

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

September 19, 2016

A. CALL TO ORDER

The September 19, 2016 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Sheriff Bill Rasco 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:

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

B. INVOCATION

Mr. Cecil Sowell gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. CITIZENS REMARKS & PRESENTATIONS

Supervisor Medlin asked if anyone present wished to address the Board on items not on the agenda. No one came forward.

E. APPROVAL OF AGENDA: ADDITIONS AND DELETIONS

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

a. Board Attorney Tony Nowak requested to add the following:

6th Amendment Counsel – (New, I.19.)

Consider for Executive Session – Potential Litigation, Eric Counce (Executive, J.3.)

b. County Administrator Vanessa Lynchard requested to add the following:

Grant for Smoke Alarms (New, I.3.c.)

Sheriff's Department – Approval to Carry Over Funds to FY17 Budget (New, I.14.)

Approval to Authorize Spending from FY17 Budget (New, I.15.)

Approval to Meet September 26, 2016 (New, I.16.)

DHS – Child Support (New, I.17.)

c. Grant Administrator Tanner Kuntz requested to add the following:

Justice Assistance Grant for Tasers (New, I.3.d.)

d. Supervisor Bill Russell requested to add travel for Keep MS/AL Beautiful Conference in Tuscaloosa, AL on 10/13 & 10/14 (New, I.18.)

e. County Administrator Vanessa Lynchard requested to delete the following:

Office of Finance & Accounting – Inventory Dispositions – Prelim/Final (New, I.2.a.)

Supervisor Lee Caldwell 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:

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

F. LEGISLATIVE REQUESTS

1. MAS Report

Supervisor Medlin invited Steve Gray, Director of Governmental Affairs for The Mississippi Association of Supervisors, to address the assembly. Mr. Gray thanked the Board and Legislators for the opportunity to speak. He stated MAS had a legislative committee meeting last week, and they are ready for the fall conference in October. Mr. Gray said they have had discussions with MDOT concerning long-term infrastructure funding; as they have seen other states moving forward with policies that are working. He said the public generally does not understand that counties are responsible for about 69% of the funding for infrastructure, and that falls on the back of homeowners through ad valorem taxes. Mr. Gray further stated MDOT and State Aid are two separate entities, and that a small portion of the fuel tax helps with State Aid in helping counties. MAS is trying to establish 5 major regions across the State to physically look at roads and bridges to understand the needs throughout the State; as well as bring more awareness to those needs. MAS wants to help get Mississippi up to par with other states and find ways to generate revenues to keep up the infrastructure. He said with the decline in sales tax collections, other states are being more creative and MS needs to look at that also.

Mr. Gray addressed mandated school funding and law enforcement as things the bulk of counties in the State are taking care of. He said counties are in a position to do a lot with less revenue generating mechanisms in place. MAS is looking at revenue streaming to help counties.

Mr. Gray said MAS is working to move the State forward in economic development and work with leadership in the legislative session to get things done in that perspective. He said they have had inventory tax discussions and are looking at total exemptions. Mr. Gray stated around \$160,000,000.00 exemptions of revenue came off the books for local and county governments. He urged local government to show where that is helping the County or City and to show the legislators how it helps.

Mr. Gray pointed out that Mississippi has an aging population and Ad Valorem taxes are not increasing. He restated that counties have to look at new ways to provide revenue. He also spoke about funding for specific programs that, at the State level, have gone from being automatic to appropriated; and the issue of unfunded mandates to the counties.

Mr. Gray commended the Board for being preemptive and putting the issues out now and not in January.

Supervisor Medlin also recognized Mr. Derrick Surette, Executive Director of The Mississippi Association of Supervisors. Mr. Surette said he did not need to address the Board, but was in full agreement with everything stated by Mr. Gray.

2. Affordable Rental Housing

Pieter Zee, Tax Appraiser for Tax Assessor’s Office, stated DeSoto County will lose approximately \$640,000.00 this year because of the way some apartments are valued. Mr. Zee also pointed out that the rent in these apartments is income-based, so valuations will not affect rent for citizens. He stated the developers are the ones getting the benefits. Representative Bill Kinkade stated this will be the 5th year he will present this bill; and that it has had a difficult time getting out of committee. Representative Kinkade said he has spoken with the Speaker and he feels strongly there will be movement on it this year.

3. Volunteer Fire Departments

Supervisor Caldwell stated this item is specific to DeSoto County. She stated there are 8 Volunteer Fire Departments in DeSoto County and 37,468 citizens in the unincorporated county. She also pointed out that there are 3 large schools in the unincorporated area which runs the population up during school hours. Supervisor Caldwell stated most fire department volunteers work during the day, and that leaves DeSoto County citizens vulnerable.

Supervisor Caldwell went on to say DeSoto County has one of, if not the best, Volunteer Fire Departments in the State and the Mid-South area. She said they have worked diligently to get fire ratings down to save on homeowners' insurance. Supervisor Caldwell said the County can presently only give from the county general fund an amount equivalent to what $\frac{1}{4}$ of a mill would generate for volunteer fire coverage, and they are using that every year in operations and capital improvements. She stated many have fund raisers to buy equipment and keep equipment up to date. Supervisor Caldwell said keeping fire rating down is expensive. She stated the importance of the Rural Fire Department funds and that there is a need for paid daytime coverage in DeSoto County.

Supervisor Caldwell requested to change the MS Code 19-5-105 to allow counties with populations greater than 150,000 to allow additional funding up to an amount equivalent to what $\frac{3}{4}$ of a mill would generate. She stated this would not mean fully staffed departments; it would just provide personnel in the County to help with daytime coverage.

Supervisor Medlin informed the Legislative Delegation that DeSoto County has gotten many Volunteer Fire Departments lowered from 10 to 7 or 8, and one is rated 6.

4. Homeowners Associations

Board Attorney Tony Nowak stated this item is important to DeSoto County because of the growth over the last several years and growth anticipated with I-269's completion. Mr. Nowak stated the Board has requested legislation for guidance for HOAs for 2 years, and the draft bill in the legislative book is the same as the past 2 years.

Mr. Nowak stated the bill follows other states, as well as including feedback from MAS and several members of MACBA. He stated the bill took approximately one year to draft originally. Mr. Nowak stated DeSoto County has seen a lot of problems with HOAs. He said developers will turn over common areas to HOAs and many times homeowners are not aware of it. When problems arise with detention lakes, levees, and common areas, they call for the County to fix the problems and the County cannot because it is private property.

Mr. Nowak pointed out the bill will provide homeowners with information to establish and have guidance for HOAs. He also pointed out the bill is a local preference bill, not an affirmative bill. Counties that feel they need it can pick and choose; while smaller counties will not be forced into anything.

Mr. Nowak also stated the bill could possibly be amended to be local preference for counties over 75,000 or 100,000. Over 100,000 would serve the 6 largest counties in MS.

Supervisor Russell said this is a complicated bill to read through, but he assured the delegation there is no monetary effect to the developer; it just requires the developer to do what should be done all along. He said it gives citizens laws that protect them and a vehicle to manage themselves. Supervisor Russell also stated he is going to contact the Boards of the 5 largest counties and see if they will join with DeSoto County in this effort. He requested 1 Senator and 1 Representative take this responsibility and meet with the Board members of the interested counties as soon as they concur. He stated he would like DeSoto County to meet in Jackson with the other counties and their delegations.

Supervisor Russell cited a case of a subdivision that had problems and the County spent close to half a million dollars fixing flooding there because streets and houses were flooding. He said that was 2 years ago; and the homeowners have not kept up the ditches in front of their homes, so now the yards are starting to flood again. He said the County cannot maintain the ditches because they are private property. He stated his frustration that the County just has to sit back and wait for the streets to flood again to be able to help with the problem.

Representative Dana Criswell asked to be kept in the loop on these conversations as he is the vice-president of his HOA and is very interested in what this entails.

Representative Robert Foster asked if the bill will be retroactive to help with past HOA problems. Mr. Nowak stated that is where the local option comes in. Supervisor Gardner said counties can opt in or opt out. He expressed the Board's frustration to being limited to what they can do. Supervisor Caldwell stated some counties don't have zoning and don't understand the problem or the magnitude of it. Mr. Nowak stated the bill will not require an existing subdivision to create a HOA retroactively, but will give direction to existing HOAs on how to notice homeowner, establish dues, collect dues, etc.

5. Infrastructure – Holly Springs Road

Supervisor Michael Lee stated the County's request is simple. Holly Springs Road needs to be raised up. He said there are over 100,000 acres in the Coldwater Bottom Floodplain that are in DeSoto County and flood this road regularly; to the point that DeSoto County had to install permanent gates to close during flooding in order to protect the lives of citizens. He stated Holly Springs Road is a major route from eastern parts of DeSoto, Marshall, Benton and Tate Counties. The flooding affects all 4 counties' travel and public safety.

Supervisor Lee informed the delegation that engineering studies, environmental studies and right-of-way acquisitions are complete. DeSoto County has \$4,000,000.00 set aside for this project, but it will take \$13,000,000.00 to complete. He stated this area has had tremendous growth and much more is anticipated with I-269 being 4 miles to the north and the Lewisburg School District in the area. Supervisor Lee also added, the cost will only go up and the Board does not want the work that has been done to become obsolete, thus costing even more taxpayer money. Supervisor Lee stated the Road Department does regular dredging of the Coldwater River in the Holly Springs Road area to help with the flooding issues.

Representative Robert Foster stated his knowledge of the problem and said the delegation needs to talk about pushing Holly Springs Road as their Bond issue and get it in the Bond Bill. Supervisor Caldwell suggested talking with the delegations from the other affected counties as well.

Sheriff Rasco stated one landowner has spent his own money to build a levee to keep his property from flooding.

Road Manager Andy Swims stated the 100,000 acres are only in DeSoto County, and the potential for developing areas around the floodplain makes even more drainage problems.

Supervisor Gardner stated the elevation would have to raise about 10 feet. He stated the gates had to be closed 7 times last year alone. That resulted in a 15 to 20 mile detour. Supervisor Caldwell stated when school buses have to detour like that, and the public cannot get to Hernando, the economic impact is huge.

6. 2016 Unfunded Mandates and Funding Restructures

County Administrator Vanessa Lynchard stated this is a very important issue for DeSoto County. Mrs. Lynchard also expressed to the delegation the County's faith in them to listen to what is said, and support legislation that helps the County. Mrs. Lynchard stated while she understood that HB1240 was passed to tie up a loose end on court cases where parents were in jeopardy having their parental rights terminated; the County has to fund legal representation for indigent cases, and the Youth Court Judge says most fall into that category. She asked that the delegation look at the impact on local counties and contact Board members for input.

Mrs. Lynchard also cited State Hospital cuts which put the burden of mental, alcohol, and drug commitments back into the County jail. She asked for protection of election support, and noted the State Health Department is now charging for inspections of correctional facilities which house state inmates that used to be free. Sheriff Rasco also pointed out that DeSoto County Jail does not house state inmates, so that inspection fee seems to not be justified.

Mrs. Lynchard noted that one state agency cannot bill another state agency. She asked the delegation to

not let them bill counties as well. She also asked for protection for Insurance Rebate money, Justice Court collections fund, and Wireless Communication funds to be sure that money come back to the County.

7. Settling Funds to Community Colleges

Chief Financial Officer Andrea Freeze asked that MS Code 37-29-143 be amended to allow the taxes collected for community colleges to be settled directly from the Tax Collector's office.

8. Recover Cost Incurred in Enforcing Zoning Laws

Supervisor Russell stated DeSoto County has a full-time Code Enforcement Officer, and we are constantly taking people to court because the law requires it. He stated we are asking the statute to be amended for the County to be able to recover attorney's fees when the County is successful in a court action to enforce its ordinances.

9. Approval to Declare an Emergency

EMA Director Chief Bobby Storey stated the law currently states only the Board of Supervisors can declare an emergency. He stated sometimes it is difficult for Board members to get to the office and asked to change the wording to Board of Supervisors or their designee to be able to declare an emergency and have the Board of Supervisors ratify the declaration at the next regular or special meeting of the board.

Senator Kevin Blackwell asked why the Board had to come to the office. Mr. Nowak stated either a majority has to come physically, with a minority calling in; or a majority can participate telephonically but this requires 5 days' notice under the statute. Supervisor Gardner stated neither Mrs. Lynchard nor Chief Storey would declare an emergency without consulting the Board. He stated during the flooding last year, it was physically impossible to get to the Board office for most members.

10. Amend Recording Requirements and fees.

Chancery Clerk Misty Heffner stated the Chancery Clerk's office is requesting to introduce putting a county parcel number or tax id number on recording instruments to be able to link the documents and all departments would be able to work together more easily.

Mrs. Heffner also stated the MACC has researched fees in bordering states and they charge much more for recording fees. She said the MACC is lobbying for a flat filing fee of \$35, and requesting that fee to help recoup the cost of technology.

11. County Owned Landfills

Supervisor Russell stated DeSoto County has 3 landfills that accept rubbish; and one is owned by the County. He stated the County had to pay almost \$17,000 to the State last year on the county owned landfill. This request is to allow county owned facilities managing solid waste to be exempt from the fees imposed in MS Code 17-17-219 if the facility only accepts rubbish, limbs, leaves and building debris.

12. Minimum Number of Ballots Printed

Supervisor Gardner stated the reality is turnout for elections will not be close to 75% unless it is a presidential election. He stated ballots are expensive and requested counties over 50,000 population not be required to print such a high percentage.

Supervisor Medlin stated DeSoto County has the capability to print ballots if needed and would be able to meet the need if there was a shortage.

Supervisor Gardner commended the DeSoto County Election Commissioners and said they are all over their districts on election days and would be on top of any situation that might arise.

Senator Blackwell stated he represented that bill last year and it got out of committee. He stated he will

be behind it again this year.

13. Amend Rules and Regulations for Homestead Exemption

Chancery Clerk Misty Heffner discussed the difficulties of the one-time sign up process and the problems that arise by not having a field for spouse information on the Homestead Application. Mrs. Heffner explained that the yearly sign-up would keep information up to date and virtually eliminate the 2-year time period that now exists for notifications to go out and homeowners to come in and re-file; which makes them owe a larger amount of taxes. Mrs. Heffner expressed a desire to meet with any of the delegation to discuss this at length.

Supervisor Gardner said he, Senator Parker and Representative Hopkins share a constituent who was the victim of one of these notification circumstances. The gentlemen came before the Board and their hands were tied to be able to help him.

Representative Hopkins stated he has been in touch with the Department of Revenue and they are making changes to the Homestead Exemption form. He stated the DOR says they are very open to these ideas.

Mrs. Heffner stated, in addition to having both spouses' information on the form, they are asking for birthday and email addresses on both applicants. She stated they are also advocating for the State to have a live or interactive file so counties can see up-to-date information from the State on applicants.

14. Infrastructure – Highway 305 – Church Rd. to Byhalia Rd.

Supervisor Medlin expressed his thanks for Highway 305 being resurfaced, but he is still encouraging MDOT to install a signal at Bethel Rd. and Highway 305. Supervisor Medlin also issued a plea for widening Highway 305 from Church Rd. to Byhalia Rd. The amount of school traffic and the upcoming I-269 continue to add traffic to this highway and safety is a major factor.

15. Infrastructure – Bridges

Supervisor Lee stated the counties are maintaining far more bridges than MDOT, and expressed the need for a short and long term funding plan. Supervisor Lee said the request is for \$40,000,000.00 statewide in funding for a short term Local Systems Bridge Program. He stated if a long term plan is developed, DeSoto County requests 50% of the new additional infrastructure revenue be allocated for counties.

16. Local & Private Legislation

Supervisor Caldwell asked the delegation to strike page 66 and asked for local & private legislation as described on page 77 to allow \$35,000.00 to aid the Historic DeSoto Foundation. She stated this is specific to DeSoto County.

17. 911 Surcharges

911 Coordinator James Powell stated the \$1.00 per phone bill that used to be good funding for E911 is going away as people are moving away from land lines. He stated that the 35% that was retained for infrastructure is no longer necessary. Mr. Powell pointed out that the carriers have infrastructure in place and that account is now building large reserves of money. He requested restructuring the way 911 surcharges are distributed for 911 services to receive the majority of the surcharge on cell phone and Voice Over IP lines as it has from landlines for years.

18. Radar

Sheriff Rasco requested the County be able to run radar. He stated all the cities within the County run radar. Sheriff Rasco stated his request for radar is not a money maker, but a life saver. He suggested that radar be optional for all counties.

Representative Hopkins stated he will support the bill. Supervisor Gardner said the Sheriff could provide data from the speed data trailers they have placed around the County. He said the speeds

registered on some of the trailers were very concerning.

19. Special Designation of Portions of Highway Systems and Bridges – Highway 302

Supervisor Caldwell stated she would also like to urge the legislators to look for grants and any other aid that DeSoto County could apply for in regard to flooding.

Supervisor Caldwell asked the legislators to coauthor a bill with Senator Tommy Gollott designating the Highway 302 bridge which spans I-55 in memory of Senator George Guerieri, Sr. Supervisor Caldwell noted the many accomplishments of Senator Guerieri as listed on page 71 and asked the delegation for their support.

20. State Budget – Fully Fund State Obligations

Supervisor Gardner expressed concern over the trend in which State government is pushing costs down to counties. He stated he would appreciate the delegations' sensitivity to that and help with the funding of state agencies.

21. Capital Defense

Mrs. Lynchard encouraged funding of capital defense so no county government would be burdened with those expenses.

22. Transfer Equipment at Road Department

Mr. Nowak stated the law allows the Road Department to transfer a vehicle to any government entity outside the county, but requires fair market value to transfer within the county. The request is to allow counties to transfer road equipment to other county departments, and to allow departments within the county to use road department equipment, without the need for reimbursing the road department or allowing for a nominal sum of reimbursement if the transfer is in the best interest of the taxpayers.

23. Comments from the Legislative Delegation

Representative Bill Kinkade stated last year the Legislature had to delay committee assignments because of election certifications. He stated many of the legislators have looked at the items in their books to lay the groundwork to get the items to the floor.

Supervisor Caldwell stated the Board would be happy to help with lobbying if needed.

Senator David Parker stated \$625,000.00 had been in their bond bill for Historic Dam Foundation. He stated it was mostly to satisfy areas in Olive Branch, but he wanted to be sure a portion of it was allocated to address needs in Horn Lake. He asked if some of that was being moved for Horn Lake.

Supervisor Caldwell stated this was the first the Board had heard of this allocation, and they will check into it. Senator Parker stated he wanted to bring it to the Board's attention.

Representative Robert Foster stated there was a provision that protected officers and other government officials from having their names and addresses available upon request by means of GIS and county tax records. He stated he appreciated the fact it would take some time to correct, but he would like to see that enforced at the County level.

Supervisor Gardner stated he thought that was an excellent idea and had no idea it was out there. Mr. Nowak stated it protects several public officials. Representative Foster said there is a list to go by.

See Exhibit F.

G. CONSENT AGENDA

The Board of Supervisors considered the following items on the meeting's Consent Agenda:

1. Publication of Board Proceedings

2. Office of Finance & Accounting

a. Budget Amendments – Sheriff’s Department, Delta Trauma, County Administration, EMS, Facilities, IT, Justice Court, Justice Court Judges, Election Commissioners, Chancery Court Reporters, EMA Task Force Grant, Garbage & Solid Waste

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|--|-----------------------------------|-----------------------|-----------------|--------------|--------------|-----------------|
| Fund/Department # | | 001 - 201,202,220 | | | | Updated 7/15 |
| Date: | | 9/19/2016 | | | | |
| (1) | Sheriff's Department | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 001-201-441 | OVERTIME | \$ 5,618.35 | \$ 20,000.00 | | \$ 10,000.00 | \$ 10,000.00 |
| 001-202-441 | OVERTIME | \$ 563,751.89 | \$ 581,604.00 | \$ 10,000.00 | | \$ 591,604.00 |
| 001-202-465 | RETIREMENT | \$ 1,083,405.23 | \$ 1,124,287.00 | \$ 3,000.00 | | \$ 1,127,287.00 |
| 001-202-468 | INSURANCE | \$ 1,029,512.52 | \$ 1,086,000.00 | | \$ 3,000.00 | \$ 1,083,000.00 |
| 001-202-533 | RENTAL OF OTHER EQUIP | \$ 2,087.60 | \$ 2,200.00 | \$ 100.00 | | \$ 2,300.00 |
| 001-202-544 | SERV/MAINT CONTRACT | \$ 65,983.54 | \$ 83,437.00 | | \$ 5,800.00 | \$ 77,637.00 |
| 001-202-546 | OTHER REPAIRS & MAINT | \$ 4,909.51 | \$ 6,000.00 | \$ 700.00 | | \$ 6,700.00 |
| 001-202-587 | TRAINING & REGISTRATION | \$ 46,048.94 | \$ 42,000.00 | \$ 5,000.00 | | \$ 47,000.00 |
| 001-220-568 | TRANSPORTING PRISONERS | \$ 36,913.25 | \$ 35,000.00 | \$ 5,000.00 | | \$ 40,000.00 |
| 001-220-694 | FOOD FOUR PRISONERS | \$ 389,922.18 | \$ 421,355.00 | | \$ 5,000.00 | \$ 416,355.00 |
| TOTALS | | | \$ 3,401,883.00 | \$ 23,800.00 | \$ 23,800.00 | \$ 3,401,883.00 |
| Reason for Request: Adjust various accounts for budget deficits. | | | | | | |
| Fund/Department # | | 114-240 | | | | Updated 7/15 |
| Date: | | 9/19/2016 | | | | |
| (2) | Delta Trauma | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 114-240-618 | MEDICAL SUPPLIES | | \$ 15,000.00 | | \$ 8,820.00 | \$ 6,180.00 |
| 114-240-921 | OTHER CAPITAL OUTLAY UNDER \$5000 | \$ - | \$ - | \$ 8,820.00 | | \$ 8,820.00 |
| TOTALS | | | \$ 15,000.00 | \$ 8,820.00 | \$ 8,820.00 | \$ 15,000.00 |
| Reason for Request: To purchase stair chairs out of correct capital outlay line item. | | | | | | |
| Fund/Department # | | 001-120,121,344 | | | | Updated 7/15 |
| Date: | | 9/19/2016 | | | | |
| (3) | County Administration | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 001-120-439 | OTHER SERVICE EMPLOYEES | \$ 17,189.26 | \$ 18,480.00 | \$ 2,600.00 | | \$ 21,080.00 |
| 001-344-535 | SECT 19-5-105 CODE ENFORCEMENT | \$ 650.00 | \$ 15,000.00 | | \$ 710.00 | \$ 14,290.00 |
| 001-120-466 | SOCIAL SECURITY MATCHING | \$ 16,621.04 | \$ 18,486.00 | \$ 200.00 | | \$ 18,686.00 |
| 001-121-404 | OFFICE CLERICAL | \$ 93,148.57 | \$ 103,157.00 | | \$ 2,000.00 | \$ 101,157.00 |
| 001-121-466 | SOCIAL SECURITY MATCHING | \$ 15,973.62 | \$ 17,901.00 | | \$ 90.00 | \$ 17,811.00 |
| TOTALS | | | \$ 173,024.00 | \$ 2,800.00 | \$ 2,800.00 | \$ 173,024.00 |
| Reason for Request: To pay for on-call help used by other departments. | | | | | | |
| Fund/Department # | | 001-240 | | | | Updated 7/15 |
| Date: | | 9/19/2016 | | | | |
| (4) | Emergency Medical Services | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 001-240-441 | OVERTIME | \$ 344,561.59 | \$ 339,830.00 | \$ 19,000.00 | | \$ 358,830.00 |
| 001-240-404 | OFFICE CLERICAL | \$ 75,459.45 | \$ 81,337.00 | | \$ 3,000.00 | \$ 78,337.00 |
| 001-240-434 | EMERGENCY MED EMPLOYEE | \$ 499,403.75 | \$ 506,050.00 | \$ 16,000.00 | | \$ 522,050.00 |
| 001-240-440 | PART TIME EMPLOYEES | \$ 57,847.80 | \$ 68,500.00 | | \$ 3,000.00 | \$ 65,500.00 |
| 001-240-465 | STATE RETIREMENT MATCHING | \$ 163,394.24 | \$ 180,002.00 | | \$ 7,000.00 | \$ 173,002.00 |
| 001-240-466 | SOCIAL SECURITY MATCHING | \$ 77,758.22 | \$ 85,707.00 | | \$ 2,000.00 | \$ 83,707.00 |
| 001-240-468 | GROUP INSURANCE | \$ 134,025.57 | \$ 162,750.00 | | \$ 20,000.00 | \$ 142,750.00 |
| 001-240-594 | OTHER CONTRACTUAL SERVICES | \$ 21,955.80 | \$ 21,820.00 | \$ 500.00 | | \$ 22,320.00 |
| 001-240-587 | TRAINING & REGISTRATION | \$ 1,696.70 | \$ 14,000.00 | | \$ 500.00 | \$ 13,500.00 |
| TOTALS | | | \$ 1,459,996.00 | \$ 35,500.00 | \$ 35,500.00 | \$ 1,459,996.00 |
| Reason for Request: To adjust salary lines for increases given during the fiscal year and to account for an increase in a contractual service. | | | | | | |
| Fund/Department # | | 001-151 | | | | Updated 7/15 |
| Date: | | 9/19/2016 | | | | |
| (5) | Facilities Management | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 001-151-468 | GROUP INSURANCE | \$ 78,234.83 | \$ 78,030.00 | \$ 3,500.00 | | \$ 81,530.00 |
| 001-151-401 | ADMINISTRATIVE/MANAGER/FOREMAN | \$ 61,332.46 | \$ 68,860.00 | | \$ 3,500.00 | \$ 65,360.00 |
| TOTALS | | | \$ 146,890.00 | \$ 3,500.00 | \$ 3,500.00 | \$ 146,890.00 |
| Reason for Request: To correct budget deficit in group insurance line item. | | | | | | |
| Fund/Department # | | 001-152 | | | | Updated 7/15 |
| Date: | | 9/19/2016 | | | | |
| (6) | Information Technology | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 001-152-603 | OFFICE SUPPLIES & MATERIALS | \$ 2,530.72 | \$ 2,500.00 | \$ 100.00 | | \$ 2,600.00 |
| 001-152-594 | OTHER CONTRACTUAL SERVICES | \$ 16,845.11 | \$ 29,500.00 | | \$ 100.00 | \$ 29,400.00 |
| TOTALS | | | \$ 32,000.00 | \$ 100.00 | \$ 100.00 | \$ 32,000.00 |
| Reason for Request: Adjust account for budget deficit. | | | | | | |

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|---------------------|---|------------------------------|-----------------------|-----------------|-----------------|-----------------------|
| | | Fund/Department # | 001-166 | | | Updated 7/15 |
| | | Date: | 9/19/2016 | | | |
| (7) | Justice Court Clerk | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 001-166-570 | INSURANCE AND FIDELITY BONDS | \$ 753.00 | \$ 2,500.00 | | \$ 100.00 | \$ 2,400.00 |
| 001-166-594 | OTHER CONTRACTUAL SERVICES | \$ 1,033.00 | \$ 1,000.00 | \$ 100.00 | | \$ 1,100.00 |
| | TOTALS | | \$ 3,500.00 | \$ 100.00 | \$ 100.00 | \$ 3,500.00 |
| Reason for Request: | Adjust account for budget deficit. | | | | | |
| | | Fund/Department # | 001-178 | | | Updated 7/15 |
| | | Date: | 9/19/2016 | | | |
| (8) | Justice Court Judges | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 001-178-463 | CONSTABLE FEES | \$ 286,828.55 | \$ 286,000.00 | \$ 1,000.00 | | \$ 287,000.00 |
| 001-178-566 | JUDGES FEES | \$ - | \$ 3,000.00 | | \$ 1,000.00 | \$ 2,000.00 |
| | TOTALS | | \$ 289,000.00 | \$ 1,000.00 | \$ 1,000.00 | \$ 289,000.00 |
| Reason for Request: | Adjust account for budget deficit. | | | | | |
| | | Fund/Department # | 001-180 | | | Updated 7/15 |
| | | Date: | 9/19/2016 | | | |
| (9) | Election Commissioners | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 001-180-603 | OFFICE SUPPLIES AND MATERIALS | \$ 975.11 | \$ 2,850.00 | | \$ 50.00 | \$ 2,800.00 |
| 001-180-608 | OTHER ELECTION EXPENSE | \$ 3,263.73 | \$ 3,250.00 | \$ 50.00 | | \$ 3,300.00 |
| | TOTALS | | \$ 6,100.00 | \$ 50.00 | \$ 50.00 | \$ 6,100.00 |
| Reason for Request: | Adjust account for budget deficit. | | | | | |
| | | Fund/Department # | 027-174 | | | Updated 7/15 |
| | | Date: | 9/19/2016 | | | |
| (10) | Chancery Court Reporters | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 027-174-475 | MILEAGE & OTHER TRAVEL COSTS | \$ 13,714.60 | \$ 14,000.00 | | \$ 50.00 | \$ 13,950.00 |
| 027-174-476 | MEALS AND LODGING | \$ 3,809.73 | \$ 3,800.00 | \$ 50.00 | | \$ 3,850.00 |
| | TOTALS | | \$ 17,800.00 | \$ 50.00 | \$ 50.00 | \$ 17,800.00 |
| Reason for Request: | Adjust account for budget deficit. | | | | | |
| | | Fund/Department # | 044-271 | | | Updated 7/15 |
| | | Date: | 9/19/2016 | | | |
| (11) | EMA Task Force Grant - Salaries | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| 044-271-594 | OTHER CONTRACTUAL SERVICES | \$ 16,666.70 | \$ 15,000.00 | \$ 1,667.00 | | \$ 16,667.00 |
| 044-999-999 | ENDING CASH | \$ - | \$ 40,360.00 | | \$ 1,667.00 | \$ 38,693.00 |
| | TOTALS | | \$ 55,360.00 | \$ 1,667.00 | \$ 1,667.00 | \$ 55,360.00 |
| Reason for Request: | Adjust to account for prior year payment. | | | | | |
| | | Fund/Department # | 105-340,341,345 | | | Updated 7/15 |
| | | Date: | 9/19/2016 | | | |
| (12) | Garbage and Solid Waste | | | | | |
| ACCT # | LINE ITEM | YEAR TO DATE EXPENSES | ADOPTED BUDGET | INCREASE | DECREASE | REVISED BUDGET |
| REVENUE | | | | | | |
| 105-000-326 | REIMBURSEMENT FOR FACILITY SERVICES | \$ 139,555.90 | \$ 100,000.00 | \$ 39,500.00 | | \$ 139,500.00 |
| EXPENSES | | | | | | |
| 105-340-554 | CONSULTANT/COUNSELING FEES | \$ - | \$ 15,000.00 | | \$ 10,000.00 | \$ 5,000.00 |
| 105-340-582 | GARBAGE/RUBBISH DISPOSAL FEES | \$ 1,320,804.09 | \$ 1,275,000.00 | \$ 46,000.00 | | \$ 1,321,000.00 |
| 105-340-918 | OTHER MOBILE EQMT \$5,000 + | \$ - | \$ 16,169.00 | | \$ 6,000.00 | \$ 10,169.00 |
| 105-341-582 | GARBAGE/RUBBISH DISPOSAL FEES | \$ 568,394.49 | \$ 550,000.00 | \$ 18,500.00 | | \$ 568,500.00 |
| 105-341-635 | TOPPING AND FILL DIRT | \$ 20,790.00 | \$ 50,000.00 | | \$ 10,000.00 | \$ 40,000.00 |
| 105-345-439 | OTHER SERVICE EMPLOYEES | \$ 31,287.81 | \$ 30,894.00 | \$ 1,700.00 | | \$ 32,594.00 |
| 105-345-465 | STATE RETIREMENT MATCHING | \$ 4,927.83 | \$ 4,866.00 | \$ 210.00 | | \$ 5,076.00 |
| 105-341-660 | HORTICULTURE SUPPLIES | \$ - | \$ 2,000.00 | | \$ 910.00 | \$ 1,090.00 |
| | TOTALS | | \$ 2,043,929.00 | | | \$ 2,122,929.00 |
| Reason for Request: | Increase revenue to offset an increase in expenses and amend various line items to account for budget deficits. | | | | | |

b. Final Inventory Dispositions – EMA, Sheriff’s Department

FISCAL YEAR: 2015/2016 PRELIMINARY INVENTORY DISPOSITION

REVISED SEP 2015 DEPT NAME: 260

DEPT #: 260 LOC #: 225

NR = NON REPAIRABLE (COST) K = THOUSANDS
 NR = NON REPAIRABLE H = HUNDREDS
 DAS = DECLARE AS SURPLUS D = DOLLARS

| ASSET # | DESCRIPTION | SERIAL # | REASON FOR DISPOSAL | Y R C O S T | LOCATION AT PRELIMINARY | PRELIMINARY APPROVAL DATE | DISPOSED BY | FINAL DISPOSAL LOCATION | DATE OF FINAL APPROVAL |
|---------|---------------------------|------------|-----------------------|----------------------------|-------------------------|---------------------------|-------------|-------------------------|------------------------|
| 42885 | Hardshell Motorola Laptop | 8433EY0159 | Model L830 Inoperable | 3800 | 225 | 8-15-16 | | | |

| AUTHORIZATION TO DISPOSE | | INVENTORY CLERK INFORMATION | | NOTES |
|----------------------------------|----------------------|--------------------------------|--|-------|
| SIGNED BY: <u>ON file</u> | DATE: <u>8-15-16</u> | PRELIMINARY PRESENT TO BOS | | |
| PRINT NAME: <u>Robbie Storey</u> | | <u>8-15-16</u> | | |
| DISPOSED BY: | DATE: | DATE INVENTORY DISPOSED AS SHD | | |
| PRINT NAME: | DATE: <u>8-15-16</u> | DATE BOS FINAL MINS ATTACHED | | |

FISCAL YEAR: 2015/2016 FINAL INVENTORY DISPOSITION

REVISED SEP 2015 DEPT NAME: SHERIFF'S DEPARTMENT

DEPT #: 200 LOC #:

NR = NON REPAIRABLE (COST) K = THOUSANDS
 NR = NON REPAIRABLE H = HUNDREDS
 DAS = DECLARE AS SURPLUS D = DOLLARS

| ASSET # | DESCRIPTION | SERIAL # | REASON FOR DISPOSAL - VEHICLES AND/OR HEAVY EQUIPMENT, MILEAGE OR HOURS MUST BE INCLUDED | Y R C O S T | LOCATION AT PRELIMINARY | PRELIMINARY APPROVAL DATE | DISPOSED BY | FINAL DISPOSAL LOCATION | DATE OF FINAL APPROVAL |
|------------------|----------------------------|-----------------------|--|----------------------------|-------------------------|---------------------------|---------------------|-------------------------|------------------------|
| 8126 | Spectra Mobile Radio | 604ATW0186 | Broken | 99 25H | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 34008 | JetStrobe Lightbar | n/a | unuseable | 04 7H | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 34019 | JetStrobe Lightbar | n/a | unuseable | 04 7H | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 34022 | JetStrobe Lightbar | n/a | unuseable | 04 7H | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 34007 | JetStrobe Lightbar | n/a | unuseable | 04 7H | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 39872 | Motorola Modern | 5085K50231 | unuseable | 09 25H | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 39872 | Motorola Modern | 5085K50231 | unuseable | 09 25H | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40066 | Motorola Dock Station | 26409AZN02B | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40074 | Motorola Dock Station | 25809AZN012 | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40077 | Motorola Dock Station | 25809AZN003 | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40078 | Motorola Dock Station | 26409AZN021 | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40084 | Motorola Dock Station | 26509AZN020 | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40086 | Motorola Dock Station | 26409AZN026 | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40092 | Motorola Dock Station | 26409AZN030 | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40099 | Motorola Dock Station | 26409AZN028 | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40120 | Motorola Dock Station | 26409AZN024 | Broken | 09 1K | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 40614 | Zebra Printer | XXXRC10030069 | Broken | 10 5H | SD Shop | 08/01/16 | Eddie V. | Waste Conn | |
| 42832 | DeWalt Impact Driver | 580718 | Broken | 13 1H | SD Shop | 08/01/16 | AH | Waste Conn | |

| AUTHORIZATION TO DISPOSE | | INVENTORY CLERK INFORMATION | | NOTES |
|-----------------------------------|----------------|--------------------------------|--|-------|
| SIGNED BY: | DATE: | PRELIMINARY PRESENT TO BOS | | |
| PRINT NAME: | | <u>August 1, 2016</u> | | |
| DISPOSED BY: <u>Amy Henley</u> | DATE: | FINAL PRESENT TO BOS | | |
| PRINT NAME: <u>Eddie VanStory</u> | DATE: | <u>September 19, 2016</u> | | |
| DISPOSED BY: <u>Amy Henley</u> | DATE: | DATE INVENTORY DISPOSED AS SHD | | |
| PRINT NAME: | DATE: | DATE BOS FINAL MINS ATTACHED | | |
| BY CLERK: Vanessa Lynchard | DATE: 08/01/16 | | | |

- 3. Office of Procurement – Appointment of Requisition Signers Update to Remove Stan Rochelle
- 4. Road Department
 - a. Request to Make Changes to Official Register and Map and Make Park of the Minutes
 - b. Request for Maintenance of School Bus Turnaround – 9196 Horn Lake Road
 - c. Safety Report

Workman Compensation Claims

Danny Pool had numerous injuries due to his accident 09-01-2016. Please continue to pray for Danny and his family as he has a long recovery process ahead of him.
Henry Crouch pulled his elbow.
Jamaal Dixon had an insect bite.

Accidents

There have been two (2) incidents of broken glass from debris being thrown from under mowers. 1. On Hwy 301 between Pratt and Oak Grove Rd. 2. On College Rd between Craft and Pleasant Hill.

The men have gone back to regular schedule. Day begins at 7:00 AM and ends at 3:30 PM.


Kenny Woods/ DeSoto County Road Superintendent

5. EMS Monthly Report: August 2016

Number of ambulance runs billed: 128
Amount billed: \$49,911.00
Amount collected: \$50,328.38
Un-collectable amount: \$1,516.34

| | Eudora | Lewisburg | Walls |
|-------------------|--------|-----------|-------|
| Dispatched Calls: | 88 | 131 | 72 |
| Refusals: | 23 | 59 | 34 |
| Standby Only: | 2 | 3 | 1 |
| Billed: | 52 | 60 | 34 |
| Other: | 11 | 9 | 3 |

Other = unable to locate patient, treated and transferred, treated and released, no treatment required, no patient found, dead at scene, cancelled and unknown.

6. Chancery Clerk Allowance

7. Contract Administrator – Establish as Park of the Formal Record and Enter Into the Board’s Minutes

- a. Porter Leath Service Agreement
- b. Zoll Extended Warranty Agreement
- c. MDOT MOU Overlay Hwy 304
- d. MDOT MOU Commerce Extension

8. Establish as Park of the Formal Record and Enter Into the Board’s Minutes

- a. Robinson Crossing – FEMA Approval of LOMR-F
- b. Completed Application for Certification for Ad Valorem Levy
- c. Approval of Recapitulation of Real & Personal Assessment Rolls

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve the actions and matters presented in the Consent Agenda.

The motion passed by a vote as follows:

| | |
|--|---------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>ABSENT</u> |

Supervisor Bill Russell, Third District YES
Supervisor Lee Caldwell, Fourth District YES
Supervisor Michael Lee, Fifth District YES

See Exhibit G.

H. OLD BUSINESS

1. AAA Vending

Mr. Nowak stated this contract had a slight change. He said the Board previously approved the contract for the machines in various county buildings. The vendor said the Sheriff's Department will not be within the scope of contract as stated in the minutes, and they will take out of the contract the need for reporting specific number of items sold. Sheriff Rasco stated he wants to be out of the contract because it was going to cost his employees more. He stated they will stick with what they are doing.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to approve the contract with AAA Vending as discussed by Mr. Nowak with the noted amendments.

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

2. Parks & Greenways Update

Mrs. Lynchard stated that she and Mr. Laughter have met with Mr. Jarrett and Mr. Flanagan to address the questions and concerns the Board had regarding changing Parks & Greenways over to the County. She said the Economic Council is requesting additional funding of \$5416.67 to cover Mr. Jarrett's salary through October and possibly \$1200.00 for travel expenses. She further stated the money will come from the Parks and Greenways budget. Mrs. Lynchard also said Mr. Jarrett has pledged to work with the County and Mr. Laughter for a smooth transition. She also stated that Mr. Jarrett will be traveling around the County with Mr. Laughter in a County truck during the transition.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve to fund \$5416.67 to the DeSoto Economic Council for the amount of Mr. Jarrett's salary only through the end of October.

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

Mrs. Lynchard went over a list of items discussed in the meeting with Mr. Jarrett and Mr. Flanagan:

Scenic Byways is handled by committee. There are no financial obligations. Every 2 years a review must be turned in to Clarksdale. A full review is due every 5 years. Mr. Flanagan and Mr. Jarrett have worked out a plan for the Tourism department to manage the reports.

Corridor Management Plan – Tourism will manage the reporting.

Webpage – Greenways website is open and has a \$30 monthly fee. The Board agreed to suspend this website and incorporate it into the DeSoto County website. Mr. Laughter stated he has some information on the website and he will do some updating.

Newsletter – The County will incorporate the Greenways newsletter information into the County website.

Greenways Logo – Mrs. Lynchard stated their logo was just created and asked if the Board wanted to keep it like it is. Supervisor Russell said he liked the logo and thought it would be good to have it different from the County logo. Mr. Nowak stated there will have to be an agreement to use the logo. Mrs. Lynchard will check on that with Mr. Flanagan.

Partnerships – Mrs. Lynchard stated the partnerships with North Mississippi Trails, MS Wildlife Rehab and the Economic Council will be dissolved, but the County will continue to work in conjunction with those groups.

Levee Board – Mrs. Lynchard said the County already has a relationship with the Levee Board, so that will be okay.

North MS Delta National Heritage Area Grant - Mrs. Lynchard stated the Tourism office will take on the grant and manage it.

Past Allocations- Mrs. Lynchard stated the allocations have all been used; there is no residual money.

North MS Hills Grant - Since this grant is in the Economic Council’s name, Tourism will handle it.

Arkabutla Trail - Mrs. Lynchard stated there is a porta potty cost of \$75 per month, and litter control monthly. Supervisor Russell asked who the Corps of Engineers agreement is with. Mrs. Lynchard stated it is a 99 year agreement and Mr. Jarrett did not think it would be a problem. She said she will check on it. Supervisor Russell asked Mr. Laughter if he had a handle on the Ark Trails. Mr. Laughter stated he is learning and going over how the lease is set up. He thinks it amounts to grass cutting and litter control, and he is working on that. Supervisor Caldwell said she thought MS Wildlife Rehab was in charge of the Ark Trails. Mrs. Lynchard said she would check on all that. She stated the litter contract is currently with Tim Ichenberger, month to month for \$12 per hour plus mileage. She said he cares for the parks, but there is no obligation for the County to keep him. Mrs. Lynchard stated they will talk about the litter control after Mr. Laughter has worked with Mr. Jarrett for a while.

Minutes for Recreation District - Mrs. Lynchard said the County will handle that.

Final Inspection - Mrs. Lynchard said Mr. Jarrett and Mr. Laughter will do a final inspection to document parks issues. Mr. Laughter will evaluate the software Mr. Jarrett uses for park maintenance.

Maintenance – Mrs. Lynchard stated Mr. Jarrett said there was no maintenance done to the greenways, except for Arkabutla Trail. Mr. Swims said the Road Department does some mowing on Johnson Creek. Mrs. Lynchard stated that one will always be a little different.

Eudora Park – Mr. Jarrett reported an unsafe tree. Mr. Swims stated the Road Department took one tree down recently. Supervisor Caldwell said she and Mr. Laughter will go out there and look.

Mulch – Mrs. Lynchard stated Mr. Laughter will come back with a recommendation on that.

Land Trust - Mrs. Lynchard stated there are 2 deeds from Bratta and EBI. She asked for approval to work with Mr. Nowak to be sure there are no obligations on those.

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 with Mrs. Lynchard and Mr. Laughter to get all the business of Parks & Greenways resolved.

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. IRS Audit Update

Mrs. Lynchard informed the Board the IRS Audit will be on September 27, 2016. She said the Administration Office and Accounting are preparing quite a bit of information for the audit. Mrs. Lynchard also stated the approval that the Board gave to work with Butler Snow will be very good for the County. She stated Butler Snow has taught the County a lot, and they have found the County is doing things very well. Mrs. Lynchard said Butler Snow has looked specifically at what other counties have been fined for and they are helping in those areas.

Mrs. Lynchard presented a bill from Butler Snow for \$4,010.40 for approval for payment.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to pay the bill to Butler Snow for \$4,010.40.

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 H.3.

4. AgriEd Exploratory Committee Appointments

This item was held over to allow all Board members to make their appointments.

5. Building Use Policy

This item was held over to get more information.

6. Appointment for Handicap Compliance Grievance Committee

Supervisor Gardner asked if someone who served on a Board of Aldermen could be appointed. Mr. Nowak stated he will check into that.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to appoint Mrs. Vanessa Lynchard to the Handicap Compliance Grievance Committee.

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.6.

7. Medical Bills for Inmates

Sheriff Rasco stated he and Mrs. Lynchard met with representatives from MAS and Gulf Guaranty this morning and found that Gulf Guaranty will look at medical bills and only charge 5%. He stated they are now paying a fee per inmate in custody rather than the bills the company looks at and the fees are very high.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to

authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to look at the current contract and see when it can be ended.

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> |

8. Quacidine Gribble

Mrs. Heffner stated she has gotten numerous emails from Mrs. Gribble demanding a deed be stricken from the rolls and other demands. She requested Mr. Nowak be allowed to respond to Mrs. Gribble.

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 as needed in an effort to resolve Mrs. Gribble's dispute.

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 Procurement

a. Request to Extend Janitorial Supplies Bid for 6 Months – Bid File #16-151-001

Procurement Coordinator Karen McNeil stated this bid was written with one more extension. She said, if approved, it will go through April 19, 2017.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the bid extension on janitorial supplies for 6 months.

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.a.

b. Recommendation to Reject Bid for Modular Classroom - Bid File #16-106-001

Mrs. McNeil stated there were two bids; and one vendor that bid made a clerical error on the bid and could not honor it. Sheriff Rasco stated the spoken bid was \$58,000.00, but the clerical error on the bid made it look like \$50,000.00. Mrs. McNeil said the other bid was over \$200,000.00. The Office of Procurement recommends rejecting the bid because of a clerical error.

See Exhibit I.1.b.

c. Request to Approve Bid Specifications & Solicit Bids for Re-bid of One Used Modular Classroom - Bid File #17-106-001

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to reject the bid received for bid file #16-106-001 because of clerical error and approve the request to re-bid for one used modular classroom as shown in bid file #17-106-001.

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.c.**

d. Lawn Care Bid – Performance/Payment Bond

Director of Procurement and Administrative Services Pat McLeod stated when the County did the lawn care bid, they asked for a performance and payment bond. She stated this was not a legal requirement, and they are asking the Board to waive the bond as an unusual requirement. Mrs. Lynchard stated it is an unnecessary bond for the company to carry. Mrs. McLeod stated most of the bidders were disqualified because they did not meet the specs of the bid; and this bid irregularity does not change the competitive nature of the bid or the dollar amount of the bid, and the irregularity does not give one bidder an advantage or benefit over the other bidders.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to waive the performance and payment bond for the lawn care bid and find the bid irregularity does not change the competitive nature of the bid or the dollar amount of the bid, nor does the irregularity give one bidder an advantage or benefit over the other bidders.

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. Office of Finance and Accounting

a. Preliminary/Final Inventory Dispositions – Sheriff’s Department, Search & Rescue, Facilities Management, EMA

This item was deleted from the Agenda.

b. Preliminary Inventory Dispositions – Facilities Management, Sheriff’s Department

Supervisor Medlin asked if the items on the Sheriff’s Department were going to auction. Sheriff Rasco stated they are.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to authorize the preliminary inventory dispositions from the Sheriff’s Department 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> |

Supervisor Bill Russell did not have any questions.

Supervisor Lee Caldwell asked about the following claims:

Page 29 – Sports of All Sorts – The invoice showed shirts for coroner’s office.

Supervisor Michael Lee asked about the following claims:

Page 38 – Rock River Arms – The invoice showed that was for 15 rifles.

Page 38 – Cleveland Sales \$4900 – The Sheriff said it was used to transport motorcycles.

Page 77 – Camera system – Mr. Jarman stated several old cameras have gone out. He replaced 3 cameras and 2 monitors.

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 approve the claims docket and authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer.

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> |

3. Grants Administration

a. Request to Apply for Solid Waste Assistance Grant - \$75,000 – Signature Required

Grants Administrator Tanner Kuntz stated this grant covers Household Hazardous Waste Day and Ewaste disposal.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to authorize Mr. Kuntz to apply for the Solid Waste Assistance Grant for \$75,000 and authorize the Board President to sign the necessary documents 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.3.a.

b. Request to Accept Homeland Security Taskforce Grant - \$50,000 – Signature Required

Mr. Kuntz said this is a renewal of the grant to cover travel, training, and equipment.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to accept the Homeland Security Taskforce Grant for \$50,000 and authorize the Board President to sign the necessary documents 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.3.b.

c. Justice Assistance Grant

Mr. Kuntz stated he applied for this grant in mid-May for tasers for the Bailiffs. He stated there is a \$1,236.25 match for the \$3,708.75 grant. Sheriff Rasco stated the match money will come out of his equipment line.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to accept the Justice Assistance Grant for tasers, authorize the \$1,236.00 to come from the Sheriff’s Department budget line for equipment, 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> |

See Exhibit I.3.c.

d. Grant for Smoke Detectors

Supervisor Mark Gardner stated he found that Southaven had gotten a grant to get smoke detectors to give to the public and he wanted to know if the County could do the same. Mr. Kuntz stated he found that each fire department has to apply, and he said he would be glad to help with that. Mr. Kuntz also said there is a 10% match for the grant.

Supervisor Lee Caldwell stated she would like to get information out to the public on the importance of cleaning their chimneys.

4. Contract Administration

a. EMS – Language Line – Finding of Fact for Prepayment

Mrs. McLeod stated this contract is for translation and is also used by the Sheriff’s dispatchers and the tag office. She stated the \$35 annual fee is prepaid, and the bill is paid in arrears. Mrs. McLeod stated the County has done business with this company for several years, and there is an immediate need and benefit for the service.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to prepay the annual fee of \$35 to Language Line finding the County has done business with them for several years, they are capable of performing the contract and there is an immediate need and benefit to the County for this service.

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.4.a.

b. EMA – Network Innovations – Finding of Fact for Prepayment

Mrs. McLeod stated this is for 2 satellite phones used by EMA and the bill is \$76.51 per month paid in advance. She stated the money is paid out of the task force grant. EMA has had the satellite phones for

some time and there is an immediate benefit to keeping the phones.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to pay the satellite phone bill of \$76.51 per month in advance out of the task force grant finding that EMA had done business with Network Innovations for some time, they are capable of performing the contract, the County phones are in their possession, and there is an immediate benefit from the company.

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.4.b.

5. Road Department

a. Finding of Fact – Fogg Road adjacent to 4942 Pounders Road

Road Manager Andy Swims showed documentation of a damage and erosion around a cross drain that is impacting the health & safety of the public and needs to be corrected at an estimated cost of \$2,290.00. Mr. Swims stated the road crew will have to do some work on private property to correct the cross drain properly.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to authorize the work on Fogg Road adjacent to 4942 Pounders Road as presented by Mr. Swims finding that the damage and erosion around a cross drain is affecting the health, safety and welfare of 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.5.a.

b. Finding of Fact – Old Goodman Road @ Polk Lane

Mr. Swims showed documentation of damage to private property as a result of work that the County did, and requested approval to stabilize the ditch to correct the erosion that is affecting the health, safety and welfare of the public at an estimated cost of \$941.00.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to authorize the work at Old Goodman Road @ Polk Lane finding the erosion that was caused by a County culvert affects the health, safety and welfare of 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.5.b.

c. Finding of Fact – 4615 Center Hill Road

See discussion and vote below at I.5.d.

d. Finding of Fact – 4653 Center Hill Road

Mr. Swims stated these are 2 undersized culverts, one of which is deteriorated, causing flooding on Center Hill Road. Mr. Swims stated the County has to shut down Center Hill Road in this area whenever there is a heavy rain.

Mr. Mark Aquadro, a resident in the area, stated the water converges at a small culvert and has formed a large gravel deposit in the ditch that is acting as a levee. He stated the residents there would like to see the work done to improve the water flow and make the road safer by keeping the water on the correct side of the roadway in the ditch.

Mr. Swims requested to replace both undersized culverts that are in driveways to alleviate the roadway flooding that is affecting the health, safety and welfare of the public. The estimated cost is \$2,290.00 per site.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the work at 4615 Center Hill Road and 4653 Center Hill Road, finding that the undersized culverts cause roadway flooding that is affecting the health, safety and welfare of the public and damaging the public road.

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.c.&d.

e. Request to Approve Settlement with Craig Lowrance Trucking re: Damaged Culvert

Mr. Swims stated a logging truck damaged a culvert when trying to turn onto Bethel Road on Thursday, September 8th. He stated Mr. Lowrance asked to reimburse the County for the damages rather than go through the insurance company. Mr. Swims asked the Board to approve the settlement with Craig Lowrance for \$980.74. He stated the repairs were made on Friday, September 9th due to the imminent threat of rain.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the settlement between the Road Department and Craig Lowrance for \$980.74 for damages to a road culvert on Bethel Road.

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.e.

f. Request by Town of Walls – 5610 Kaitlyn Dr. E. and 10653 Rhapsody Cove

Mr. Swims stated the Town of Walls has asked the County to repair sinkholes at both locations in an underground pipe subdivision. Supervisor Medlin stated he was worried about other problems that might occur going onto private property and that costs will increase. The Board felt that the Town of Walls should hire a contractor to do the work. There was no Board action taken to approve the request.

See Exhibit I.5.f.

g. EWP Applications

Mr. Scott Young stated he was notified by NRCS that the County had a qualifying event on July 5th and is eligible for almost \$290,000.00 for 2 sites. He stated the County’s part of the cost would be \$72,000.00.

Mr. Young stated they chose Jaybird Road to help with rip rap costs, and College Road at Bethel where a ditch is eroding toward a building.

Supervisor Michael Lee made the motion and Supervisor Lee Caldwell seconded the motion to authorize Mr. Young to apply for the NRCS funding for the presented 2 projects.

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.g.1. & 2.

6. Mid-South Fair Booth

Mrs. McLeod stated she has heard from the Mid-South Fair and needed to know if the Board wanted to have a booth this year. The Board discussed the benefits and decided not to have a booth this year.

7. Approval of Special Public Defender

Mrs. Lynchard stated Accounting got a bill that was in arrears. She said there was a case with co-defendants and Joe Carney could not represent both, so they had to have an additional public defender immediately.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve payment for the special Public Defender.

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.

8. Accept City of Hernando Appointment of Chief of Police, Scott Worsham to E911 Board

Mrs. Lynchard stated this appointment fills the vacancy left when Mike Riley retired as Chief of Police. Supervisor Gardner pointed out that the appointments of Bill Dahl and Jerry McCarson need to be renewed.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to accept the appointment of Scott Worsham from the City of Hernando; and to reappoint Bill Dahl and Jerry McCarson to the E911 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 I.8.

9. Active Shooter Class

Mrs. Lynchard informed the Board that Deputy Alex Coker, Community Relations Officer for the Sheriff's Department, came to the last managers' meeting and expressed a desire to have an Active Shooter Class for County employees. The Board suggested having 2 classes during the day so more employees could attend. Mrs. Lynchard stated she will work out a schedule with Deputy Coker.

10. Attorney General Opinion – Holiday Pay

Mr. Nowak informed the Board the opinion of the Attorney General regarding holiday pay is anyone whose regular day off falls on a holiday gets a full day's pay for the holiday. He stated shift employees are allowed the benefit of their full normal shift, such as a 12-hour shift for Sheriff's deputies, or an equivalent additional amount of time of equivalent to their regular shift. Mr. Nowak stated he will further investigate the matter for the Board.

See Exhibit I.10.

11. GO Bond Pre-Closing

Mrs. Lynchard stated the bond pre-closing is set for Tuesday, September 20, at 10 a.m. Mr. Nowak stated he had the redemption letters that needed to be signed by the Board President before the closing.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to authorize the Board President to sign the redemption letters prior, as presented, for the bond pre-closing as requested by Mr. Nowak.

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.

12. Request to Make Salary Increase Effective on September 25, 2016

Mrs. Lynchard stated Human Resources is requesting the raises the Board authorized to take effect on September 25, 2016 to show up on employees' October 21, 2016 check. Mrs. Lynchard reiterated the raises authorized were not 3% across the board, but were to be dispersed at the managers' discretion. Sheriff Rasco stated he was giving 3% across the board in the Sheriff's Department.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to authorize the 2017 raises to go into effect on September 25, 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> |

13. Appoint EMS Director Mark Davis to E-911 County Dispatch to Replace Former Director

Mrs. Lynchard stated this is just to clean up the E-911 County Dispatch. Sheriff Rasco requested to replace Deanna Davis with Fred Leviton, and add Chief Deputy Macon Moore. Supervisor Caldwell recommended adding Josh Harper as the Fire/EMA representative.

Sheriff Rasco stated he would like this group to meet quarterly, and he will see that gets done.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to appoint EMS Director Mark Davis, Officer Fred Leviton, Chief Deputy Macon Moore, and EMA Deputy Chief Josh Harper to E-911 County Dispatch.

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. Sheriff’s Department – Approval to Carry Over Funds to FY17 Budget

Mrs. Lynchard stated this is necessary to pay purchase orders that were issued in FY16 and not yet received.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve carrying over funds for the Sheriff’s Department to the FY17 Budget.

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> |

**Sheriff’s Department
Request to roll over funds to 2017 Budget**

| P.O. # | Date Issued | Vendor | Description | \$ | Fund |
|--------|-------------|-------------------|-------------------------------|-----------|-------------|
| 139075 | 7/20/16 | Bison Aviation | Repair Flir System | 21,688.15 | 001-201-546 |
| 137540 | 3/16/16 | Precision | Duty Ammo-12,000 Rds 9MM | 4,020.00 | 001-202-613 |
| 137585 | 3/21/16 | Precision | Training Ammo-140,000 Rds 9MM | 25,760.00 | 001-202-613 |
| 138548 | 6/8/16 | Rogers-Dabbs Chev | Tahoe Police Pursuit | 34,323.00 | 001-202-915 |

See Exhibit I.14.

15. Approval to Authorize Spending from FY17 Budget

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to approve spending from 2017 funds for the requested items as listed in Exhibit I.15.

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.15.

16. Approval to Meet September 26, 2016

Mrs. Lynchard stated there is a need to meet one more time to clean as much out of the 2016 Budget as possible, and to approve the final paperwork for the year and approve the final inventory. The Board agreed to September 26, 2016 at 8:00 a.m.

17. DHS – Child Support

Mrs. Lynchard stated she spoke with someone at DHS on Friday afternoon and asked when they would be vacating the Hernando office. Mrs. Lynchard said the lady from DHS said they were hoping to continue to keep using the office rent free. The DHS representative also said they were hoping the County would continue to pay half the bills even though the Child Support Department is privatizing. Mr. Nowak stated he would think that privatizing changes the way the County looks at the Child Support Department, but he would have to investigate further.

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to research the responsibilities of the County and work with Mrs. Lynchard to resolve this matter.

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> |

18. Approval to Travel

Supervisor Russell informed the Board the Keep MS/AL Beautiful Conference is coming up in Tuscaloosa, AL on October 13 & 14. He requested the Board approve travel for any Board member, Mrs. Lynchard, Ray Laughter and Brynn McCarver to be allowed to attend.

Supervisor Russell made the motion and Supervisor Jessie Medlin seconded the motion to authorize travel to the Keep MS/AL Beautiful Conference on October 13 & 14 for any Board member, Mrs. Lynchard, Ray Laughter and 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> |

19. Sixth Amendment Council

Mr. Nowak stated Mississippi does not have a public defender's office. The 6th Amendment Council will get information on how DeSoto County handles representation of indigent criminal defendants. He stated they will be here to meet with Judge Chamberlin, District Attorney John Champion, Mrs. Lynchard and himself. The Stated has hired them to do the study. Mr. Nowak stated he needs to get with Mrs. Lynchard to get some financial information for the study.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to

authorize Mr. Nowak to meet with Mrs. Lynchard and the 6th Amendment Council 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> |

I. PLANNING COMMISSION

1. Public Hearing

Supervisor Lee made the motion and Supervisor Gardner seconded the motion to open the Standard Construction Appeal 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 Medlin recused himself from this item and left the meeting.

a. Appeal 11:00 a.m. – Standard Construction

Mr. Hopkins presented a summary of the appeal by Standard Construction of the decision of the Board of Adjustment to deny the conditional use request for a gravel mining operation at 9641 Woolsey Road.

Supervisor Lee advised those attending that the appealing party and the responding parties will be allowed a collective total of 30 minutes each for their presentations.

Mr. Billy Myers, Myers Law Firm, came forward to represent the appeal. He stated Standard Construction is a family owned business that has been in operation since 1957. He stated the company currently operates two mines in DeSoto County and six mines in Tennessee. Mr. Myers stated Standard Construction currently employs 150 people, and if the proposed mine is approved in DeSoto County the company will employ an additional 10 people. He stated the applicant heard the concerns of the Board of Adjustment and neighbors concerning additional traffic on Bethel Road and Woolsey Road and has acquired an easement to access Highway 305 directly. He went onto state that the company is willing to adjust the truck schedule so that there are no load outs on the road at a time that school buses will be on Highway 305.

Supervisor Russell asked what the truck load time would be. Mr. Myers stated the load out time of trucks would be 7:15 a.m. to 3:15 p.m. and there would be no access for trucks on to Bethel or Woolsey roads.

Mr. Myers estimated that 75 acres of the 192 acres will be disturbed in the mining process. He stated the operation uses a wet wash process so dust will be minimal. He stated there would be undisturbed mostly tree lined setbacks to the mining operations of 50 feet from all property lines and 100 feet from roads. Standard Construction will also build a 10 foot berm built on the setbacks. He presented photos showing the view of the proposed site from each property line. He then stated there will be minimal noise associated with the operation, and noted the vehicles and equipment will be equipped with low decibel back up alarms, so there will be no adverse effect on the neighborhood. Mr. Myers stated that according to traffic counts (presented to the Board) Highway 305 can accommodate the additional traffic associated with this operation. He stated Standard Construction will post a sign on the

property prohibiting Jake Breaking and drivers will be advised not to Jake Brake. He stated there is no fire hazard associated with gravel mining operation.

Mr. Bob Barber came forward to speak on behalf of Standard Construction and addressed the character of the neighborhood. He gave the following assessment factors and potential impacts:

| Factor | Impact | Note |
|------------------------|-----------------|---|
| 1. Visibility | Not visible | Berms and depth will protect |
| 2. Noise | Minimal noise | Compare to 400 homes or a public school |
| 3. Circulation | No connection | Existing stub outs imply connection to Broadway and Evening Shade |
| 4. Dust | Minimal | Compare to other permitted activity |
| 5. Smoke | None | - |
| 6. Vibration | None | - |
| 7. Glare and light | None | Compare to other permitted activity |
| 8. Security and safety | No known issues | Compare to other permitted activity |

Mr. Barber stated that the character of this neighborhood is rural based on the following:

| Rural | Urban/Suburban |
|--|--|
| 1. Very low dwelling density (1 unit or less/ac.) | 2.5 to 20+ Dwellings/ac. |
| 2. Large residential parcels intermingled with agricultural | More dense development pattern with large tracts as exceptions |
| 3. Natural infrastructure (lack of curbs and underground drainage) | Curbs, gutters |
| 4. Rural sewer provisions | Central public sewer |
| 5. Extensive older natural forestation and habitat | Most trees are planted at time of development |
| 6. Wildlife common | Wildlife is rare |
| 7. Low circulation connectivity | High degree of connectivity |
| 8. Typically outside of municipality | Typically inside municipality |

Mr. Barber gave examples of other existing gravel mines that are comparable to the areas of the proposed gravel mine, such as the mines on Byhalia Road near Jaybird, and stated these areas were not adversely affected by the gravel mine due to proper conditioning being placed on the approval of the use. He presented slides showing new homes have been built near these existing gravel mines. He also presented slides showing pictures of the reclamation of gravel mines.

Mr. Barber stated in his professional opinion if conditioned properly the gravel mine will not adversely affect the neighbor due to the following:

- Not visible
- Minimal noise
- No connection to the neighborhood
- Minimal dust
- No smoke
- No vibration
- No light or glare
- No known security or safety issues

Mr. Barber stated the use is not in conflict with the DeSoto County Comprehensive Plan because the plan contains no policy related to the siting of gravel mines. He stated according to the Zoning Ordinance gravel mines are not allowed in Commercial or Industrial Zones, however gravel mines are allowed as a conditional use in A, AR, R-40, R-30, R-20, R-15, R-12, R-10, R-8, RM-8 and RM-6.

Mr. Myers presented the Board an opinion by an MIA Appraiser that stated a gravel mine could appreciate not depreciate property values.

Mr. Myers stated there would be no adverse effect on utilities.

Mr. Myers gave examples of the benefits of a gravel mine for DeSoto County as being a source of materials needed for asphalt pavement, building construction materials and for roads and bridges. He stated it would help with the increased growth in DeSoto County.

Mr. Myers stated Standard Construction is a good corporate citizen, they donate to local schools and other organizations.

Supervisor Lee requested that all handouts and slides presented be made a part of the minutes.

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

Jeanne Melton came forward and gave the following presentation:

First, to the Board, thank you for allowing us this time, today. I just want to say how thrilled I am that so many of our neighbors are engaged in this process. The level of government that most affects us daily is much closer to home than the White House, the halls of Congress or even our state capitol building. We are grateful to be part of this process.

My Name is Jeanne Melton and I live at 10143 Cypress Knee Drive, Olive Branch, MS 38654. We have three other volunteers who will also speak to various concerns via this slide show.

Standard Construction is appealing a unanimous decision by the Board of Adjustment that denied their conditional use application for a gravel and sand mining operation at 9641 Woolsey Road.

Conditional Use requires the applicant to demonstrate that the use, which would not be appropriate generally, but which, if controlled *in relation to the neighborhood*, would promote *public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare*.

These requirements are derived directly from the Comprehensive Plan, because, according to state law, zoning (including conditional use) and other land use regulations, MUST be based on a comprehensive plan (and the courts are likely to uphold land use decisions when these decisions are BASED on the plan).

The burden was on Standard Construction to demonstrate this according to the Ordinance and Plans, not opinion.

They could not: the parcel is in the middle of residential subdivisions and *in relation to the neighborhood*, it is completely surrounded by single family homes. Our *area* is not Industrial nor is it Agricultural. It is clearly residential.

In fact, our comprehensive plan clearly states several thresholds we can use to measure whether a use is industrial or residential in nature, and what the impact to the surrounding area would be:

- Our comprehensive plan describes gravel pits as being located in “Industrial Land” areas.
- It also states that where associated activities are outdoor, require large volumes of water, or generates noises or vibration detectable to humans off premises, then the *classification of that use* is HEAVY INDUSTRIAL. Gravel Pits meet this classification.
- It also states that these “Industrial Activities place a heavy demand on local resources” and “have the GREATEST impact on the surrounding environment.”

So, the Board of Adjustment considered these requirements, and found this Conditional Use for a HEAVY INDUSTRIAL OPERATION could not promote public health, safety, appearance or any of the other elements required.

It was a fair and open meeting; they made a decision based on statutes that governed their authority and they found that the use was:

- *in conflict with the comprehensive plan*
- *adversely affected the character of the neighborhood*
- *posed an increased traffic hazard on Highway 305 and Bethel Road*

Several people have asked me if this was a “done deal” and Standard Construction would win their appeal. I’ve told them I don’t think it is, because I know that the **only way** for this board to overturn their Board of Adjustment’s decision would be if Standard changed their application to show a completely different parcel. Nothing heard today changes the area, location or impact in relation to our neighborhood - therefore, we are confident you will deny this appeal.

My subdivision, Evening Shade, would have been greatly impacted by a gravel mine at this location. Our subdivision, and our park that our children play in, BORDERS the proposed parcel. After the recent deaths at the gravel mining operation in Jackson, the *gravity* of that scenario - especially as it relates to curious school age children and teens – was terrifying to many of us.

We’re not a rural subdivision: we’re talking about over 200 people, including the largest consolidated group of children in the immediate area! We all moved here within the last 15 years – some as recently as last week. I personally compared Collierville to Olive Branch and made the decision to live in Evening Shade based on the CHARACTER of the neighborhood. I invested HERE.

I raised my family HERE. I chose this area because it feels SAFE. I didn’t want to live near a congested traffic area, with gravel trucks beeping constantly, and the fuel and asphalt smell of industry. NO ONE that made this neighborhood their home *ever* envisioned that that would become their daily reality. We did not choose to live in an industrial area! So we were thrilled to be able to continue casting off our burdens when we pulled up to our homes – our safe havens! We were beyond grateful that the Board of Adjustment denied this application and did not allow this to happen.

And because I’ve personally invested here – 15 years of my life - I, like many residents in the area, was also very concerned about the effect of a gravel pit on our property values.

Although no evidence was submitted during the Board of Adjustment hearing, Standard Construction stated that, “*there is no adverse effects on property values of areas surrounding gravel mines.*” These statements fly in the face of common sense.

Look around any municipality and see if property values generally increase or decrease in the presence of industrial land use.

Public perception **alone** drives down the value of such homes. The very **notion** of a gravel pit creates apprehension in the general public, which makes the property less desirable and thus has the **potential** to diminish the prices of neighboring property. A new resident to Evening Shade told me just last week that he had NO IDEA about the proposed pit, and had he known, he would not have bought that house.

Concerned citizens like me **looked** to the zoning regulations to protect our safety AND OUR investments.

- Our ordinance states, “*Promote sound, attractive development within the County while also conserving the values of the property throughout the County.*”
- Goal 6 of the Comprehensive Plan is “*To sustain high quality neighborhoods and protect individual property values....*”
- The planning principle for this goal describes **Industrial** use as, “*incompatible with residential uses due to noise, traffic and other blighting influences.*”
- Policy 6-1.4 also states: “*Use the Land Use Plan to identify vacant land into which commercial and industrial uses can expand without encroachment into residential areas.*”

We were relieved to find that both the Zoning Regs and the Comprehensive Plan state that property and property values must be protected from industrial uses in residential neighborhoods. Why? Because the negative influences associated with such encroachment are incompatible. If Industrial Use, and its associated blight, and Residential use aren’t incompatible, why do we have such regulations?

To that concern, this slide shows the potential property value decrease per household (using an average 38654 house value of \$158500).

Even at a conservative 1% potential decrease in value, it would not have been fair to ask the 722 households within 1 mile of this proposed site to **EACH pay an average of \$1,585** so that Standard Construction – a FOR PROFIT BUSINESS – could

increase their profits (at our - collective expense – in ADDITION to having our neighborhoods suffer under this industrial blight).

And what if the realized potential decrease was even more – 10%, 20% or even 30%? For many retired residents, their home equity is the only source of funds which they can tap into for emergencies, and even more importantly, represents their life's hard work. So again, we were grateful that the Board of Adjustment acted accordingly!

Yet here we are today, presenting to you at an appeal of that very decision. I still have hope though: I am reminded of the previous 1998 Gravel Mine Conditional Use Permit that was denied. Granting Conditional Use for this area TODAY would **conflict** with the previous decision of THIS Board in 1998 when conditional use was denied for a mine about 500 feet away from this current application. After hearing testimony describing the dangers of a gravel mine adjacent to the subdivision, The Board of Adjustment unanimously denied conditional use. During the appeal to the Board of Supervisors, Supervisor Eugene Thatch stated *“this was...an adverse effect to the neighborhood.”* Supervisor Jesse Medlin, *“was concerned about danger and effect on the neighborhood.”* Supervisor Medlin moved to UPHOLD the decision of the Board of Adjustment which passed unanimously.

If a 23-acre gravel mine planned to operate for 7 years did not meet the criteria for conditional use 18 years ago then a 192 acre mine with conveyors, wash gravel screens and a loading complex that is intended to operate for 20 years or more isn't going to meet the criteria today.

We are counting on you to continue protecting our neighborhood and investments by upholding the June 13th Board of Adjustment denial of this application: Please DENY THIS APPEAL.

Sara King came forward and gave the following presentation:

Good morning, my name is Sara King and I live at 10130 Cypress Knee Drive in Evening Shade. You just heard Jeanne talk about what a mining operation in this location will do to our property values. But let's talk about an individual's livelihood. Andover Plantation is a 5-star Bed & Breakfast on Bethel Road across the street from the entrance of the proposed mine.

(Next slide)

Andover Plantation has been visited by people from 17 countries including the US. It is an idyllic place for small events and their beautiful home and gardens make a wonderful addition to the community. This PEACEFUL inn is booked almost 100% between March and October each year. How do you think a 192-acre gravel mining operation situated directly across the road is going to affect their business? Who wants to have celebrations across from what Standard Construction is proposing?!

(Next slide)

You can see from their location that is represented by the star on this map that they will be severely affected by this mine. Peace and quiet is the number one reason guests enjoy their stay at Andover and 35% of their business is repeat business. Their website promises guests will be awakened refreshed to the smell of freshly ground coffee and a gourmet breakfast...NOT the smell of dust, industrial fumes and the sounds of washing stations, gravel trucks and conveyors. With a mine located just a few hundred feet away the repeat business Scott and Lin have enjoyed will be severely affected.

I had the pleasure of meeting and speaking with Lin and touring her home last Friday and in her words she told me: “Our livelihood depends on beauty, peace and tranquility. This is our home AND our business. We stand to lose both if this gravel mine is permitted.”

Andover Plantation is a perfect demonstration of the character of our neighborhood. The Murry's located their home and business here over 15 years ago, in a neighborhood that is designated residential in the Land Use Plan. No one would ever entertain the idea of opening a Bed & Breakfast directly adjacent to a gravel mine. Don't place this family and this successful business in jeopardy. Uphold the findings of the Board of Adjustment and deny this appeal.

(Next slide) Gravel Mines Precede Development in DeSoto County

Now I would like to move on to demonstrate that gravel mines have always been a vital part of the DeSoto County economy but gravel mining has also always been a rural industry. With a few Google Earth photographs and data obtained from the DeSoto County GIS website, I will show you six mining sites which were located within five miles of the proposed site on Woolsey Road and were in operation until recent times. I will also show the existing Standard Construction Mine near Byhalia about eight miles to the east.

(Next slide) Byhalia and Laughter

The photo at the top left is the 29-acre mine located half a mile south of Byhalia Road and west of Laughter (pronounced Lautter) Road. The photo at the bottom right is the 122-acre mine that was located on Laughter (pronounced Lautter) Road South. Each have only 6 homes within ¼ mile. These mines were reclaimed in 2011 and 2006, respectively.

(Next slide) Highway 78 and Miller Road

The photo at the top left is of a mining site that was located south of Highway 78 and west of Miller Road. Just south of that is the 50-acre mine which was placed between Miller and Bethel Roads. The mines were reclaimed in 2012 and 2007, respectively. There are no homes within one quarter mile of either of these mines.

(Next slide) Methodist Hospital Site

This is a photo of the Methodist Hospital site. Only 6 homes were located within one quarter of a mile of this 201- acre mine when it opened in the 1980s. Reclamation of this site was completed by 2004.

(Next slide) Bridgeforth

This is a photo of the Bridgeforth property mine located south of Church Road and west of Pleasant Hill. This mine began production in 2004 and was reclaimed in 2007. There was only 1 home within one quarter mile of this mine.

(Next slide) Standard Construction mine

This is a 2016 photo of the Standard Construction Mine north of Byhalia in Marshall County. Note the rural location. The arrow points to the construction for I-269. This is a great example of how gravel mining sites should be selected. The inset picture in the right-hand corner is their gravel moving operation that I have enlarged. Imagine this same operation wedged between and across from the homes on Bethel Road with the industrial activity and traffic concentrated in one confined residential neighborhood.

(Next slide) Tiny Homes Slide

What I have just shown were seven examples of how mines have been properly and justifiably located in rural areas in the past and even today. It should be noted that a total of 19 homes were located within one quarter mile of these mines. This proposed site has 141 homes within the same distance - one quarter of a mile! This shows that, historically, DeSoto County has NOT located mines in the middle of residential neighborhoods and we should NOT set a different precedent today.

(Next slide) Existing Mines in DeSoto County | Maps and Data

Let's now look at the 5 EXISTING mines in DeSoto County compared to the proposed location. I would like it to be noted that documentation for the remaining slides was obtained from the county by an official records request or were generally available to the public.

(Next slide) Proposed Mine at Woolsey Road

This slide shows the proposed mining site that we are here to talk about today. There are 141 homes within one quarter of a mile and 722 homes within 1 mile. The map on the right of the screen shows the existing subdivisions in yellow and future subdivisions in green. It's clear to see that our community is residential and still growing.

(Next slide) Billingsley Mine

The first existing mine here is the Billingsley Mine located north of Starlanding Road and East of Robertson Road. This is the only other mine in the County located in an AR zoned district. The map on the left is the (Memphis Stone and Gravel) site plan which shows the 141-acre permit boundary with 28 acres of reserve. 80% of the permit area has been reclaimed and released to the owners or is under active reclamation.

Currently there are 65 homes within one quarter mile of the permit area and 660 within one mile. However, the subdivisions in Southaven, Horn Lake and Hernando within one mile were constructed after this mine went into operation and almost all of the homes within one quarter mile were built after the mine opened in 1970. This mine is open 8 days per month for six to seven months of the year and there is no wash gravel operation. Only one resident opposed this mine during the May 2016 appeal hearing.

(Next slide) Tillman, Sawyer, Bell

This is the 172-acre Tillman, Sawyer, Bell property mine as shown in the (Memphis Stone and Gravel) application for conditional use in 2011. It was first approved in 2004 and mining began in 2007. The Anderson mining sites to the north and the Green T mining sites to the west were still in production in 2004. They, and this mine, are now all in full reclamation. There are currently 57 homes within one quarter mile of the permitted area and 529 within one mile. All of the subdivisions and most homes were constructed after mining began in the 1970s and the affected properties were already neighbors to the existing mines when this mine was approved in 2004. Therefore, the additional impact on the community was not significant.

(Next slide) Love Mine

The (Memphis Stone & Gravel) Love mine site is the third existing mine I will cover. The larger picture is the site plan showing the 251 acre permit area that was approved for conditional use in 2014. This approved site has not yet been placed in operation. Gravel mining has been an integral part of this neighborhood for over 55 years. I have inset the site map showing that there are currently 26 residences within one quarter mile of the permitted area and 217 within one mile. Because of the under road conveyor, these homes, which were built after mining began in this community, do not have to contend with additional traffic or mining influences.

(Next slide) Alhaba and LaRue Mines

The Alhaba and LaRue mines are the last ones we are reviewing. Alhaba has been in production off and on since 1996. Located in a rural agricultural district, this mine has 18 homes within one quarter mile and 127 within one mile. And lastly, the mine near Larue Road has been approved for conditional use but has not yet been placed into operation. There are 17 homes within one quarter mile and 409 within one mile, most of which are in the Buena Vista subdivision. It's important to note that many residences within one mile of the LaRue mine are also within one mile of the Love Mine shown a moment ago.

(Next slide) Homes that Border graph

The maps I just reviewed give you all the information related to the number of residences around the existing mines in DeSoto County. But I really think that this and the following final slide allow for a better and more effective visual. This bar chart shows you the number of homes that share a property line with or are immediately across the road from each of the

other mines. Please notice that there are 36 homes that will be next door neighbors to the proposed mine. There are more homes adjacent to this proposed mine than the other five mines combined (26). These numbers speak volumes as to the residential nature of this area.

(Next slide) Homes within ¼ Mile Graph

This last graph shows the number of families that live within one quarter of a mile of each of the existing mines compared to the proposed Woolsey Road location. The numbers don't lie.

In the last several minutes I think I have been able to show the **overwhelming** and **undeniable** residential nature of our area and neighborhood compared to the existing mines. Therefore, you must deny this appeal.

Thank you.

Debbie Crumb came forward and gave the following presentation:

My Name is Debbie Crum and I live at 9180 Bethel Road Olive Branch, MS 38654

The application for Condition Use states, and I quote, "*The gravel mining operation will have minimal impact on traffic in DeSoto County...*" This statement is true if you are considering the entire county of DeSoto County. This statement is False if you consider the vicinity of which the proposed pit is being considered. Standard's appeal for their proposed pit application being considered today is dead in the middle of a beautiful residential area. This mine will have one main entry and exit point, on Highway 305 (or Bethel Rd). MDOT reports that on an average day, 12000 vehicles will go up and down Highway 305 and another 2000 on Bethel!!!. It should be self-evident that an additional 125 (or 300?!) trucks entering and 125 (or 300?!) trucks leaving each day from a single entrance on a narrow, two lane road with no shoulders (and which, according to the I-269 Plan, is a primary route in the Eastern Sector) "***substantially increase traffic hazards and congestion.***"

DeSoto County is known for its community spirit and genuine concern for its residents and businesses. I know that is just one of the many reasons we chose to move to the area we are in now. Here are a few additional safety concerns we have as a community we urge you to consider. There are four (4) schools in the immediate area of the proposed gravel pit – and over 2000 (thousand!) bus rider aged children in those schools. There are 350 or more stops daily for buses in the immediate area in which the gravel trucks would be in route to/from the pit. Not only are buses going to have to compete for the roads – all our new drivers are as well. As of May 2016 at Lewisburg High School, they had an enrollment of 670 10th, 11th and 12th graders. That's potentially 670 NEW, INEXPERIENCED DRIVERS that will now have to compete with a gravel truck every 2-3 minutes on curvy, two-lane roads. This averages to almost 2 newly licensed drivers a day, sharing the same route to and from school as gravel trucks.

We also have to take into account the Emergency Response vehicles in route to Methodist Hospital are using Highway 305 and Bethel Road as the primary route within the immediate area of the proposed pit site.

So we have 4 schools with their associated traffic (comprising over **2000 bus aged school children** and **670 or more inexperienced driving teens**), elderly drivers, and Emergency Response vehicles traveling on already overused two lanes without much room for error.

And Standard Construction is asking to use THESE roads as their haul route, today, in September 2016.

Interestingly, over three years ago, at the September 16' 2013 Board of Supervisors Meeting, this very Board was already commenting on how dangerous the intersection of 305 and Bethel is. Supervisor Medlin said, "***There has been an increase in traffic because of growth in the area***" and he was "***very concerned about serious accidents that could occur.***" Well, Mr. Medlin, I, too am "***very concerned about serious accidents that could occur.***" "In 2015 a school bus was hit twice from behind directly in front of my house on Bethel Road due to drivers not being able to stop quickly enough after topping the hill and seeing the bus. I can't imagine what that might have been like, had a gravel truck hit the school bus from behind like in this picture of an accident between a school bus and a gravel truck.

Ending: Protect our children and our established residential neighborhoods from accidents like the one seen here. This proposed mine WILL "***substantially increase traffic hazards and congestion.***" **Therefore, according to ARTICLE XIV of the Zoning Regulations, the decision by the Board of Adjustment should be upheld and this appeal should be denied.**

Ms. Crumb read a letter from her son.

Mr. Larry Taylor came forward and gave the following presentation:

My name is Larry Taylor; I live at 9830 Bethel Road, Olive Branch.

Let's review what we have established.

First, the Board of Adjustment unanimously denied Conditional Use.

Second, new gravel mines originate in rural areas and have not been permitted in established residential areas.

Third, this neighborhood is residential. The data establishes this fact. According to the Land Use Plan this area is Low Density and Transitional Residential.

My primary argument is that while gravel mining may be appropriate in some areas of the AR District it is not appropriate or permitted in residential areas like ours.

This same argument was presented by members of this board during the April hearings on the sunset clause.

The consensus of the Supervisors was that while many areas of the AR district are residential there are some areas that may still be suitable for gravel mining.

The conclusion was that the Board of Adjustment is the proper place to determine if Conditional Use is appropriate. The Board has made its determination and their findings should carry great weight in this hearing.

Let's review the Comprehensive Plan. Some have argued it is just a guide. A more correct statement is that it provides guidance for decision makers.

The plan states, "*The DeSoto County 2030 Comprehensive Plan will provide guidance to decision makers...relevant to the subject matters of residential, commercial and industrial land use....*" It also states that "*...the plan, once prepared, serves as a policy guide to decision making by local government officials.*"

DeSoto County prepared this Plan and the Stewardship Plan at great expense for the explicit purpose of providing clear guidance for development.

Following the Plan ensures orderly development and compatible use of adjacent properties. That is a stated purpose of the Comprehensive Plan and the Zoning Regulations.

The Board of Adjustment found that Conditional Use for sand and gravel mining in this location would **be in conflict with the Comprehensive Plan.**

The Plan states that *all development proposals would not only be reviewed in the light of the standards set forth in the zoning ordinance, but also according to each element of the plan.*

The Plan on Page 76 lists gravel pits as an industrial use.

The Plan also states, "*The Goals, objectives and policies would be checked against the proposal to determine if there was any conflict.*"

The Board of Adjustment determined that this mine would **adversely affect the character of the neighborhood:**

We are a vibrant, growing, purely residential neighborhood. You must determine if adding an industrial gravel mine will adversely affect the established character and quality.

Article I of the Zoning Regulations states that one purpose of the ordinance is to, "*Encourage compatibility of adjacent land uses.*"

The Comprehensive Plan states, "*Industrial uses are generally incompatible with residential uses due to noise, traffic, and other blighting influences...*"

Are the *blighting influences* of a gravel mine compatible with these adjacent uses?

That quiet Bed and Breakfast Inn?

That peaceful community park?

The Evening Shade R-30 subdivision with 70 homes?

The Lewisburg Farms subdivisions with 38 homes

Or these 36 Families?

Such proximity of so many families to a new mine has not previously been permitted in DeSoto County.

The existing character of our neighborhood is defined by homes, families, parks and gardens; not gravel mines.

Uphold the decision of the Board of Adjustment and find that this proposed mine would **adversely affect the character of the neighborhood.**

The time allowed for the opposition was reached and the Board decided to give each side an additional 10 minutes each.

Mr. Taylor continued with the following:

Since 1971 78 Conditional Use permits for gravel mining have been approved and 10 denied, counting this one. That seems to indicate bias in favor of the gravel industry. The newspapers have certainly reported it that way. I do not agree.

The approved mines were in rural areas or in places where mining was already part of the established character of the neighborhood.

Our neighborhood is growing. New homes are under construction. Subdivisions are infilling to the north and west. This is as intended in the Comprehensive Plan.

Gravel mines of this size have a history of operating for decades. Standard Construction's application requests conditional use for twenty years to mine 173.8 acres six days a week from daylight to 7:00 p.m. They plan to be here a long, long time.

Our quality of life will decline, our roads will be less safe, residential growth will be suppressed and the pure residential character of our neighborhood will be diluted with industrial strength blight.

The burden falls on Standard Construction to establish by a preponderance of the evidence that they have met the criteria for Conditional Use. They failed to do that at the Board of Adjustment.

At this hearing they must also show that the Board of Adjustment acted outside of their authority or with bias. They have failed to do that.

Nothing they have presented justifies reversing the Board of Adjustment.

Our neighborhood is more than lots and houses. It is home. We chose it. We built it. We did not choose to live next to a gravel pit.

We who have built our homes or chosen to live in an area that is designated as residential in the Land Use Plan have a legitimate, if not legal, expectation that government officials will also follow the Land Use Plan.

Don't change the character, quality and future of our neighborhood for the benefit of one property owner.

This proposed mine in this location, in this neighborhood and in this area will:

"Substantially increase traffic hazards or congestion."

"Be in conflict with the Comprehensive Plan."

"Adversely affect the character of the neighborhood."

I am confident that you will agree with the Board of Adjustment and deny this appeal. This concludes our formal presentation. Thank you.

Rita Harris - 9798 Broadway – came forward and stated that she is concerned that Standard Construction are not actually responsible neighbors. She cited an August 8, 2001 Board of Supervisors order reversing a Board of Adjustment approval for a gravel mine due to Standard Construction not abiding to the conditions of approval. She stated the appeal to the Board to reverse the approval was made by Supervisor Medlin. She stated the conditions not adhered to were: they exceeded the number of loads per day and did not stick to the haul route.

Barry Cole – 9183 Stewart Road – came forward and stated he is with Lewisburg Water Association. He then stated that Standard Construction has said that Lewisburg Water Association is ok with the proposed mining operation and that is not true. He stated that Lewisburg Water Association is concerned with possible issues to the water table.

Barbara Hodick came forward and gave the following presentation:

My name is Barbara Hodick. My sister and I own property at 9409 East Broadway, Olive Branch. I submit this document to be included in the minutes of this meeting.

Today, I am addressing a few of the major environmental concerns. I was a Senior Environmental Specialist for Federal Express for 21+ years (retired) and a project manager for one year with a national environmental engineering and consulting firm.

First, more than 3 dozen Federal environmental regulations govern **ALL** aspects of mining due to its adverse effects on air, water, land, and noise. In addition, each state has regulations mining companies must follow. Why are there so many laws governing mines? Because of their **MEASURED** and **WELL DOCUMENTED** adverse effects. These laws serve to regulate these adverse effects. Currently, our area isn't subjugated to these hazardous effects from mining, because we are a residential area, not industrial!

I want to briefly mention some of our greatest concerns:

AIR: The greatest impact from gravel mining, equipment, and mining processes is air quality and the negative impact on human health.

Particulate Matter and Fugitive Dust pose the **greatest health risks** to nearby residential areas. Silica, a compound found in earthen materials such as sand, minerals, and rocks becomes dangerous when it is a respirable (breathable) dust. Respirable dust is microscopic dust particles that can penetrate deep into the human lungs and can cause silicosis with prolonged exposure. According to OSHA, silicosis takes some 600 lives every year! Other health disorders impacted by air pollution are asthma, emphysema, C.O.P.D. and heart disease.

People at greatest risk from air pollution are:

Children

Elderly

People with respiratory or heart disease

Healthy people who exercise outdoors

Land: Physical disturbances and aesthetic degradation are caused by active and abandoned open pit mining. Gravel mining takes out mass amounts of sand and gravel. It's possible that many of the pre-mining surface features cannot be replaced once operations cease. Once abandoned, you run the risk of increased flooding and soil erosion due to heavy rains and wind. There are examples of poorly reclaimed or abandoned gravel mines in our neighborhood from over 50 years ago.

CHEMICAL STORAGE: Various pieces of heavy equipment and conveyors will need to be maintained and fueled on-site. This will require the on-site storage of large quantities of chemicals and fuel, including hazardous chemicals, in such containers as 55 gallon drums and/or Above Ground Storage Tanks.). These activities will also create hazardous waste and is yet another potential source of water and soil contamination. **It should be noted that it only takes 1 quart of oil to contaminate up to 250,000 gallons of drinking water.**

NOISE: Standard stated they would leave a 100 foot buffer to contain noise. This will not effectively drown out the noise of equipment, conveyors, and potential blasting. The buffer they proposed leaving is **very shallow** and in many areas is only a single line of trees. There would not be a buffer from late fall to early spring due to dead vegetation and loss of leaves. When they were operating a small backhoe it could be heard for long distances. In addition, I have horses and the back opening of my barn is at least 800 feet from Bethel Road. The property behind me is totally covered with trees and I can still hear **EVERY** vehicle passing by. I would hate the thought of them having to listen to this noise from sun up to sun down as they are use to a peaceful, quiet neighborhood as are hundreds of nearby families.

CONCLUSION: Standard's proposed mine would be in the center of a large residential community and next door to our homes. I ask you, is a gravel mine really worth the adverse effects it will have on the health and safety of people, air, water, and land? We don't want to see, hear or smell this for the next 20 years. Honestly, would you really want to live next door

to a mine? The Board of Adjustment made the right decision to unanimously deny Standard Construction's conditional use permit. I hope you will uphold their decision and vote to deny Standard's conditional use permit, too.

Thank you.

Mr. Myers asked the Board to focus on the burden of proof. He then stated if conditioned properly a gravel mine can operate without adverse effects. He stated with this gravel mining operation there would be no blasting, no or minimal dust, minimal noise, it will not be visible (due to the berm and tree line buffer), no traffic issues, no environmental impacts, no impact on property values and Standard Construction addressed Lewisburg Water Association and feels there will be no impact on the water table. He stated this is a legitimate use of the land as long as properly conditioned.

Mr. Barber addressed the comment made that the application is in conflict with the Comprehensive Plan. He stated that gravel mines are not addressed in the Comprehensive Plan. He then stated the Stewardship Plan that has been mentioned is not the Comprehensive Plan. Mr. Barber stated that this neighborhood is classified as rural residential. He then stated if conditioned properly there will be no adverse effects on the neighborhood.

There was discussion of the 1998 gravel mining operation in the same area that was denied by the Board of Adjustment.

Mr. Myers stated that DeSoto County needs these resources and needs to extract them where they are found.

Supervisor Caldwell stated she appreciates how the public has conducted themselves on this matter.

Frank Woolsey – came forward and stated he has lived on Woolsey Road for 77 years and he is concerned this will decrease the property values in the area, and he did not wish to die looking at a gravel pit.

Supervisor Gardner made a Motion to deny the Appeal of the Board of Adjustment's decision to deny the application for a gravel mining conditional use, as presented, and stated that 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, the location of the property and the impact to the neighborhood, and upon giving consideration to all the factors in the relation to an application for a conditional use, there are sufficient facts to demonstrate:

That the use is not in character with the neighborhood; it will create excessive noise, increase traffic congestion and adversely affect the general welfare of the county, overtax the county's facilities; and the county will not benefit from the proposed use as presented. Supervisor Caldwell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

2. CONSENT

a. Minor Lot

- i. Tierra Walker Minor Lot (7091) – Application is for final subdivision approval of two (2) lot of 1.00 acre(s) each. Identified as Parcel(s) #2-07-7-35-00-0-00004-00. Subject property is located on the south side of Sunset Road and west of Laughter Road in Section 35, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)**

Applicant: Tierra Walker

- ii. Whitten Manor Minor Lot (7092) – Application is for final subdivision approval of seven (7) lot on 16.54 acres. Identified as Parcel #3-07-1-11-00-0-00010-01. Subject property is located on the west side of Johnston Road and south of Bright Road in Section 11, Township 3, Range 07 and is zoned Agricultural (A). (District 5)**

Applicant: Kris Whitten

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

Supervisor Lee made the motion and Supervisor Russell seconded the motion to approve the Consent Agenda items as presented.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

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

J. EXECUTIVE SESSION

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

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to recess the Board meeting until Monday, September 26, 2016, at 8:00 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 19th day of September, 2016, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie Medlin, President
DeSoto County Board of Supervisors