

**DESOTO COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING MINUTES**  
**DISTRICT FIVE SUPERVISOR MICHAEL LEE, PRESIDING**  
**June 24, 2022**

**A. CALL TO ORDER**

The June 24, 2022 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Michael Lee, Board President.

Major Steve Palmer opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Ray Denison	District 3
Supervisor Lee Caldwell	District 4
Supervisor Michael Lee	District 5
Major Steve Palmer	Sheriff's Department
Misty Heffner	Chancery Clerk
Vanessa Lynchard	County Administrator
Sam Barber	Board Attorney

**B. INVOCATION**

Supervisor Mark Gardner offered the invocation.

**C. PLEDGE OF ALLEGIANCE**

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

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

County Administrator Vanessa Lynchard requested to add the following:

- a. Purchase of Vehicles for Sheriff's Department (New, H.4.)
- b. Consideration for Executive Session – School Security (Executive, J.1.)

Supervisor Michael Lee made the motion and Supervisor Mark Gardner seconded the motion to approve the Agenda with the additions, deletions and corrections as set forth above.

The motion passed by a vote as follows:

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

**E. PUBLIC HEARING – MEDICAL CANNABIS**

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to open the public hearing for the matter of hearing the County's recommendation for the DeSoto County Medical Cannabis Ordinance & Process and to hear public comments.

**1. Recommendation for DeSoto County Medical Cannabis Ordinance & Process**

Planning Director Bennie Hopkins noted the State printed a brochure with contact numbers and some good information. He noted the County has recommendations on zoning and went over the ordinance (See Exhibit E.1.)

Supervisor Medlin asked the reason for 24-hour notice for inspections. Mr. Hopkins stated just to have access to the property, similar to people calling in for permit inspections. Supervisor Caldwell stated they went by the same guidelines as the Planning Department as the facilities are usually locked and secure.

Supervisor Denison asked about the initial set-up and start-up costs and annual costs. Mrs. Barclay stated the fees are different depending on which area a person wants to do business in and the size of their operation.

Supervisor Caldwell stated the fees are listed on the State's website and the County website will have a link to them as well. She stated the County will also put the ordinance on the website. Supervisor Caldwell stated the fees have to be paid in cash. Mrs. Barclay stated a few virtual banks will issue checks; but most local banks will not because cannabis is federally prohibited.

Supervisor Lee stated the operator must have a minimum of 3 acres; and, if there is a home on the property, the landowner has to talk to the Planning Commission. He stated the current ordinances prohibit building a warehouse behind a home that is bigger than the home.

Supervisor Caldwell stated the Board Attorney was present at all the committee meetings to be sure they followed legal guidelines. Mr. Sam Barber stated all State statutes and requirements have been met.

Supervisor Lee recognized Daniel Dunlap with the State Alcohol and Beverage Commission. Mr. Dunlap stated the Health Department will conduct inspections and ABC will conduct surprise inspections. Mrs. Barclay said the State regulations allow any kind of law enforcement to go in as needed if there are any complaints or potential allegations of wrong doing or criminal activity.

## **See Exhibit E.1.**

### **2. Committee Comments**

Supervisor Caldwell thanked the Sheriff's Department for allowing some deputies to participate in the committee meetings. She noted that Planning, EMA, EMS, GIS, and the Road Department had a part in the committee as well. She stated they read through the State Health Department regulations and worked hard to come up with some good ordinances for the citizens of DeSoto County.

Supervisor Gardner thanked everyone on the committee. He stated they had two meetings per week for several weeks. He said they knew not everyone would agree with the outcome.

Supervisor Caldwell also recognized Mrs. Barclay for her work in going through the State regulations.

### **3. Comments from the Public**

Olen Mike Chamberlin, 2225 Misty Woods Drive. Mr. Chamberlin thanked the Board for all their work. He asked a questions about the inactivity of operations. He stated that the seedlings have an 18 hour life cycle and asked if it would be allowed to check the lights and water at any time.

Supervisor Gardner stated they know farming is a 24-hour operation and that the committee's concern was light pollution and vehicles coming in and out. Supervisor Medlin asked if this would follow the County's current lighting ordinance. Mr. Hopkins stated the lighting is addressed in the ordinance. He stated grow lighting is not limited.

Mr. Chamberlin stated he noticed his lot was not in the shaded area that allowed cultivation; but his neighbor's is. He stated he is in an A/R zone with 2.96 acres. Mr. Hopkins stated cannabis operations are not allowed in the A/R zone. Supervisor Lee stated Mr. Chamberlin would have to come in with a request to rezone with a proof of change. Mr. Barber stated he would have to prove a change in the neighborhood or a mistake in zoning. Supervisor Lee said it would also make a difference if the subdivision is platted and recorded.

Mr. Chamberlin also requested a list of the banks that are participating. Mrs. Barclay said she would send the list she found. Supervisor Caldwell stated that information can be put on the website. Mrs. Barclay said there will be a special page on the County's website with medical cannabis information.

Roy Ridgeway, 2475 Scott Road, asked the reason for the 100 foot setback in the A zone. Mr. Hopkins stated it is typically the distance for activity. He stated their research found that some uses may have noise, lighting, or odor intrusion. He stated there are also numerous homes in the A zone in DeSoto County; and the committee wanted to protect property owners who live and work there.

Supervisor Gardner stated the buffer zone was the consideration. Mr. Ridgeway stated it might be difficult to find a 100 foot setback on some 3 acre lots. Supervisor Gardner stated they talked about that; and there is always a possibility for a variance. He stated it would depend on the situation; how close the neighbors are, etc. Supervisor Gardner stated the County looks at this now if someone is building a garage or other outbuilding.

Steven Brown, 845 Malone Road South. Mr. Brown said he asked at the last meeting to see the new ordinances before June 1<sup>st</sup>. He said the Board has made it hard on citizens to do business. Supervisor Gardner said he did not appreciate that comment as the committee has been meeting regularly to try and get the ordinances done. Mr. Brown said he did not know how it will affect his neighbors if he uses charcoal filters. Supervisor Gardner stated they looked at the state regulations and studied the subject quite a bit.

Mr. Brown asked how the committee came up with 3 acres. Supervisor Caldwell said it was to allow a buffer zone.

Mr. Brown asked if the committee had anyone in this business from another state come to the meetings. Supervisor Caldwell said they referred to many other states to get good practices. Mrs. Barclay informed the group that the State did not release their regulations on cultivation and processing until after June 1<sup>st</sup>. She said she called them multiple times to get their regulations.

Supervisor Lee said they knew this would be hard but they had to come in with a plan. He said there has to be some kind of control, rules and regulations. He said it was not intentional to harm anyone or keep anyone from doing business in this County. Supervisor Lee said this Board wants people in DeSoto County to succeed and the committee worked very hard to come up with this.

Supervisor Gardner said he has been on this board for 11 ½ years and has never done anything to try and make it hard for people to do business. He stated the Board cannot look at "what about me"; they have to look at how things impact people as a whole. He explained if someone is slightly outside the parameters; they can apply for a variance.

Supervisor Caldwell stated the County requires 3 acres for mobile homes and they used that as a guideline to follow. She stated they were not applying regulations to keep people from business. Mr. Brown said he knew they were not; but the collateral damage is done. He stated the prices will keep individuals from business. Supervisor Gardner agreed the State's fees are high. Supervisor Caldwell said the County has to have fees because County employees will have to go out and inspect the operations. Mr. Brown stated they have to require charcoal filters. Supervisor Caldwell stated they are required to have certain filters. She stated when the committee talked about hard surfaces they knew asphalt would be more expensive, so they are allowing gravel to try and help people.

#### **4. Adoption of Ordinance for the Regulation of Medical Cannabis Business Activities**

Supervisor Caldwell stated it is important to note that these regulations go into effect immediately.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve the adoption of the ordinance for the regulation of medical cannabis business activities finding that such is necessary for the preservation of the public peace, health and safety; that the

Board is complying with the law with respect to all of the Board’s recommendations; that the permitting of the medical cannabis establishments begins July 2; the industry involves a scheduled drug which must be closely regulated; the adoption of the regulations is intended to protect the community from the potential of marijuana making it into the hands of people for whom it is not allowed; and to protect against exposure to the ancillary products that come from the process of cultivating, processing and dispensing of medical marijuana.

The motion passed by a vote as follows:

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

**See Exhibit E.4.**

#### **5. Adoption of Order for the Adoption of Text Amendments to the DeSoto County Zoning Ordinance for the Purposes of Addressing Medical Cannabis Businesses**

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to adopt the order for the adoption of text amendments to the DeSoto County Zoning Ordinance for the purposes of addressing medical cannabis businesses finding that such is necessary for the preservation of the public peace, health and safety; that the Board is complying with the law with respect to all of the Board’s recommendations; that the permitting of the medical cannabis establishments begins July 2; the industry involves a scheduled drug which must be closely regulated; the adoption of the regulations is intended to protect the community from the potential of marijuana making it into the hands of people for whom it is not allowed; to protect against exposure to the ancillary products that come from the process of cultivating, processing and dispensing of medical marijuana, and that these text amendments to the Zoning Ordinance will become effective immediately.

The motion passed by a vote as follows:

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

**See Exhibit E.5.**

Supervisor Gardner recognized Horn Lake Mayor Allen Latimer and thanked him for coming.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to close the public hearing.

The motion passed by a vote as follows:

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

#### **F. CITIZEN REMARKS & PRESENTATIONS**

#### **G. CONSENT AGENDA**

#### **H. OLD BUSINESS**

#### **I. NEW BUSINESS**

##### **1. Procurement – Authorize Clerk to Write Check for Notary Renewal**

Supervisor Mark Gardner made the motion and Supervisor Ray Denison seconded the motion to authorize the clerk to write the check for Vickie Tillman’s notary renewal fees.

The motion passed by a vote as follows:

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

**See Exhibit I.1.**

**2. Chancery Clerk – Authorize Attorney to Draw Up Interlocal with Cities for 3% City Settlements**

Chancery Clerk Misty Heffner stated that the Chancery Clerk’s Association recommended their office have an interlocal with the cities. She stated if the city’s taxes are not made on time, her office does the collecting. Mrs. Heffner said the Tax Collector and Tax Assessor have an interlocal and she requested the Board Attorney work with the auditor to draw one up for the Chancery Clerk.

Supervisor Mark Gardner made the motion and Supervisor Ray Denison seconded the motion to authorize the Board Attorney to work with the auditor to prepare an interlocal with the Chancery Clerk and cities for their 3% tax settlements.

The motion passed by a vote as follows:

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

**3. Board Attorney – Authorize to Prepare Litigation Audit & Submit to State**

Mr. Barber stated they need to prepare the yearly litigation audit for the auditors.

Supervisor Mark Gardner made the motion and Supervisor Michael Lee seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to prepare the litigation audit and submit it to the State.

The motion passed by a vote as follows:

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

**See Exhibit I.3.**

**4. Sheriff’s Department – Purchase of Vehicles**

Supervisor Gardner said the Sheriff called him and they have found some vehicles to try and purchase. Major Palmer stated he thought Cannon Chevrolet in Greenwood had some pursuit vehicles on the lot; but it turns out he has place an order for nine 2023 Tahoes. Supervisor Gardner said they are \$42,000 each and asked if they would have to bid. Mrs. Irving stated they will have to get two quotes. Supervisor Gardner said the Sheriff thought Cannon had the vehicles; but they don’t. Major Palmer stated Cannon is asking for a letter of interest in purchasing the vehicles that will not obligate the County.

Supervisor Gardner asked if they could get another quote, if the Board could act on this next meeting. Mrs. Irving said they could only get one. Mrs. Lynchard stated more than one would

put you over the \$75,000 purchasing limit. She suggested going out for bid since the vehicles will not be ready anytime soon.

Major Palmer said they checked with Chevrolet and an engine replacement is \$11,000 and takes 3-6 months to get them in. He stated their immediate need is for 2 K-9 units. Supervisor Gardner asked if the vehicles could be another brand. Deputy Dodson stated their equipment fits a Tahoe and that is why they are looking at them.

Supervisor Gardner made the motion to authorize procurement to write a letter to the dealer. Supervisor Gardner withdrew his motion

**See Exhibit I.4.**

**J. PLANNING**

**K. EXECUTIVE**

Supervisor Mark Gardner made the motion and Supervisor Ray Denison seconded the motion to adjourn the Board meeting until Tuesday, July 05, 2022 at 9:00 a.m.

The motion passed by a vote as follows:

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

THIS the 5th day of July, 2022, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Michael Lee, President  
DeSoto County Board of Supervisors