

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

JOHN M. M. CALDWELL, PRESIDENT, PRESIDING

July 21, 1997

A. CALL TO ORDER

The July 21, 1997, meeting of the DeSoto County Board of Supervisors was called to order by John M. M. Caldwell, Sr., Board President.

Phil Cottam, Assistant Chief of the DeSoto County Sheriff's office was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Jessie Medlin-----District 1
- Eugene C. Thach-----District 2
- James D. Pearson-----District 3
- John Caldwell-----District 4
- Tommy Lewis-----District 5
- W. E. "Sluggo" Davis-----Chancery Clerk
- Phil Cottam-----Sheriff's Department
- Clovis Reed-----County Administrator
- William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor Eugene Thach.

C. BILLY MYERS - PETITION TO ESTABLISH QUALIFIED RESORT AREA

The Honorable William P. Myers appeared before the Board of Supervisors representing Jon and Linda Bradley, owners of "Backtracks" restaurant, who are seeking to declare the property located at the intersection of Star Landing Road and Blythe Road, near old Highway 61 along the west side of the railroad as a qualified resort area. Mr. Myers explained that he has filed an amended petition stating Backtracks will not serve liquor and has no interest in doing so in the future and has included exhibits showing the property location and zoning. The Statute that addresses the issue is 67-1-5, which stipulates they must seek a resolution from the Board of Supervisors to ask their opinion as to whether the location meets the criteria of the qualified resort area, but by statute the Alcohol and Beverage Control Division has authority to decide the issue. Mr. Myers said since the last meeting the Bradley's have talked to neighbors and have asked them to come before the Board of Supervisors on their behalf. Jon Bradley acknowledged the group of people standing near him in the meeting was there on Backtrack's behalf.

A nearby landowner, John Graves, asked how many of the people with Mr. Bradley live within a five mile radius of Backtracks. Supervisor John Caldwell asked for a show of hands. (One person raised her hand.) Jon Bradley said that a number of people in

Item C., Continued,

support of their effort could not come because they could not leave their job. Linda Bradley named several neighbors who could not be at the meeting, but support the issue. Supervisor John Caldwell asked if anyone wanted to speak in support of the Bradley's request. (No one spoke.)

Billy Myers clarified the State Tax Commission will hold a public hearing on the matter.

Supervisor John Caldwell asked if anyone wanted to speak in opposition of the issue. John Graves said he has lived in this area for 60 years. Mr. Graves said if you can't make it by 12:00, he doesn't see how opening after 12:00 will help them make it. Mr. Graves said he talked to two people who signed the petition, who say they did not understand the implications of the petition and no longer support the effort. Mr. Graves said the Grand Casino is five miles from Backtracks and he opposes the request to have this location established as a qualified resort area.

Tommy Keeler said he signed the petition, never dreaming it would go this far. Mr. Keeler said he would like to withdraw his name from the petition. According to Mr. Keeler, Lake Cormorant wants commercial development along this corridor, help establishing additional housing in the area, etc, and feels all night beer sales would be detrimental to the area.

Joe Graves said he lives 100 yards from this location, where he and his wife are raising three children. Mr. Graves said they are against this development.

Pat Keeler said she has been a resident for over 20 years. Ms. Keeler said she used to pick up her mail at the location now known as Backtracks. Ms. Keeler said Lake Cormorant is a small town community and they wish to keep it that way. Ms. Keeler reminded the Board of Supervisors that DeStoo County has voted down gambling three times and the people have said they do not want any part of the casinos. Ms. Keeler said the county regulations specify that four acres are necessary for a resort area, and this property does not meet that stipulation. Ms. Keeler wants to keep the local community as it is and develop other commercial businesses--not ones that serve all night liquor.

Supervisor James Pearson said he represents the local residents and wants to speak on their behalf. Supervisor Pearson made the motion to deny the request for a resolution in support of establishing the business known as Backtracks as a qualified resort area. Supervisor Eugene Thach seconded the motion. The motion passed by a unanimous vote. **See Exhibit C.**

D. STEPHEN GULLETT - APPROVAL FOR GRANT

Stephen Gullett and George Patterson, of the Mississippi Department of Rehabilitation Services (MDRS), came before the Board of Supervisors and explained that changes in their State Department have slowed the process originally approved by the Board of Supervisors and MDRS for the purpose of improving, renovating, and expanding the community rehabilitation program known as "Allied Enterprises of Olive Branch, Mississippi" with such agreement authorized in Section 37-33-13 and Section 37-33-201 of the Mississippi Code Annotated. Mr Gullett invited Supervisor John Caldwell to come out to the facility to see the work they do, as he was not on the Board at the time this grant process was authorized by the Board of Supervisors. Supervisor John Caldwell asked for verification that they are not a part of North Mississippi Rehabilitation. Mr. Gullett verified they are a separate department.

Item D., Continued,

George Patterson said the grant must be given to the County as the County owns the building. Mr. Patterson said he will be the grant liaison. All bills will be filed through the County and Mr. Patterson will send them through the state to reimburse the funds. As part of this agreement MDRS requests the county to fund MDRS with up to \$250,000.00 for the project. The County will submit to MDRS invoices along with verification of expenses incurred on the project, and MDRS shall reimburse the County upon encumbrance of actual project expenses as approved and verified by an authorized representative of MDRS. Guidelines for the subgrant are outlined in Exhibit D.

Supervisor Eugene Thach asked how much activity their department experiences. Stephen Gullett said last year they placed 25 people and served 142 individuals.

County Administrator Clovis Reed asked when they will start this project. George Patterson said they want to start as soon as possible. Mr. Reed said it will be October 1, before the budget takes effect. George Patterson said it will be then before we finish the preliminary part of the project which includes architects and planning.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to let George Patterson work with the Comptroller to approve the grant application with the County agreeing to match up to \$100,000.00. The **motion passed** by a unanimous vote. **See Exhibit D.**

E. MICHAEL ANDERSON - NATIONAL LITTLE BRITCHES RODEO

Michael Anderson, a 17 year old resident of Hernando, appeared before the Board of Supervisors to request financial support to participate in the National Little Britches Rodeo in Colorado Springs, Colorado, in which he has won a spot to compete by being ranked 18th in the nation. Michael Anderson said he has a good chance to win a national championship to bring back to DeSoto County. This opportunity will also increase his chances for a college scholarship. The approximate cost of the trip is \$2,500.00.

Supervisor Eugene Thach asked the Board Attorney if such sponsorship has to be for a team effort? The Board of Supervisors discussed they have sponsored individual competition before. Milton Anderson said his son rides for Tri State Little Britches Association and Intercollegiate Rodeo Association.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize a donation to Michael Anderson from Advertise County Resources for \$250.00 in accordance with County policy. The **motion passed** by a unanimous vote. **See Exhibit E.**

F. OLD BUSINESS

1. Appointments

This item was held over. **See Exhibit F.1.**

Item F., Continued,

2. Bids Under Advisement:

a. Sale of Justice Court Bldg., Rasco Road

This item was held over until the Board of Supervisors had an opportunity to discuss the issue in Executive Session. (See Item H.--.) After Executive Session, Supervisor Eugene Thach made the motion and

Supervisor Jessie Medlin seconded the motion to reject the bid for the building and property known as the DeSoto County Justice Court Building on Rasco Road as the bid was not in line with the appraised value of the property. The **motion passed** by a unanimous vote. **See Exhibit F.2.a.**

b. Central Maintenance - Air Compressor

At the recommendation of Kenny Gunn, the Road Manager, and DeSoto County Purchasing, Supervisor James Pearson made the motion and

Supervisor Eugene Thach seconded the motion to accept the low bid from Case United Equipment in connection with Bid File #97-156-006 for the outright purchase of an air compressor to be used in Central Maintenance. The **motion passed** by a unanimous vote. **See Exhibit F.2.b.**

c. Central Maintenance - Backhoe/loader

The Road Manager discussed the advantages other counties have realized by purchasing and lease purchasing equipment, keeping the equipment two years and selling the equipment. Mr. Gunn also recommended taking a three year warranty out on the equipment so to have one year left on the warranty at the time of sale.

At the recommendation of the Road Manager, Kenny Gunn and DeSoto County Purchasing, Supervisor Eugene Thach made the motion and Supervisor James Pearson seconded the motion to accept the low bid from Contractors Equipment in connection with Bid File #96-156-016 for the 24 month lease purchase of two backhoe/loaders to be used in Central Maintenance. The **motion passed** by a unanimous vote. **See Exhibit F.2.c.**

After discussing whether the bid was advertised for one backhoe/loader, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to reconsider the previous motion. The **motion passed** by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to accept the low bid from Contractors Equipment in connection with Bid File #96-156-016 for the 24 month lease purchase of one backhoe/loader to be used in Central Maintenance. The **motion passed** by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to go out for bids for one or more backhoe/loaders to be used in Central Maintenance. The **motion passed** by a unanimous vote.

Item F., Continued,

3. Bid Opening @ 10:00 a.m. July 23, 1997 - Computer Upgrade for Data Processing - Motion to Reject Bids Pending IBM Release

County Administrator Clovis Reed explained that shortly after the Board of Supervisors approved to go out for bids for a computer upgrade for Data Processing, IBM sent information of a new release that will be available in the near future.

At the recommendation of Clovis Reed, the County Administrator, and Marsha Baughn, of Data Processing, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to reject the bids for the computer upgrade for Data Processing in anticipation of the new release. The **motion passed** by a unanimous vote. See **Exhibit F.3**.

4. Report From Committee on Petition For Public Road

This item was held over. See **Exhibit F.3**.

5. Dale Thompson - Invoice From Bailey, Henderson & McNeel, Under Advisement

County Administrator Clovis Reed reported to the Board of Supervisors that the invoice submitted by Johnson, Bailey, Henderson and McNeel matches the agreement. Supervisor Eugene Thach made the motion and Supervisor James Pearson seconded the motion to approve payment to Johnson, Bailey, Henderson & McNeel as submitted, and in line with the agreement for their services. The **motion passed** by a unanimous vote.

6. Load Limits for DeSoto County Roads

This item was held over. See **Exhibit F.6**.

G. NEW BUSINESS

1. 4-Way Stop Sign @ Byhalia and Craft Road

Supervisor Tommy Lewis said he has gotten calls and upon investigation agrees there should be a 4-way stop at the intersection of Byhalia and Craft Road. Supervisor James Pearson said a good example of the benefit of a 4-way stop is at Fogg Road and Starlanding. Supervisor Tommy Lewis asked the Road Manager if he could make the stop sign visible coming up the hill. Kenny Gunn said yes, you will be able to see it. Chancery Court Clerk Sluggo Davis, suggested putting warning signs before the intersection. The Road Manager said they will put out some Stop Ahead signs.

Supervisor James Pearson made the motion and Supervisor Eugene Thach seconded the motion to make the intersection of Byhalia and Craft Road a 4-way stop. The **motion passed** by a unanimous vote.

Item G., Continued,

2. I-69 Mid-Continent Highway Coalition

The Board of Supervisors received a letter from Jerome C. Hafter, Mississippi

Vice-President of the Mid-Continent Highway Coalition, Inc., updating the Board of Supervisors on the status of the proposed I-69 Highway that is currently being discussed to run through DeSoto and four other counties in Mississippi. The letter requests support for the project from each county in the amount of \$5,400.00. Supervisor Eugene Thach reminded the Board of Supervisors the cities will be asked to give \$500.00 each for this effort.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to provide the annual support for the I-69 project in the amount of \$5,400.00 and ask each city to reimburse the County the amount of \$500.00 each. The **motion passed** by a unanimous vote. **See Exhibit G.2.**

3. Dale Thompson - Approval For Investment, Budget Amendments

Investment of Surplus Funds

The Comptroller, Dale Thompson appeared before the Board of Supervisors to request authorization for the investment of surplus funds to the high bidder, Peoples Bank & Trust. Supervisor James Pearson made the motion and Supervisor Eugene Thach seconded the motion to authorize the Comptroller to invest funds with Peoples Bank & Trust as indicated on the bid sheet presented by the Comptroller and in accordance with her recommendation. The **motion passed** by a unanimous vote. **See Exhibit G.3.**

Budget Transfer - DHS

The Comptroller recommended the following budget transfer as requested by Kathy White, of DHS:

From	Child Support	001-454-654	\$500.00
To	Economic Assistance	001-450-654	\$500.00

Budget Transfer - Family & Childrens Services

The Comptroller recommended the following budget transfer as requested by Valerie Richmond, of DeSoto County Family & Childrens Services:

From	Office Equip Rental	001-456-534	\$100.00
From	Office Equip Repair	001-456-543	\$200.00
From	Training	001-456-587	\$300.00
To	Phone	001-456-502	\$600.00

The Comptroller recommended approving the budget transfer as requested by Valerie Richmond, of DeSoto County Family & Childrens Services as follows:

From	Personnel	001-456-440	\$1,500.00
To	Office Supplies	001-456-603	\$1,500.00

Item G., Continued,

Budget Amendment - Buildings & Grounds

The Comptroller recommended the following budget amendment as requested by Jimmy Bearden, Director of Operations and Maintenance of DeSoto County:

Lower	Roofing Supplies	001-151-663	\$3,000.00
Increase	Other Rep. & Maint	001-151-545	\$3,000.00

Budget Transfer - Sheriff's Office

Dale Thompson said she was told the Board earlier agreed to increase the budget in the Sheriff's Department for the sale of the helicopter. The Comptroller recommended approval of the budget transfer as requested by Sheriff James A. Riley of DeSoto County as follows:

Increase	Proceeds from sale of helicopter	001-000-382	\$27,500.00
Increase	Office Mach & equip.	001-201-935	\$21,200.00
	Other Equip. Repairs	001-201-545	\$ 6,300.00

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve all the budget amendments presented as recommended by the Comptroller. The **motion passed** by a unanimous vote. **See Exhibit G.3.**

**4. CDBG Program - Notice to Public of No Significant Impact
Notice to Public of Request For Release of Funds**

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to accept the report of no significant impact and the notice of the request for the release of funds for the widening project at Hacks Cross Road. The **motion passed** by a unanimous vote. See **Exhibit G.4.**

5. Audit For FY96-97

County Administrator Clovis Reed presented notice to the Board of Supervisors that he has been asked by the State Audit department about the county's intentions concerning a private audit. Mr. Reed asked if the Board of Supervisors wants to continue with Williams & Pitts for the county audit. Supervisor Jessie Medlin asked how many other counties have to pay for a private audit. County

Administrator Clovis Reed said he will find out. The Board of Supervisors said please do. Chancery Clerk W. E. "Sluggo" Davis said he was told by the Audit Department that this process would rotate.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to extend the contract with Williams and Pitts for the coming year at the same price as the audit for the FY 95-96. The **motion passed** by a unanimous vote. **See Exhibit G.5.**

Item G., Continued,

6. Resolution of Appreciation for Charles B. Word

At the request of Bobby Storey, Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to present a resolution of appreciation to the family of the late Charles B. Word for the hard work and dedication he

demonstrated with his work for DeSoto County to establish the volunteer services. The **motion passed** by a unanimous vote.

7. Sponsorship of Girl's Softball Team Going to World Series

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to authorize a donation to the Illusions Girls Fastpitch 16 and Under Softball Team to go to the national tournament in Chattanooga, TN from Advertise County Resources for \$250.00 in accordance with County policy.

Supervisor Tommy Lewis verified with the County Administrator that the team is from DeSoto County. The **motion passed** by a unanimous vote. **See Exhibit G.7.**

8. Resolution of Intent to Borrow \$3,000,000.00 for Revenue Anticipation Note

Supervisor Jessie Medlin verified this is start up money for the project. Rex Haynes said they need to go on and purchase the land. Mr. Haynes said the collections are in line with the projections of three years ago and new growth will likely expand that. Supervisor Jessie Medlin asked if the State Tax Commission automatically adds new businesses to their collections. Rex Haynes said they are supposed to, but the Bureau has to continue to monitor that.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to go on with the resolution. After discussion of past motions on this issue, Supervisor Jessie Medlin withdrew the motion and Supervisor Tommy Lewis withdrew the second. **See Exhibit G.8.**

9. Civic Center - Market Study Contract

County Administrator Clovis Reed said the Board will ask Hunters Interest to do the marketing study in eight weeks, at which time they will come back to the Board of Supervisors. The County Administrator said the estimates are within the range of \$36,000.00 to \$38,000.00. Supervisor Jessie Medlin made the motion and

Supervisor Eugene Thach seconded the motion to execute the contract with Hunters Interest for a marketing study for the Civic Center. The **motion passed** by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor James Pearson seconded the motion to pay for the study from County proceeds to be reimbursed from the Convention and Visitors Bureau from the 2% tax collection set aside for the Civic Center project. The **motion passed** by a unanimous vote. **See Exhibit G.9.**

10. Ciba Road - Agreement With I. C. Railroad

County Administrator Clovis Reed said he and the Board Attorney, William Austin have negotiated and are presenting an agreement with IC Railroad to close two crossings at Lake Cormorant-- at Goodman Road and the Third Street crossing,

Item G., Continued,

leaving open the First Street crossing and the Sullivan crossing. Mr. Reed said the County will be required to pay for any improvements to the approaches.

Supervisor James Pearson asked if this includes the crossing at Green River Road. The County Administrator and Board Attorney said no, they are working on that now. That project was done separately. Supervisor Pearson said IC Railroad and MDOT

need to know the County has notified them of a dangerous crossing. Clovis Reed said he will send another letter to I C Railroad and the Department of Transportation.

Supervisor James Pearson made the motion and Supervisor Eugene Thach seconded the motion to approve the permanent easement with I C Railroad, with the County responsible for presenting the resolution for assistance to the Department of Transportation. The **motion passed** by a unanimous vote.

H. EXECUTIVE SESSION

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

I. OTHER ISSUES

1. Chancery Clerk W. E. "Sluggo" Davis

At the recommendation of the Chancery Clerk, Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to approve the changes in assessments of homesteads as presented by Sluggo Davis. The **motion passed** by a unanimous vote.

2. Supervisor Tommy Lewis

Supervisor Tommy Lewis asked the results of the request for the Attorney General's opinion on the drainage issue. The Board Attorney verified there has been no response to the request from the Attorney General.

3. Supervisor John Caldwell

Supervisor John Caldwell suggested the Road Manager look into purchasing a limb truck. The Road Manager said after BFI sent out the notice about limbs, they began getting 30 to 50 calls per day. To better keep up with this demand the Road Manager said he divided the county into six areas and progress is being made in this area. Supervisor Tommy Lewis suggested catching up on this work on rainy days. The Road Manager said he has already gotten authorization to go out for bids for another truck.

4. Supervisor Jessie Medlin

a. Toby Morgan, Central Maintenance

Supervisor Jessie Medlin notified the Board of Supervisors that Toby Morgan, who works in Central Maintenance, has had his drivers license revoked from a DUI.

Item I., Continued,

b. Culvert Headwalls

Supervisor Jessie Medlin said the Planning Commission requires headwalls for culverts 30 inches or greater and asked if the County should abide by the same requirements when installing culverts. The Road Manager said some of the culverts

get the headwalls, but not all, depending on the situation. Supervisor Tommy Lewis suggested extending the pipe 5 inches longer to avoid the need for these headwalls. The Road Manager said sometimes that approach would be effective and other times a headwall is needed. Supervisor Eugene Thach verified that this work is contracted out. The Road Manager said yes.

5. Getwell Road

Wallace Jaco came before the Board of Supervisors to request a portion of Getwell Road south of Holly Springs Road be paved. Supervisor Tommy Lewis said the right of ways for this road have been donated.

Supervisor James Pearson made the motion and Supervisor Tommy Lewis seconded the motion to pave and widen a portion of Getwell Road located south of Holly Springs Road that is now gravel with DBST surface, based on the fact the right of ways have been donated; and to instruct the Road Manager to include this project in the Road Plan as soon as he can work this into his schedule. The **motion passed** by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess until Monday, July 28, 1997, at 9:00. The **motion passed** by a unanimous vote.

THIS the 21st day of July, 1997, these minutes have been read and approved by the DeSoto County Board of Supervisors.

JOHN M. M. CALDWELL, President
DeSoto County Board of Supervisors