

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

BILL RUSSELL, PRESIDENT 2010 PRESIDING

July 7, 2010

A. CALL TO ORDER

The July 7, 2010, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Bill Russell, Board President.

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

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Bill Russell-----District 3
Supervisor Allen Latimer-----District 4
Supervisor Tommy Lewis-----District 5
W. E. Sluggo Davis-----Chancery Clerk
Michael Garriga-----County Administrator
Jody Neyman-----Board Attorney
Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PLANNING COMMISSION AGENDA – No Items

E. OLD BUSINESS

F. NEW BUSINESS

1. Planning Department

a. Payne Lane

Planning Director Jim McDougal said there is a situation on Payne Lane where a gentleman has a lot that he would like to build a house on. Mr. McDougal said that access from the public right of way is a few feet short of the gentleman's property. Mr. McDougal presented a map of the road and Mr. Wilson's property. Mr. Wilson asked about pulling a building permit and the rules require public access from the edge of the property. Mr. McDougal further explained that there is a development across from the property and has not yet been built. At some time the development will be built and the developer will add roadway.

Mr. Willie Wilson appeared before the Board of Supervisors to discuss building a house on his property located on Payne Lane. Mr. Wilson said the property is a few feet short of public access.

Supervisor Jessie Medlin said that Mr. Wilson called about a year ago to discuss building a house on his property. Mr. Wilson was asking the county to extend Payne Lane to his property. Supervisor Medlin said he told Mr. Wilson that the county did not build private roads for property owners. Supervisor Medlin said, in years to come, this roadway will be approved. Mr. Wilson has an easement from Mr. Nelson's property. Supervisor Medlin said that Mr. McDougal told Mr. Wilson that the county cannot build the road. But Mr. Wilson wants to see if the county can extend Payne Lane to his property.

Supervisor Medlin said this is an old road and use to extend out but it stopped because it was no longer used. When the road register was approved the road looks like it went to the last house on the road and stopped.

Supervisor Bill Russell asked if there is currently a road. Supervisor Medlin said there is some gravel area. Supervisor Russell asked if the easement would prevent the county from building the road. Mr. McDougal said no.

Supervisor Medlin said the developer will have to build the road when the property develops.

Mr. Wilson said he is asking the county to fix 302 feet of road from the existing road to his property. Mr. Wilson said he was told his property taxes are used to build roads and thinks the road should be built.

Mr. Wilson thanked the Board for hearing his request. He said he has attempted to build the house five or six times and discussed this property with the county. Mr. Wilson said it is from a 46 acre parcel. It is about 30 feet from the asphalt. He said he would really appreciate it if the county could put asphalt down to his property. Mr. Wilson said he would borrow money to do the work himself, but he does not think anyone will grant him a loan on property that does not belong to him.

Supervisor Medlin said, if the county does anything with the property, right of way has to be obtained from Mr. Robbins and Mr. Nelson.

Mr. Wilson said that in 2007 Jim McDougal told him to see Mr. Robbins about the road. Mr. Robbins told Mr. Wilson he could do anything he wanted to with the road because it did not belong to him. Mr. Wilson asked for that statement from Mr. Robbins, but he has never produced it.

Supervisor Jessie Medlin said the right of way belongs to Jim Robbins. Supervisor Medlin said Mr. Robbins will have to build the road and dedicate the road back to the county through his development as part of the standard process.

Mr. McDougal said the development is not platted and recorded but the development is approved.

Supervisor Eugene Thach pointed out that if the county does not own the property, we have to buy it before we can improve it.

Mr. McDougal said this is an approved preliminary development but it has not been platted and recorded. Supervisor Thach asked if we would have to get right of way to build the road. Board Attorney Jody Neyman informed the Board that right of way would need to be procured if portions of the proposed road sit on private property.

Supervisor Russell said he read Mr. Robbins letter and he said he will donate the easement to the county but he will not build the road. Supervisor Russell asked if the county can require Mr. Robbins to build the road before he starts construction on the subdivision. Mr. McDougal said he did not know.

Board Attorney Jody Neyman stated that he could research the issue if the Board wished. Supervisor Russell said he cannot make a motion to build the road if the developer must build the road in the future, but if the county is going to have to build the road anyway, he would look at it differently. Supervisor Russell said he could not make a motion to build the road if the developer was required to build it in the future.

Supervisor Allen Latimer stated that when the developer develops the property, it is his responsibility to build the road.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to investigate to research the issue of building the road to Mr. Wilson’s property and to report back to the Planning Commission meeting before the Board of Supervisors on August 4th. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit F.1.a

Mr. Wilson asked what an individual can do to improve the road and if he can get someone to grade the road.

Mr. McDougal state it depends on who the property owner is and what they will allow.

Supervisor Medlin said also, so that we know for sure who owns that right of way, we need to do a survey.

Mr. Wilson a survey was done in 2009 and the property stops at his gravel.

County Engineer Andy Swims pointed out that whoever builds the road must build to county specifications because eventually the county will have to take in the road and to the maintenance.

Supervisor Medlin said there are other Wilson family members who may want to build on the property and that will create more road use as well.

See Exhibit F.1.b

b. “Clean Cities” Lunch July 12

Planning Director Jim McDougal said the Mississippi Development Authority is having a luncheon and will discuss cleaner burning technologies. They want to generate interest throughout DeSoto County and build on the county’s work on air quality.

c. Transfer Ford Bronco to Town of Walls

Planning Director Jim McDougal said a couple of months ago the Planning Department requested to transfer a Ford Bronco to the Town of Walls. He asked the Board to approve a letter accepting the vehicle as is.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to accept a letter from the Town of Walls to accept a Ford Bronco from DeSoto County. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

2. Cockrum Fire Dept.-Ramp Addition

County Administrator Michael Garriga said there was an estimate for the parking lot overlay work at the Cockrum Fire Department in the amount of \$5,200.

Supervisor Eugene Thach asked if it is in the budget. Facilities Management Director Kenny Evans said it could come from the parking lot and sidewalks fund from his budget.

Supervisor Bill Russell asked Road Manager Russell Dorris the amount of his quote. Mr. Dorris said his quote was \$9,700 for the scope of the work. He said Kenny Evans' quote may not be the same as his. Mr. Dorris said the quote does not include the ramp.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the parking lot improvements and ramp addition at the Cockrum Fire Department and to use the funds from parking lots and sidewalks for the Facilities Management budget.. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

3. Ordinance Revision - Sale of Synthetic Drugs-Spice

County Administrator Michael Garriga said the Board asked him to research the ordinance on the sale of alternative drugs in DeSoto County. He said the City of Hernando recently acted on their ordinance and so has Southaven. Mr. Garriga requested that the Board Attorney review the current ordinance and make recommendations for adjustments.

Supervisor Bill Russell said he would like for the ordinance to not state a specific alternative drug so that the ordinance would cover any alternative drug and would not have to come before the Board each time.

Board Attorney Jody Neyman said that all of the cities except for Walls have adopted or are in the process of an ordinance regarding the sale of synthetic drugs.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft a proposed ordinance to prohibit the sale or possession of synthetic drugs and to hold a Public Hearing on Monday, August 2, 2010. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

After Executive Session, the Board determined it was appropriate to amend the alcohol ordinance to add a new regulation for synthetic drugs.

G. EXECUTIVE SESSION

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

H. OTHER ISSUES

1. WWII Event

Supervisor Allen Latimer said he appreciated all the work the staff, businesses, community, newspapers and others did on the WWII Memorial Event. He said it was a very good time for the veterans and he appreciated it.

Supervisor Tommy Lewis agreed in thanking everyone for their hard work on the event and how much it meant to the veterans.

2. Subdivisions-Woodland Lakes

Chancery Clerk Sluggo Davis said there are no delinquent taxes on the Woodland Lakes property holding the out house. Board Attorney Jody Neyman said he would like to confer with Mr. Davis regarding that matter.

3. E-911

County Administrator Michael Garriga said the E-911 Board authorized bids to design a new office on Starlanding Road. Architect Marvin Johnson has requested that Kenny Evans be appointed project superintendent. He said the Board may want E-911 to come before the Board to formally make that request.

Supervisor Bill Russell said he has received several calls with questions regarding the bid opening.

Vanessa Lynchard said the bid opening is scheduled for July 20th at 2:00 p.m. the Board room and anyone can attend.

Supervisor Jessie Medlin asked if the Board will vote on the bids. Mr. Garriga said yes, the Board of Supervisors votes to accept the recommended bid. Mr. Garriga said, in addition, the funds are county funds so the Board will oversee the expenditures.

Supervisor Allen Latimer made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until July 19, 2010, at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

THIS the 7th day of July, 2010, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Bill Russell, President
DeSoto County Board of Supervisors