

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

JOHN M. M. CALDWELL, PRESIDENT, PRESIDING

November 24, 1997

A. CALL TO ORDER

The November 24, 1997, meeting of the DeSoto County Board of Supervisors was called to order by John M. M. Caldwell, Sr., Board President.

James Albert Riley, the DeSoto County Sheriff 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. ASluggo@ Davis-----Chancery Clerk
James Albert Riley-----Sheriff
Clovis Reed-----County Administrator
William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor Eugene Thach.

C. OLD BUSINESS

1. Kenny Gunn - Central Maintenance

a. Request to Enter Into Agreement for Auction Services

The Road Manager, Kenny Gunn, asked the Board of Supervisors for approval to enter into a contract with Sprint Auction Company to sell surplus County property. This item was brought up at the November 3, 1997, meeting of the Board of Supervisors at which time this business was held over to allow the Board Attorney, William Austin to research whether this contract will restrict DeSoto County from allowing equipment to be sold at other sales. The Board Attorney said this contract should not restrict DeSoto County from participation in other sales.

Supervisor Tommy Lewis asked the Road Managers plans to assure the auction company gets a high enough price for the equipment. The Road Manager said he planned to set minimum bids for the equipment.

Item C.1.a., Continued,

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve entering into a contract with Sprint Auction to sell surplus equipment for the County with minimum bids being set by the Road Manager. The motion passed by a unanimous vote. **See Exhibit C.1.a.**

b. Erosion at Stone Creek Street

This item was held over. **See Exhibit C.1.b.**

2. Johnny Waldrop - Request For Road Name Change to "Jerry Lee Lewis Street"

Johnnie Waldrop of JKL Enterprises came before the Board of Supervisors to resubmit petitions in support of changing the name of a section of Malone Road to Jerry Lee Lewis Street. Ms. Waldrop said she has been told by residents on Malone Road that her request did not have the support of the Board and a State Legislator. Ms. Waldrop said she was able to get the names of the black residents on Malone Road and asked if the Board would consider their support. Supervisor Eugene Thach pointed out that the Board has no way of knowing whether the signatures on the petition are black or white, and race is not a consideration for the Board of Supervisors in decision making. Supervisor Tommy Lewis said that he has received numerous calls from residents on Malone Road and none have been in support of the name change. Supervisor Lewis said that is the basis for his decision.

Supervisor Lewis said that many of the residents he spoke with were against the change because of the problems that were associated with the change from Nesbit to Hernando. Johnnie Waldrop said she would personally help anyone with the problems associated with mail service.

Supervisor John Caldwell asked why the Board should consider this name change request. Johnnie Waldrop responded that the music industry is growing. Jerry Lee Lewis has brought people to DeSoto County. This name change will promote DeSoto County and said the Department of Tourism will promote this.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to deny the request for the name change for Malone Road. **See Exhibit C.2.**

3. Kelly Jones - Request to Amend the Solid Waste Management Program

Kelly Jones of Builders Choice and Ronnie Crotchet of Crotchet Equipment appeared before the Board of Supervisors regarding their request to amend the DeSoto County Solid Waste Program to add the operation of an incinerator. Mr. Crotchet passed around pictures of the unit and a copy of the federal register of September, 1994, of which the EPA gives evaluations for the lawful use of incinerators. Supervisor Eugene Thach asked if the unit will be used for garbage disposal. Ronnie Crotchet responded that there are only three units for garbage disposal in the whole country, and said this unit will be for those construction type materials that are deemed to be incinerator materials. Mr. Crotchet handed out a report confirming the ash from these type materials is not hazardous, and said the ash can be mixed with concrete or black top for use as a road base. Mr. Crotchet said he wanted to supply any technical information the Board may need to make a decision on this request.

Item C.3., Continued,

Supervisor Jessie Medlin asked if there is any material that can be incinerated that cannot be put in the landfill. Ronnie Crotchet said not to his knowledge.
See Exhibit C.3.

Supervisor Eugene Thach asked if EPA had approved this unit. Kelly Jones said the State is waiting for the County to make a decision.

Supervisor John Caldwell asked if the incenerator in Collierville is the same as the proposed unit in DeSoto County. Ronnie Crotchet answered that it is and said that incenerator was installed to lengthen the life of the landfill in Collierville. Mr. Crotchet explained that incenerator had been located too near the landfill, and the odor problem that has been blamed on the incenerator is actually caused by the landfill.

Supervisor Jessie Medlin asked what Mr. Jones will have to do in terms of approval in Southaven if the Board of Supervisors approves this request. Kelly Jones answered that his first step is to get the landfill approved by the County. Supervisor Medlin asked the effect this incenerator will have on our landfill. The County Administrator answered that it should lengthen the life of the landfill. Supervisor Medlin reminded the Board of Supervisors that this is a free service now.

Supervisor Tommy Lewis asked if there will be any conflict with the landfill. Mr. Reed said the County could specify which materials could be burned. The Board Attorney, William Austin said he is concerned about how it will be monitored, and how mixed loads will be handled. Mr. Austin said he understands the ash will be tested, but if found not to be in compliance, it will be after the fact. Mr. Austin said he would recommend monitoring those things to assure they do not occur. Ronnie Crotchet said that normally, loads are checked at the gate, and if found to contain items not suited for the incenerator, it should be turned around at the gate. Ronnie Crotchet said in 28 years he has only seen one instance where someone burned asbestos. Mr. Crotchet said once the material hits the gate, the State controls the material through guidelines they set for the disposal of the debris.

Board President John Caldwell asked if anyone was ready to make a motion. Supervisor Eugene Thach said if the regulations are provided for by EPA, who would monitor the conditional use. Supervisor John Caldwell asked the Board Attorney if this concern was valid. Mr. Austin responded that he thought they were here to get the Board to amend the solid waste plan, not the zoning plan. Ronnie Crotchet said that all future requests would have to come before the Board. Mr. Austin said not necessarily. If the Board amends the plan to accept incenerators, it would allow for that alternative. Mr. Austin said he does not know how expensive it would be to amend the program for this request. Supervisor Thach said the Attorney should have an opportunity to look at the request. Kelly Jones said he is trying to get the incenerator operation up and running as soon as possible. Clovis Reed said the Board would like to allow the Board attorney to look at the request further.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until the first meeting in January, to hire a consultant and the Board Attorney to review the request and its effects on the County. The **motion passed** by a unanimous vote. **See Exhibit C.3.**

D. NEW BUSINESS

1. Dale Thompson - Comptroller
a. Investment of Surplus Funds

In accordance with Section 19-2-29 of the Mississippi Code, which states that whenever any county shall have on hand any bond and interest funds, any funds derived from the sale of bonds, special funds, or any other funds in excess of the sums which will be required to meet the current needs and demands of no more than seven (7) business days, the Board of Supervisors of such county shall invest such excess funds.

At the recommendation of the Comptroller, Dale Thompson, Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to approve the investment of surplus funds to Trustmark National Bank, who was the high bidder that placed their bid on time. The **motion passed** by a unanimous vote. **See Exhibit D.1.a.**

b. Approval to Write Off Outstanding Warrants

The Comptroller, Dale Thompson, presented to the Board of Supervisors the following outstanding warrants from the General County and Payroll Clearing Funds and requested that she be allowed to cancel these outstanding warrants, pursuant to authority granted under Section 19-13-45 of the Mississippi code of 1972, annotated, which states that AA warrant not presented for payment within one year after date of its registration shall lose its priority.@ The outstanding warrants are as follows:

Payroll Outstanding Check Register

<u>Check No.</u>	<u>Employee Name</u>	<u>Check Date</u>	<u>Check Amount</u>	<u>Days Outstanding</u>
1847	Berryhill, Vivian	3/29/96	\$ 36.94	101
2398	Hansbro, Michael	7/14/95	88.65	360
2554	McElhaney, Tommy	7/31/95	<u>36.94</u>	343
GRAND TOTAL			\$ 162.53	

<u>Check No.</u>	<u>Vendor Name</u>	<u>Check Date</u>	<u>Check Amount</u>	<u>Days Outstanding</u>
449	Cunningham, Charles E.	2/22/96	\$ 36.00	137
549	Brady, Kris Roberson	3/01/96	38.00	129
554	Rainey, Don E.	3/01/96	36.40	129
1439	Kemp, Joyce Elaine	1/12/96	40.00	178
1563	Akins, Paul David	1/26/96	108.00	164
6849	Bradley, Elizabeth Christin	5/19/95	35.20	416
7559	Martin, Susan Ruth	6/16/95	98.40	388
7664	Chew, J. W.	6/30/95	34.80	374
7724	Dalehite, Melinda Ann	6/30/95	34.00	374
8203	Huffstatler, Deborah Kay	7/25/95	34.00	349
9136	Anita H. Coughlin	9/05/95	50.00	307
9212	Marjorie B. Clark	9/05/95	60.00	307
9382	Graylon Stanford	9/05/95	100.00	307
9547	Holloway, Cedric	9/15/95	102.00	297
10401	Elam, S. E.	11/03/95	90.00	248
10410	Locke, Jeanie Ruth	11/03/95	104.40	248
10482	Trahan, Henry Bart	11/03/95	108.00	248
10778	Edmund L. Bain	11/06/95	10.00	245
11061	Gooding, Michael R.	11/10/95	34.00	241
11114	Stewart V. Kay	11/17/95	30.00	234
11181	Wardlaw, Paul James, Jr.	11/22/95	<u>36.00</u>	229
GRAND TOTAL			\$1,219.20	

Item D.1.b., Continued,

At the recommendation of the Comptroller, Dale Thompson, Supervisor James

Pearson made the motion and Supervisor Eugene Thach seconded the motion to cancel the outstanding warrants, totaling \$1,219.20 from the General Fund and \$162.53 from the Payroll Fund. The **motion passed** by a unanimous vote.

c. Approval of Budget Transfer for Metro Narcotics and Budget Amendment for Metro Narcotics and County Ambulance and for Circuit and Chancery Court Administrators

Budget Transfer for Metro Narcotics

At the recommendation of the Comptroller, Dale Thompson, Supervisor James Pearson made the motion and Supervisor John Caldwell seconded the motion to authorize and instruct the Chancery Clerk of the Board of Supervisors, pursuant to Section 41-29-185 of the Mississippi Code of 1972, as amended, and pursuant to the attached Declaration of Forfeiture signed by Count Attorney Larry Vaughn on Defendants Richard V. Craig - \$59.00; Jimmy Watson - \$130.00; Brett Smith - \$160.00; Bradley Shackelford - \$606.00; Maria Pearman - \$320.00; Andre M. Jackson - \$187.00; Corwin Hill - \$82.00; Osie Cobbs - \$210.00; Calvin Bowen - \$433.00, to transfer the following forfeited funds that were seized by Metro Narcotics:

From	623-900-950	Metro Seized	\$2,187.00
To	105-000-384	Metro Forfeitures	\$2,187.00

Furthermore, this Board does approve, pursuant to Section 19-11-19 of the Mississippi Code of 1972, as amended, amending the Metro Narcotics operating budget as stated above. That this portion of the minutes shall be forwarded to the Comptroller, the Sheriff=s Department, and the Unit Commander of the Metro Narcotics Unit. The **motion passed** by a unanimous vote.

Budget Amendment - Metro Narcotics

The Comptroller, Dale Thompson, asked who is authorized to spend funds in Metro Narcotics. The County Administrator said that he has not been notified of a recent change. In anticipation of a forthcoming change in commanders, the Comptroller asked to hold the budget amendment request for Metro Narcotics over to allow Ms. Thompson to verify who controls funds and budget items.

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. At the recommendation of the Comptroller, Dale Thompson, Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the budget amendment for the County Ambulance as follows:

Lower	110-241-935	Other Equipment	\$2,000.00
Increase	110-241-545	Other Repairs to Jaws of Life Equipment	\$2,000.00

Item D.1.c., Continued,

The **motion passed** by a unanimous vote.

The Aviation Budget Request was held over.

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. At the recommendation of the Comptroller, Dale Thompson, Supervisor James Pearson made the motion and Supervisor Eugene Thach seconded the motion to approve the budget amendment for the Chancery and Circuit Court Administrators. The **motion passed** by a unanimous vote.

Lower Chancery Court Administrator fees deposit to General County	106-000-236	\$2,768.00
Increase General Fund Chancery Court Administrator Fees	001-000-227	\$2,768.00
Increase Transfer to Fund 106 for Chancery Administrator	001-900-950	\$ 505.00
Lower Allocation to Other Counties	106-160-702	\$1,641.00
Increase Other Counties Share of Fees	106-000-303	\$ 622.00
Increase Transfer From General County	106-000-384	\$ 505.00
Increase Working Cash Balance	001-901-999	\$2,263.00

See Exhibits D.1.c

d. Approval to pay bill from Edward T. Davis & Associates for Work on Nesbit Water Project when CDBG Funds are Transferred

Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to approve the Comptroller to pay the bill from Edward T. Davis & Associates, Inc. in the amount of \$2,880.00 for engineering services in connection with the Nesbit water project after funds are forwarded from CDBG. The **motion passed** by a unanimous vote. **See Exhibit D.1.d.**

2. Approval of More Cost Effective Option for BellSouth Cellular Service

The County Administrator, Clovis Reed, notified the Board of Supervisors of a package option from Bell South Mobility that will be more cost effective for the County=s cellular service. Mr. Reed recommended the service package offering 200 minutes with additional minutes at .30 cents per minute. The Comptroller, Dale Thompson also notified the Board of Supervisors of a package option for 500 minutes, and said the Road Manager=s bill has shown substantially higher usage than the 200 minutes, and said that personal calls are reimbursed to the County. Supervisor Eugene Thach asked the Board Attorney if there is any problem with this reimbursement practice. The Board Attorney said there is no problem as long as the County is being reimbursed.

Supervisor Tommy Lewis made the motion and Supervisor James Pearson seconded the motion to update the cellular service package from Bell South Mobility to the 200 minute package option for the County Administrator, Road Manager, and Coroner. The motion passed by a unanimous vote. See Exhibit D.2.

Item D., Continued,

3. Approval to Authorize Kenny Laughter to Maintain Custody of Confidential Funds for Metro Narcotics

At the recommendation of the County Administrator, and in accordance with Section 41-29-160 of the Mississippi Code, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize Kenny Laughter to maintain custody of the confidential funds for the DeSoto County Metro Narcotics Unit. The **motion passed** by a unanimous vote.

4. Approval of Chancery Clerk Allowance

On this date, the County Administrator, Clovis Reed, presented on behalf of the Chancery Court Clerk, W. E. Davis, an order of Allowances to the Board of Supervisors for the November , 1997, term in the amount of \$1,676.00. Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve these payments, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The **motion passed** by a unanimous vote. See **Exhibit D.4.**

E. EXECUTIVE SESSION

The minutes from the executive session portion of this meeting are noted on the portion of these minutes named Executive Session.

F. OTHER ISSUES

1. Compensation for Board of Supervisor Attendance To DeSoto Council Meetings

Supervisor Eugene Thach notified the Board of Supervisors that the Board of Supervisors can be compensated for attendance to DeSoto Council meetings. The Board Attorney William Austin said that a 1099 should be filed for this compensation with said compensation being approved by the Board of Supervisors..

2. Loggers

The Road Manager, Kenny Gunn asked the Board of Supervisors if he could set up a permit for loggers. The Board of Supervisors agreed that he has the authority to do so to protect county roads. Mr. Gunn asked if he can advise haul routes. Supervisor John Caldwell said that had already been done through the Road Weight Limit Ordinance.

3. Central Maintenance - Dozer Overturned

The Road Manager, Kenny Gunn notified the Board of Supervisors that an employee had turned over a dozer. The Road Manager said it is uncertain if the employee got hit by a limb or if he blacked out, however, there is no medical evidence of any condition that would have caused him to faint. Supervisor James Pearson asked if this employee is back on the heavy equipment again. The Road Manager explained that the doctor has released the employee and he came back to work on Thursday. The dozer locked up when it overturned. Replacement costs for a used engine is \$7,250.00; parts and labor to repair with a new engine is \$15,000.00+; parts with the county doing the labor is \$12,500.00+. The Road Manager estimated the dozer to bring \$20,000.00 if repaired, as it is a Fiat, and there are no dealers in the USA. Mr. Gunn said the best option for the dozer may be to put a trade-in in the replacement bid.

Item F.3., Continued,

Supervisor Eugene Thach asked what the Road Manager wanted to do. Kenny Gunn said he recommends getting a trade-in value on the replacement bid. Supervisor Jessie

Medlin asked how many dozers the County has. The Road Manager responded the County has several.

The County Administrator asked if the Road Manager has specs prepared for this equipment. The Road Manager said he does. Mr. Reed said it presents a problem when bids are approved and the Purchasing Department cannot obtain the specs for the equipment.

In accordance with Section 31-7-13 of the Mississippi Code, Supervisor Eugene Thach made the motion and Supervisor James Pearson seconded the motion to go out for bids for a dozer to replace the overturned dozer with a trade-in alternative on a purchase/lease purchase basis. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Yes
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----No

4. Mowers

The Road Manager said the Board of Supervisors approved him to bid out mowers in June. Because the Board of Supervisors said it was useless to purchase the mowers early and have them weather the winter, the Road Manager has waited until now to accept bids for the equipment. The Road Manager said the County could get a better price if the mowers were bid out in a set, rather than one or more. Supervisor Tommy Lewis asked who told the Road Manager about the price advantage. Mr. Gunn said the vendors had told him.

Supervisor Tommy Lewis made the motion and Supervisor James Pearson seconded the motion to rescind the June 16, 1997 motion authorizing bids for mowers, and authorize the Road Manager to go out for bids for 3 tractors or more, 2 boom mowers or more, and 2 boom tractors with mowers or more. The **motion passed** by a unanimous vote.

5. Tractor/s Burned in Walls Satellite Barn Fire

The Comptroller, Dale Thompson advised the Road Manager not to lease purchase the replacement for the equipment or building burned in the Walls Satellite Barn Fire as these will be paid from insurance proceeds and to do so would be in violation of the Mississippi Code. Rather, the Comptroller said to pay for the purchase outright. Ms. Thompson said she has received a letter from the insurance company asking for titles, if available.

6. Reimbursement of Expenses for Bond Rating Trip

In accordance with Section 19-3-67 of the Mississippi Code, Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to approve the reimbursement of expenses for the recent bond rating trip. The **motion passed** by a unanimous vote.

Item F., Continued,

7. Gravel Pit Operation - Starlanding Road

Supervisor Tommy Lewis made the motion and Supervisor James Pearson seconded the motion to reconsider the previous motion made by this Board of Supervisors concerning the gravel pit on Starlanding Road and send the matter back to the Board of Adjustments for consideration. The Board discussed the issues leading to the previous Board action on November 5, 1997. During the discussion, Supervisor John Caldwell read a portion of the Mississippi Code. Supervisors Lewis and Pearson left the meeting. Supervisors Thach and Medlin asked for a vote on the item and said they anticipated the item being brought up again in the presence of all five supervisors. The vote was as follows:

Supervisor Jessie Medlin-----No
Supervisor Eugene Thach-----No
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----No
Supervisor Tommy Lewis-----Absent

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to adjourn until Monday, December 1, 1997, at 9:00. The **motion passed** by a unanimous vote.

THIS the 24th day of November, 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