Mr. Medlin stated that was a lot of money to come out the Parks budget. Mrs. Freeze stated she had discovered \$90,000.00 that was paid to the County by the developer for the development of a future park. It was transferred from the general fund into the parks budget for FY17.

Supervisor Medlin said he thought they should look all around the lake and see if there were other areas that needed to be fixed. Mr. Young stated the whole lake area needs work, but it is late in the year to sod. He stated they are focusing on the area where lots are being developed, and will go back in the spring to grade and seed the remaining areas not affecting the lots where homes are being constructed. Mr. Kennedy stated the developer had fine graded and seeded once before the property was turned over to the County and it did not take; that is the reason for sodding at this time.

Mr. Laughter also informed the Board that the homeowners said if the County will fix the erosion, they will maintain the areas directly adjacent to their lots.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to fix the erosion based on information brought by Mr. Laughter, use the money from Parks, and bring more information back to the Board on the repairs needed to the remaining lake area.

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.d.

9. Office of Procurement

a. Approval to Purchase Sheriff’s Department Vehicle with Insurance Funds.

Procurement Coordinator Angie Irving presented the request to replace a high mileage vehicle with a F150 Super Cab at \$24,333.00 from Country Ford. She stated this was the better of two quotes received, the other quote being \$24,985.00 from Gray-Daniels Ford Lincoln in Brandon, MS. Mrs. Irving stated the money will come from the insurance funds.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to authorize the purchase of a F150 Super Cab at \$24,333.00 from Country Ford as the lowest and best qualified quote and to take the money from insurance funds as presented by Procurement.

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.a.

b. Purchase of 2 Vehicles Exceeding \$25,000 for SID

Mrs. Irving also presented two quotes from local dealers who have vehicles on the lots. Sheriff Rasco stated these vehicles will be purchased from the forfeiture account for SID officers to replace high mileage vehicles.

The quotes are as follows:

2015 Nissan Armada - Cannon Chrysler in Greenwood, MS - \$30,900
Landers Nissan in Southaven, MS - \$29,500
2017 Ford F150 Crew Cab 4x2 – Kirk Ford in Grenada, MS - \$28,938.44
Country Ford in Southaven, MS - \$28,889.00

Procurement recommends purchasing the 2015 Nissan Armada from Landers Nissan in Southaven, MS at \$29,500.00 and the 2017 Ford F150 Crew Cab 4x2 from Country Ford in Southaven, MS as the lowest and best qualified quotes.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to authorize the purchase of a 2015 Nissan Armada from Landers Nissan in Southaven, MS at \$29,500.00 and a 2017 Ford F150 Crew Cab 4x2 from Country Ford in Southaven, MS as the lowest and best qualified quotes for the Sheriff's SID.

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.b.

10. Office of Finance and Accounting

a. Claims Docket

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

Supervisor Jessie Medlin asked about the following claims:

Page 2 – MAS – Lynchard – Mrs. Lynchard stated that is for the affiliate membership

Page 69 - Utilities at parks – Mr. Laughter stated they have checked for water leaks and have not found

anything. He stated the only other thing to do is just shut off the water and put a lock on it unless it is requested.

Page 85- 91 – Lipscomb & Pitts Workers Comp – Mrs. Freeze explained that she broke the total Workers Comp amount into the different departments they belong to, so they are on several more pages also.

Supervisor Mark Gardner asked about the following claims:

Page 6 – Buchanan Insurance Group - \$27,814.00 – The invoice showed this is for helicopter insurance.

Page 8 – Shelby Co. Gov - \$17,000 – Mrs. Lynchard said this is the MPO quarterly 20% local match for dues.

Page 12 – Steven Deloge – Mr. Nowak stated this is an inmate in Utah asking for public records on an ongoing investigation. The County would not send them so he filed a suit.

Page 14 – Butler Snow – Stormwater Task Force – Mrs. Lynchard stated he attends meetings and advises the stormwater committee.

Page 52 – Supervisor Gardner stated the Director of Child Advocacy Center cried on the TV news and said DeSoto County Supervisors did not care about children. He said he took exception to that because the Board did allocate \$10,000.00 for them and she received a very large pay raise for her position. He recommends holding back the allocation and meeting with the Board of the Child Advocacy Center.

Page 74 & 75 – Tool Central – Mr. Swims stated the Road Department keeps tools in stock and this was just a tool order. Supervisor Gardner asked if they kept an inventory and were employees held accountable for tools issued them. Mr. Swims stated some superintendents kept their own tools, and some are kept at the shop. He stated they keep a close eye on them.

Page 79 – G&O Supply - \$13,146 – Mr. Swims said that was for the culvert under Jaybird Road. He said it was a very large culvert. Supervisor Lee encouraged the Board to ride out and see the work done at that location. He said the Road Department did a great job.

Page 91 – Lipscomb & Pitts – Mrs. Freeze stated that is one of the places the workers comp was listed. She stated they are all quarterly amounts.

Supervisor Lee Caldwell asked about the following claims:

Page 62 – Stephanie Lentz – Cleaning – Mrs. Hanks stated this is a Judge’s order to have the offices in Tate County cleaned for court reporters.

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 Lee Caldwell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer with the exception of the \$10,000.00 to the Child Advocacy Center on Page 52.

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 Medlin said he felt the Child Advocacy Center should be paid since the Board had allocated the money to them. Supervisor Gardner stated he just wants to meet with their board and talk about the large raise they gave their director and her going on television and speaking harshly about the Supervisors.

Mrs. Freeze stated they have one late bill for James Franks to request approval to pay. Mrs. Lynchard stated this was late because they held the court people’s office allowances until she had a chance to talk to the Board about the IRS regulations. She stated Mr. Franks gets his entire amount through the claims docket and his should not have been held.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to pay the late bill to James Franks.

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. Road Department

a. Finding of Fact – 3797 Lake Village Cove South

Road Manager Andy Swims stated this location is an inlet and underground pipe system that has created sink holes. He stated the inlet is sinking and causing damage affecting the health, safety and welfare of the public. Mr. Swims estimates the cost for this job at \$2,387.40.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the Road Manager’s recommendations based on a finding of fact that the work is necessary to protect the health, safety and welfare of the public, to complete the work to an inlet; investigate the cause of sink holes at an underground pipe system, and complete the work at an estimated cost of \$2,387.40.

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.a.

b. MDOT Safety Circuit Rider Sign Request

Mr. Young stated he has been working with Mr. Richard Allen at MDOT to identify areas where accidents have occurred and people left the roadways. Mr. Young stated they will give us the signs to put in those places, chevrons with bright sticks, but we have to get the work done within 2 months. He stated they are giving us just under 600 signs.

Supervisor Russell asked Mr. Swims what his opinion was. Mr. Swims stated MDOT started this program for counties that don’t have funds available, but DeSoto will benefit from it.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to accept the signs and authorize the Road Department to install them.

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.b.

Supervisor Gardner stated he has talked with the Sheriff about assigning 2 parking spaces in a well-lit area with cameras. The Sheriff suggested in front of the Sheriff’s Administration building. Supervisor Gardner asked Mr. Swims if his department could make signs to say “Public Exchange Point”.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to designate 2 well-lit, camera monitored parking spaces at the Sheriff’s Administration building as Public Exchange Points and have the Road Department make the signs.

The motion passed by a vote as follows:

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

12. Contract Administration

a. Sheriff’s Dispatch – Priority Dispatch System – Finding of Fact

Mrs. McLeod stated this is a prepaid maintenance agreement. She said the County has done business with this company since 2001 and they provide a necessary and immediate benefit to DeSoto County and the public.

Supervisor Gardner stated this company provides flip cards for dispatchers on what to say in various scenarios. He stated he has seen the cards help dispatchers to save lives.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the agreement for prepayment with Priority Dispatch System finding the County has done business with this company since 2001 and they provide a necessary and immediate benefit to DeSoto County and the 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.12.a.

b. EMS – AMB Service Agreement – Approval for Board President Signature

EMS Director Mark Davis stated this is a contract the Board approved and it now has the changes suggested by Mr. Nowak. He stated this contract is for billing and will start in 30-45 days. He also stated that this company will take care of collections, but that will be a different contract after they are handling the billing.

Supervisor Medlin asked if the paramedics will have to do something different with their documentation. Mr. Davis stated that everything will be done electronically and this system will be more user friendly. He explained that when the medics enter their run, the information will be reviewed by the EMS office and then forwarded to AMB.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the AMB Service Agreement and authorize the Board President to sign as discussed.

The motion passed by a vote as follows:

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

13. 2016 Homestead Deletion Report and Approval Letter for Board President Signature

Chancery Clerk Misty Heffner stated this is a yearly report that her office sends to the State and the approval letter has to accompany the report.

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

the 2016 Homestead Deletion Report and authorize the Board President to sign the approval letter.

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.13.

14. Facilities Use Policy

Mr. Nowak stated there was some question on the original policy regarding the enforcement process. Mr. Jarman stated they also changed the application form and took off the line regarding security.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the revised Facilities Use Policy as presented.

The motion passed by a vote as follows:

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

See Exhibit I.14.

15. Juvenile Court Renovation – Wells & Associates

Mrs. Lynchard stated the Facilities Department has been working on the Land Records office and making great progress. She stated it is now time to get moving on the Juvenile Courtroom phase of the project. Mrs. Lynchard said she met with Tripp Wells and got an estimate of his charges if he worked on the project. His estimate totaled \$9,165.00 for 141 hours, not including participation at Jail & Board meetings; which would cover plan review, contract documents, walk-throughs, estimating, reviewing pay requests, change order management & review, and construction observation.

Supervisor Gardner stated he would like to try Mr. Wells on this project and see if the County will save the money he claimed he could save. Supervisor Russell stated he would like Mr. Jarman to come back and report after this is over and let the Board know if hiring Mr. Wells was helpful.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to hire Wells & Associates for the Juvenile Courtroom renovation up to \$9,300.00.

The motion failed 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>NO</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>NO</u>

Supervisor Gardner stated if the Board was not going to hire Mr. Wells, they needed to terminate his contract.

Supervisor Michael Lee stated he misunderstood the motion and would like to change his vote to “YES”.

As a result of Supervisor Lee’s changed vote, 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>NO</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to amend the project budget to include Mr. Wells’ fees.

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>NO</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit I.15.

16. Personnel Manual – Risk Management Policy

Mrs. Lynchard stated if an employee has a complaint, they go to Mrs. Lynchard. If Mrs. Lynchard does not agree with the complaint, they can appeal to Vickie Richmann, EEOC representative for the Board of Supervisors. If a person in the public has a handicap compliance issue, the County Administrator is the County EEOC. At the point of 1st complaint, Mrs. Lynchard would take steps to make reasonable accommodations. If the person does not get satisfaction, they can file with the Handicap Compliance Grievance Committee. Mrs. Lynchard stated the County has to have this committee in place to be in compliance with Section 504.

Supervisor Russell asked if their appointees had to live within their district. Mr. Nowak and Mrs. Lynchard said they do not.

17. North Delta PDD Meeting Update

a. Legislative Issues

Supervisor Caldwell stated she and Mrs. Lynchard took some copies of the Legislative Request book and gave to other counties represented on the North Delta PDD Board, and they were very appreciative. She stated they were going to get behind it and send their requests to North Delta. She stated they are going to compile a Legislative request book for North Delta to present to MAS. Supervisor Caldwell stated it was interesting to note that the Homeowner’s Association request and landfill request were completely foreign to the counties represented.

b. Blight Elimination Program

Mrs. Lynchard informed the Board that North Delta announced a new program through the MS Home Corporation to clean up areas where a house burned, flooded properties, or other circumstances that would cause blight. Under this program, the County can apply for grant funding and be reimbursed the cost of cleanup if approved; and would not be charged back to the homeowner. She stated the purpose is to provide subsidies and the goal is to stabilize property values by removing and greening blighted sites.

Supervisor Medlin asked what the terms of qualification were. Mrs. Lynchard stated it is based on funds available and applying for it. Supervisor Caldwell stated only counties with cleanup programs in place, such as ordinances and guidelines, can qualify.

Mrs. Lynchard stated the County can begin to get addresses and find out how to apply for the funds.

See Exhibit I.17.b.

18. MAS Affiliate Members

Mrs. Lynchard stated the memberships were paid on the claims docket.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve Andy Swims, Andrea Freeze, Tony Nowak, Scott Young, and Vanessa Lynchard to be MAS affiliate members.

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.18.

19. Recreational District Appointment & Discussion of Parks & Greenways Directions

Mrs. Lynchard stated since Mr. Laughter accepted the Interim Parks Director position; he cannot be an appointee on the Recreational District Committee. She asked the Board if they wanted to appoint an interim person during Mr. Laughter’s interim directorship. Supervisor Medlin stated if Mr. Laughter does not continue on to be the Parks Director when the time comes, he would like him back on the Recreational District Committee.

The Board discussed the new position of Interim Parks Director and the changes this could bring to the Recreational District Committee. Mr. Laughter had some good insight; and the Board decided to table the discussion of what to do with the Recreational District Committee until Mr. Laughter has some time to think about it and can come back to them at the next meeting with his recommendations.

20. Renaming of Old Highway 304

Supervisor Caldwell informed the Board she had an election with the people in the affected area to determine the naming of the road. The choices were Eudora Road and Commerce. Supervisor Caldwell reminded the Board that the City of Hernando owns the roadway, but the people that live on the road are County residents. She told the Board the vote was split on the renaming.

Supervisor Russell said he felt the name should stay the same, and not change by sections.

Supervisor Bill Russell made the motion and Supervisor Michael Lee seconded the motion to name the road Commerce all the way.

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>NO</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Supervisor Caldwell stated the people of the Eudora Community are very proud of their community and its heritage.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to have the Road Department install a sign that says “Welcome to Eudora” along the roadway.

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 YES
Supervisor Lee Caldwell, Fourth District YES
Supervisor Michael Lee, Fifth District YES

21. Possible Ordinance on Utility Poles

Supervisor Caldwell stated because of the Mobilitie issue, she would like to put together an ordinance or board order to protect the County on how close a pole can be to the road to protect the road and traveling public and how tall the pole can be.

Supervisor Russell stated Entergy goes under public necessity rules. Supervisor Gardner stated they can use the utility easement, but they also have their own ROW. Supervisor Russell stated they also can take property for the lowest value.

Supervisor Lee suggested having the Broadband Committee look at an ordinance with Mr. Nowak.

Supervisor Bill Russell made the motion and Supervisor Michael Lee seconded the motion to authorize the Broadband Committee and Mr. Nowak to come up with an ordinance regarding utility poles in the right of way.

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

22. Permission to Travel

Supervisor Caldwell requested approval to travel to Washington, D.C. during the lame duck time to meet the Corps of Engineers and the Legislative delegation to try to get funding.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to allow travel for the Board and any others that might need to go to talk about the stormwater management project that has been authorized and not funded.

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

23. Contract with Hexagon

Mr. Nowak stated he has the contract with Hexagon that has expired and needs the Board President's signature. He stated the County's obligation is just over \$17,000 and is prepaid. Mr. Nowak stated the County has done business with Hexagon for many years and they provide a necessary and immediate benefit to the County. Mr. Nowak noted that the Sheriff's Department had reviewed and approved the agreement.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract with Hexagon and authorize the prepayment of contract obligations finding the County has done business with Hexagon for many years and they provide a necessary and immediate benefit to the County as discussed.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES

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.23.

24. DHS Child Support Office Addendum

Mr. Nowak informed the Board that he spoke with the DHS attorneys after they left the Board room regarding the statute that allows they must provide for local support. He stated the contracting group will provide a computer system in each county that does not have an office, so constituents can make application or put in claims locally.

25. Region IV

Supervisor Russell asked if there was any update on Region IV and the cities’ response to funding. Mrs. Lynchard stated she has not spoken with him.

Addendum:

Sheriff Rasco informed the Board he has had trouble with his outside trustees and wants to put them on a road crew picking up trash. The Board said that is up to the Sheriff’s discretion, but they thought it was a great idea. The Board thanked the Sheriff for the offer.

J. PLANNING COMMISSION

1. PUBLIC HEARING

Supervisor Russell made the motion and Supervisor Gardner seconded the motion to open the Crosswinds PUD Revision Public Hearing advertised for this day.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

Supervisor Caldwell recused herself from this item and left the meeting.

a. Rezoning

- i. Crosswinds PUD (747) - Application is for approval of revision of Rezoning of property from R-30 to PUD and a revision to the text, identified as Parcel #306-3-05-00-0-00015-01 and 3-06-3-05-00-0-00014-00, located on the east side of Craft Road and south of Byhalia Road in Section 5, Township 3, Range 6 and is zoned PUD and R-30 (District 5)
Applicant: Short Creek, LLC**

Mr. Hopkins presented the application for Crosswinds PUD Revision. He stated the applicant contacted the Planning Department prior to this meeting to change the sewer from being a lagoon system to running sewer lines to the DCRUA sewer at Byhalia Road. Supervisor Russell asked if the sewer will be pressurized. Mr. Mike Bailey stated it will be pressurized.

Supervisor Lee asked what the study says about this area. Mr. Hopkins stated this subdivision plan matches the placetype recommended in this area in the I-269 Corridor Study. He then stated the Comprehensive Plan recommends rural residential with a minimum lot size of 1 acre for this area.

Mr. Bob Barber, 919 Getwell Road, came forward to represent the application. He stated this project was previously approved but the developer is requesting the plan be revised to the one presented today. He based the change in neighborhood on the following things:

- Construction of I-269
- New housing developments
- Improvement of Craft Road
- Approved commercial in the area
- Construction of new schools
- Expansion of DCRUA

Mr. Barber stated he feels this area will transition into a small community over time.

Supervisor Russell asked how many lots were in the original design. Mr. Barber stated there were 24 lots in the original design. Supervisor Russell asked if the applicant will be getting LOMR's for lots 11, 12, 13, 14 and 15. Mr. Barber stated the developer will have to fill and get LOMR's for these lots.

Supervisor Russell asked what the minimum sqf of homes was in the original plan. Mr. Cardosi stated the minimum square footage of homes in the original plan was 1800 sqf. Mr. Bailey stated the minimum square footage of homes in the new plan will range from 2000-2200 sqf.

Mr. Barber discussed the common space in Area C with the gazebo and possible water feature.

Supervisor Gardener asked if the garages will be rear loading. Mr. Barber stated yes the garages will be rear loading and not seen from the street.

Supervisor Russell asked if there are any walking trails in the development. Mr. Barber stated the developer will be happy to add walking trails to connect with the sidewalks throughout the development.

There was discussion of ways to make the lots larger. Supervisor Gardner stated this development is compared to Windstone Subdivision in Olive Branch, this is the same developer, and thinks that is a very well designed subdivision. He then asked what size lots are in the front area of Windstone. Mr. Bailey said they are 6000 sqf. lots.

Supervisor Lee stated he is concerned that the original plans had 24 lots and the new plan has 46 lots and the main concern of the neighbors had of the original plan were the size and number of lots. Mr. Barber stated there is an increase in the number of lots with this plan but there is also an increase in the total acreage of the proposed site.

Supervisor Lee asked Mr. Barber to explain the blue line area on the site. Mr. Barber stated the original plan would have impacted the blue line area and floodplain. He went on to state that a blue line is under the jurisdiction of the Corp of Engineers and cannot be touched at all. He then stated it is an environmentally sensitive area.

There was discussion of whether building can occur in the flood plain if fill is added and a LOMR is granted.

Supervisor Gardner if all lots in the front section would be built to 2 feet above elevation. Mr. Barber stated all lots would be looked at it. Mr. Andy Swims stated the only ones regulated are the ones located within the flood zone. Mr. Bailey stated they would be willing to build all 12 lots on the front section at 2 feet above flood elevation. Mr. Randy Williams stated the Board may want to require all 12 lots being built 2 feet above flood elevation be noted on the plat.

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

Terry Abney – 7623 Grass Pond Road – came forward and is concerned with the following:

- Increased traffic on Craft Road

- Infrastructure not able to support this type of development
- Flooding

Supervisor Gardner asked if Mr. Abney’s primary concerns are infrastructure and no new rooftops. Mr. Abney stated is concerned that there are going to be more lots than previously approved in the original plan.

Tilda Walden – 6593 Forked Deer Road, Gales, TN 38037 – came forward and stated her family has been in this area since the Civil War. She stated there have been a lot of changes in the area and she feels that the plan Mr. Bailey has presented is a really nice plan.

Murry Hayslip – 290 Ross Road – came forward and stated he feels this plan is better than the originally approved plan.

Supervisor Lee stated he thinks that the developer connecting to the sewer system addresses the concern the neighbors had of the lagoon issues.

Mr. Hayslip stated there were concerns about the lot and home sizes and feels the new plan addresses the concerns neighbors have about the home sizes and possible rental issues in the development.

Supervisor Gardner asked Mr. Bailey what he felt the homes in the new development at 2200 sqf average cost would be. Mr. Bailey stated he feels the average cost for homes in this development will be \$225,000 to \$260,000.

Supervisor Medlin stated that there are 240 acres also owned by this developer located behind this development and is concerned if this plan is approved today the same type of development will be requested for the 240 acres later. Supervisor Russell stated he feels the original change in neighborhood would not support that large of a development at this time but maybe in the future.

Supervisor Russell stated he likes this new plan and that he would be more comfortable with 12 lots in the front section than 16 lots. Mr. Barber stated that the developer would be willing to look into decreasing to 12 lots in the front section.

Supervisor Lee stated he understands the neighbors’ concerns with increased traffic and increase in the number of proposed lots. He stated he would like to see larger lots, this development done right, and would like to see R-20 sized lots. He stated he is also concerned with that many homes affecting the fire system in the area.

There was discussion of the number of lots and acreage in the original plan verses the new plan.

Supervisor Lee made a Motion deny the Crosswinds PUD revision application after giving consideration of the recommendations of the planning department, the comments received from the applicant and the public, the documents presented, his knowledge of the neighborhood, and fully considering the comprehensive plan and all matters presented, and determining the applicant lacks substantial evidence to demonstrate a change in the character of the neighborhood sufficient to justify the proposed rezoning, and there is no demonstrated public need for the rezoning. Supervisor Medlin seconded the Motion to deny Crosswinds PUD Revision as presented.

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	ABSENT
FIFTH DISTRICT SUPERVISOR, MICHAEL LEE	YES

Supervisor Gardner stated he has heard from more neighbors in the area for the new plan than against. He then stated that all roads that have exits from I-69/269 will needed to be

addressed and make sure the infrastructure is in place to support the growth in DeSoto County.

Supervisor Medlin stated the last time this rezoning request was heard there was a room full of people and that he doesn't feel the people in the area knew about this meeting.

Supervisor Russell stated it is the Boards responsibility to make sure development is done right. He then stated if you look at Mr. Bailey's development Windstone, it is done right.

Supervisor Medlin made the motion and Supervisor Gardner seconded the motion to close the Public Hearing.

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	ABSENT
FIFTH DISTRICT SUPERVISOR, MICHAEL LEE	YES

2. CONSENT

a. Minor Lot

- i. The O. Barry Jones Subd. – 2nd Revision (7093) – Application is for final subdivision approval of three (3) lots on 8.88 acre(s). Identified as Parcel #2-05-3-06-00-0-00029-00. Subject property is located on the east side of Forrest Hill Road N. and north of Whispering Pines in Section 6, Township 2, Range 5 and is zoned Agricultural-Residential (A-R). (District 1)**

Applicant: O. Barry Jones

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

Supervisor Medlin made the motion and Supervisor Gardner seconded the motion to approve the Consent Agenda.

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

3. OTHER

a. Chad Collins – legal

Mr. Hopkins stated the Planning Department is requesting Board of Supervisors approval to involve Mr. Tony Nowak in looking into taking legal action against Chad Collins for not adhering to conditions of approval of a Conditional Use granted by the Board of Adjustment.

Supervisor Russell made the motion and Supervisor Caldwell seconded the motion to approve Smith, Philips, Mitchell, Scott and Nowak working with Planning Staff to pursue legal action against Chad Collins for not adhering to conditions of approval of a Conditional Use granted by the Board of Adjustment.

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

b. Design Waiver – New Greater Life Church

Mr. Hopkins presented a waiver of the building being completely bricked and the installation of sidewalks along the road as required in the DeSoto County Design Standards Ordinance. Mr. Hopkins stated the applicant would like to brick only the bottom 25% of the building.

Pastor Hester Maxwell came forward and stated they are a small congregation and to expand to a larger building to have the area to help with their community service projects.

Pastor Hester stated they are only able to brick the building half way up at this time. Supervisor Medlin asked if they be able to brick the building completely in the future. Pastor Maxwell stated they want to in the future but are not able to at this time.

Supervisor Lee made the motion and Supervisor Caldwell seconded the motion to waive the requirements that the building be 100% brick and that there be sidewalks along the road frontage with the understanding that the applicant will try and brick the building completely in the future.

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

c. Katrina Cottage Appeal

Mr. Hopkins presented an appeal by Rita Mundy of the Building Officials denial of her request to permanently locate a park model RV, commonly referred to as a “Katrina Cottage” at 2210 Old Pidgeon Roost Road. The property is 7.75 acres in size and is zoned “A.” According to Randy Williams, this type of structure does not meet the minimum building code to be passed as a permanently occupied structure. According to the manufacturer’s label, the structure was built as a “park model RV” and is commonly found in RV parks and temporary sites.

Supervisor Lee asked if she wants to move the structure later and asked if she could place the structure on a slab to make it more permanent. Mr. Randy Williams came forward and stated there are provisions for manufactured homes with HUD inspections in the Code book, but there are not provisions to allow for RV’s as a permanent structure in the Building Code or Zoning Ordinance. He stated the “Katrina Cottage” being requested does not have approval by HUD but has approval as a RV Park Trailer by Recreational Park Trailer Industry Association.

Mr. LW Lundy came forward and stated these structures are made to withstand hurricane force winds. He stated this will be a permanent structure and will be bricked around the bottom.

Supervisor Russell asked if the wheels will be left on. Mr. Mundy stated they would not be. Supervisor Medlin stated he was concerned with setting precedence and multiple structures likes being brought in and set up in clusters as rental communities.

Mr. Hopkins stated there are no HUD stickers on the structure and some other jurisdictions allow them but that DeSoto County Ordinance does not allow for them. Mr. Williams stated

the documented presented by the Mundys has a VIN number and is approved by Recreational Park Trailer Industry Association.

Supervisor Russell asked how many acres is the parcel they want to place the cottage on. Mr. Mundy stated it is 7 acres.

Supervisor Medlin made the Motion and Supervisor Lee seconded the Motion to have Mr. Tony Nowak meet with the Planning and Building Department to come back to the Board with a recommendation.

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

d. MDOT CE&I Contract and authority to advertise

e. Flood Ordinance Revision

Mr. Hopkins stated Mr. Randy Williams has drafted a revision to the Flood Prevention Ordinance to address various concerns. A summary of these changes is listed below.

- Fill may be removed from the floodway, provided the fill is completely relocated outside of the designated floodway. The removal must be approved by a licensed engineer with a certificate of no rise.
- Structures that have been placed in the floodway due to a map revision may be rebuilt in the case of fire or storm in exactly the same footprint. These structures must receive a Certificate of No Rise, completed by a licensed engineer. (As required by NFIP)

There were discussions of why changes were made to the floodway within The Villages of Hawks Crossing development. Supervisor Medlin asked if there will be anything presented from engineers confirming there will be no effect on roads or other lots in the area. Mr. Hopkins stated the applicant will have to present “no-rise” certification from an engineer.

Mr. Austin Cardosi stated this request is to allow staff to set notice for a public hearing to adopt the amendment.

Supervisor Medlin made the Motion and Supervisor Gardner seconded the Motion to set a public hearing for November 7, 2016 at 11:00 a.m. to adopt the Flood Ordinance revision.

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

K. EXECUTIVE SESSION

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

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to recess the Board meeting until October 17, 2016, at 9:00 a.m.

The motion passed by a vote as follows:

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

THIS the 3rd day of October, 2016, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie Medlin, President
DeSoto County Board of Supervisors