

DRAFT

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT, PRESIDING

March 16, 1998

A. CALL TO ORDER

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

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
James Albert Riley-----Sheriff
Clovis Reed-----County Administrator
William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor John Caldwell.

C. MARTHA GATLIN - CIVIC CENTER

1. Report on Project

Martha Gatlin and Rex Haynes of the Convention and Visitor's Bureau, appeared before the Board of Supervisors and said that the Civic Center Committee is ready to interview applicants for the position of Facilities Manager. Rex Haynes said that construction is moving along and reported that a crew is at the job site today.

Supervisor John Caldwell asked about the final architect drawings. Rex Haynes responded that the final drawings are close to completion. Mr. Haynes said that the idea is to try to get the concrete out in May and the steel after that. Mr. Haynes said that according to the architect, changes can still be made on the inside of the building until that time.

County Administrator, Clovis Reed, said that earlier the committee was going to get with some other people to get an overview of the project, but that meeting had to be called off. Mr. Reed asked if they are still planning to do that. Mr. Rex Haynes responded that they are.

Item C., Continued

2. Approval to Pay Invoices

County Administrator, Clovis Reed, presented two (2) bills in connection with the DeSoto County Civic Center. One bill was from THY for the surveying of the property in the amount of \$2,280.00. The other bill was from Johnson, Bailey, Henderson and McNeel for \$3,250.00 in connection with work on the project.

Supervisor John Caldwell asked if the bills had been paid for the Financial Advisor and Bond Counsel. The County Administrator, Clovis Reed, responded that those bills were settled when the Bonds were sold. Supervisor Caldwell asked how the bills were paid without approval from the Board. The Board Attorney, William Austin, responded that those bills were paid by the Trustee. Supervisor Caldwell asked if the Trustee could approve the bills coming before the Board at this meeting. The Board Attorney responded that the Trustee could approve payment of these bills if they were submitted to the Trustee. Supervisor Tommy Lewis asked if those charges were paid at a closing. The Board Attorney responded that they were paid by the Trustee. Supervisor John Caldwell asked how the Board knows which bills were paid by the Trustee and which bills were paid by the Board of Supervisors. Supervisor Eugene Thach said that all bills were supposed to be paid through the Board of Supervisors. Supervisor John Caldwell suggested looking into this issue by the next meeting.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve payment of the bill from Johnson, Bailey, Henderson and McNeel in the amount of \$3250.00 and the bill from THY in the amount of \$2,280.00 for cost incurred on the DeSoto County Civic Center. The **motion passed** by a unanimous vote. See **Exhibit C.2**.

3. Request Operation Budget Allocation

Martha Gatlin, of the Convention and Visitors Bureau, told the Board that the committee is ready to interview applicants for the Facilities Manager and said a budget was needed to pay for that office. Ms. Gatlin said that with the help of the County Administrator a proposed budget had been developed. Ms. Gatlin further notified the Board that this budget is in line with other Civic Centers. Supervisor John Caldwell asked if Ms. Gatlin is requesting an Interfund loan. Supervisor Eugene Thach asked if they had the money now. Martha Gatlin responded that the money from the Tourism Tax cannot be used to pay the Facilities Manager. Supervisor John Caldwell said that he is confident that legislation will change that rule. Supervisors Eugene Thach clarified that none of these charges are coming from the Tourism Tax. The Board Attorney, William Austin, confirmed that none of these bills can be paid from the Tourism Tax.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to provide funds and amend the budget by taking the money out of contingency to pay the charges as requested in the proposed budget for the Civic Center and repaying this amount if legislation changes the requirements for the use of the Tourism Tax. The **motion passed** by a unanimous vote. See **Exhibit C.3**.

D. OLD BUSINESS

1. Daniel Murphy

a. Report on Entrance to Honey Ridge Subdivision

The County Engineer, Daniel Murphy, reminded the Board of Supervisors that the Highway Department won't let the developer use one entrance that has already been built to Honey Ridge Subdivision. The County Engineer said that there is not much that can be done except for the developer barricading this entrance. Supervisor Jessie Medlin asked how many lots are in that subdivision. The County Engineer, Daniel Murphy, said he didn't know the lot count in Honey Ridge Subdivision. Supervisor Medlin explained that one reason the developer set the subdivision entrance up in this manner was because they could not get a right of way on the other side of the property. Supervisor Medlin asked if the County Engineer thinks the Highway Department will let them have an entrance if right of ways can be obtained on the north side of the property. Daniel Murphy said that he thinks so. See **Exhibit D.1.a.**

b. Estimated Cost for 1998 and 1999 Overlay Projects

The County Engineer, Daniel Murphy, presented a list of overlay roads and, as requested, an estimated cost of \$1,604,000.00 to complete the overlay projects. The County Engineer requested holding this item over. Supervisor Eugene Thach asked if this is the project estimate that will eventually go out to bid. The County Engineer said that this is right and that the project estimate should be close to the actual cost of the project.

Supervisor Eugene Thach said that Tchulahoma Road is on the report two (2) times. Supervisor John Caldwell said some other roads are missing from the project. The County Engineer said he would look into the matter. This item was held over.

c. Texas Gas - Request to Run Gas Line

The County Administrator, Clovis Reed, said that he and the County Engineer are getting with Texas Gas to obtain a ball park estimate for work on roads in the County. The County Engineer said that they want to cut Poplar Corner Road and that negotiations are still going on for that project. The County Engineer and County Administrator asked to hold this item over to complete negotiations. The Board of Supervisors agreed.

2. Joey Treadway - Change in Tax Bill to Reflect City, County, School and Drainage Tax

The Tax Collector, Joe Treadway, told the Board of Supervisors that he has talked to a lot of people and nobody has admitted to wanting a change in their tax bill to reflect City, County, School and Drainage Taxes. Mr. Treadway said that if the Board of Supervisors want to add this information, he has a whole list that could be put on the bill as well. Mr. Treadway said that people call his office all the time to ask those questions.

Mr. Treadway said that as requested, he is planning to get tax statements out to all property owners, even those who get their taxes paid through their mortgage company. Mr. Treadway said that plans are being made to begin this

distribution of tax bills as well.

Item D.2., Continued,

Supervisor Eugene Thach said that he appreciates the Tax Collector saying that he will get the tax bill to all property owners, but said he has had a lot of calls asking for a breakdown of tax information on the tax bill. The Tax Collector responded that the tax payers know that this is a County unit system. Mr. Treadway said that he feels starting this change will eventually lead to going back to the half page system for the breakdown taxes. Mr. Treadway said that he has been here for ten (10) years and is totally satisfied with the tax bill breakdown as the present time. Mr. Treadway said that he knows his taxes go to pay for all County Schools. Mr. Treadway said again that he has talked to a lot of people on this issue and just does not find support for a change.

Supervisor John Caldwell said that he thinks the more information the better.

Supervisor Tommy Lewis said that he thinks Joey Treadway is the Tax Collector and if people want more information they should ask the Tax Collector. Supervisor John Caldwell responded that the Board of Supervisors is the Tax Levier.

Supervisor Jessie Medlin said that he had not had any calls about this issue either. Supervisor Medlin said that he does not think it matters where the taxes are distributed and for that reason he does not support a change in the tax bill. Joey Treadway said that the people already know where their tax dollars are going. Mr. Treadway said that he thinks that most people already know that 43.7% of their tax money goes to the Board of Education. Mr. Treadway said that he has not spoken with anyone in any area of the County that has requested a breakdown.

Supervisor Eugene Thach said that several people have contacted him for that information.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell

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Jessie Medlin-----No
Eugene C. Thach-----Yes
James D. Pearson-----No
John Caldwell-----Yes
Tommy Lewis-----No

See Exhibit D.2.

3. Approval of Policy for Travel to Adjacent Counties

The County Administrator, Clovis Reed, presented a copy of the minutes concerning the payment of travel to adjacent counties as discussed with the approval of the Constable's request to travel to Tunica. County Administrator said that the Board did not adopt a formal policy concerning travel to adjacent counties at that time.

Supervisor Tommy Lewis said he thinks circumstances will affect different requests for travel reimbursement to adjacent counties.

Item D.,3., Continued,

Supervisor Eugene Thach said that he does not think the Board of Supervisors should pay travel to adjacent counties and feels this is a waste of taxpayers money.

Supervisor Jessie Medlin said that if the Board of Supervisors makes that ruling, they will be the first with the need to stay overnight in an adjacent county. Supervisor Medlin speculated that there might be events and meetings that last until 10:00 or later at night.

well Supervisor Eugene Thach said that he agreed that this circumstance may very happen, as the Supervisors convention will be in Tunica this year.

Supervisor John Caldwell said he agrees that the Board needs to adopt a policy concerning travel to adjacent counties to make it fair for all requests.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell

second
ed the
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to

adopt a policy not to pay lodging for travel to adjacent counties. Supervisor Caldwell clarified that his second was to assure that all requests were handled fairly. The **motion did not pass** by a vote as follows :

Jessie Medlin-----No
Eugene C. Thach-----Yes
James D. Pearson-----No
John Caldwell-----Yes
Tommy Lewis-----No

See Exhibit D.3.

4. Update on Space Analysis for Board of Education Building

The County Administrator, Clovis Reed, presented plans for the space analysis recommendation for the Board of Education Building, as prepared by Allen & Hoshall. Mr. Reed showed the Board of Supervisors a layout of office locations within the building. Mr. Reed said that the only expense expected is to buy cubicles, which could cost up to \$2500 per unit. Mr. Reed said that six (6) units were needed and requested authorization to go out for bids for these units.

Supervisor Eugene Thach made the motion and Supervisor James Pearson

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Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Yes
John Caldwell-----Absent
Tommy Lewis-----Yes

See Exhibit D.4.

Item D., Continued

5. Order Approving Securities of County Depository

Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to approve the order approving securities of the County Depository and the orders commissioning the other responding banks as County Depositories for investment purposes. The **motion passed** by a vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Yes
John Caldwell-----Absent
Tommy Lewis-----Yes

See Exhibit D.5.

6. Rezoning - Ravenwood Lake

Ben Smith, Engineer, and Don Chambliss, Developer, came before the Board of Supervisors for the rezoning of Ravenwood Lake, which was held over from the meeting of March 11, 1998. Mr. Smith presented a letter from Mayor Mike Thomas of the City of Horn Lake pledging the support of the City of Horn Lake, the Board of Alderman and the Mayor of Horn Lake for the development of Ravenwood Lakes. Mr. Smith also presented a copy of the minutes from that meeting in which this item was discussed. Mr. Smith said the minutes reflect the City of Horn Lake approved the original plan they submitted for the development of Ravenwood Lakes and was passed by a unanimous vote.

Mr. Smith said that they had met with the neighbors on Friday who had concerns about the development and from that meeting they have revised the plans as presented to the Board of Supervisors on this date. Mr. Smith explained the following points:

1. That the three (3) lots could be changed to one (1) lot where the property backs up to the Holland place.
2. Add 1350 square foot houses with double garages on the west side of the property.
3. Some lots would be raised 1300 square feet.
4. They will keep the 30,000 square foot lots on Nail Road, but are not willing to put 30,000 square foot lots along the entire Nail Road.
5. They are willing to take commercial lots and make it for retirement home use and not commercial use.
6. Reduce the density from a total of 310 lots to a total of 270 lots.

Mr. Smith said they can live with these changes and still compete in this market.

In summation, Mr. Smith said that they had listened to the neighboring property owners but cannot please everyone in this case. Mr. Smith said this is the most they can do.

Don Chambliss explained that down on Nail Road you cannot put 30,000 square foot lots for patio homes. Mr. Chambliss said you have to have consistency in the patio home areas. Supervisor John Caldwell responded that you said there is no way you can have a conventional home across from the patio home, but Mr. Chambliss is telling the people across the street that he is putting patio homes across from their conventional homes.

Item D. 6., continued

Ben Smith said that he has been involved in developments where small lots backed up to big lots and mentioned success in doing so at Plum Point and Stonehedge. Supervisor John Caldwell said that the largest lots in Plum Point and Stonehedge do not compare to these lots. Ben Smith said that they are not putting them across the street, they are backing up to them. Mr. Smith reminded the Board that the developers have compromised on the west side.

with Supervisor Eugene Thach said he was glad to see that the developers had met the property owners and the Supervisors who live in the area of this property.

Ben Smith said that he would like the Board to vote today one way or the other on this plan.

Merritt Powell, of the DeSoto County Planning Commission, said that he has

talked to Mr. Cox, Mr. Niebanck and the Supervisors and they would like to have large lots on Nail Road. Mr. Powell said that they had asked for some of the lots to change from R-6 to R-8 in the middle of the property. They also had been told about the change in the commercial lots. Mr. Powell further explained the changes that were made in the development. Mr. Powell pointed out that Alden Station has large lots (R-1) across the street from (R-3) patio homes.

Attorney Bob Perry, representing the neighbors in opposition of this development, asked if all of the staff recommendations had been adopted for these plans. Merritt Powell responded that the original staff recommendations have not all been adopted. Mr. Perry said he wonders why. Sam Russell responded that the developer did not want to do curb and gutter on Nail Road. Merritt Powell said the County conceded that, if they widen the road. Supervisor John Caldwell said that current plans and ordinances would require curb and gutter in this development.

Attorney Bob Perry said he would like Mr. Don Cox to present a brief statement to the Board. Don Cox said he is speaking on behalf of the property owners adjacent to this development and others in the County who were concerned about the development. Mr. Cox said he is asking Mr. Caldwell to deny this development and he is also asking Supervisor Pearson to deny the development. Mr. Cox said that the majority of people they have talked with are against the development. Mr. Cox told Supervisor Pearson that he has already said that he is tired of the small lots that are constantly being developed in this area. Mr. Cox said they would like the Board to stand up for their beliefs.

Mr. Cox said that the opposers of this development are asking Supervisor Eugene Thach to reject the development, as he would not want it in his area of the County. Mr. Cox said he thinks it would be remiss not to reject this PUD. Mr. Cox said that he is asking Supervisor Jessie Medlin to reject the development and take a stand for the community on this issue. Mr. Cox also asked if Supervisor Medlin had taken the time view the development area and the plans for the development. Mr. Cox said that they are asking Supervisor Tommy Lewis to recuse himself because he is a builder and this is likely to be a result of personal gain to Supervisor Lewis.

Mr. Cox said that since no construction started within two (2) years of the original approval, the development could be denied on that basis, as requirements were not met. Mr. Cox said the current proposal does not meet the comprehensive plan for several reasons. Mr. Cox said it was reported to him by City Officials in Horn Lake that the Middle School is over their capacity for enrollment. Mr. Cox

Item D.6.,Continued

speculated the number of children that may be added to the area with this development. Mr. Cox said the current character of the neighborhood will average 1.2 units per acre. Mr. Cox said the current homes will likely be depreciated in this area due to the character of this development.

Mr. Cox said that in summary, he cannot imagine what democracy would allow a development with the opposition of so many property owners. Mr. Cox said to do anything less than reject the proposal would be remiss on the part of the Supervisors.

Supervisor Jessie Medlin said that he knows where the property is and he resents the statement that reflects any disinterest in the issue.

Attorney Bob Perry said there had been several comments here where there is doubt where the Counties own planning has not been followed. Mr. Perry said that zoning is a special part of the duties of the Board and of the Mississippi Code. Mr. Perry said that today he does not think the Board could legally approve this zoning matter. Mr. Perry said that he does not know if there was a clerical mistake on the prior approval or not, but the Supreme Court has said no less than 50 times that a material change in the neighborhood must be present and proven before such a development can be approved. Mr. Perry said there must be a public need. Mr. Perry said he has lived in DeSoto County for 66 years and likes it, but there are some property owners who fear what will happen to their property if this development is approved. Mr. Perry said that Supervisor Caldwell was correct in what he said to the developer and engineer. Mr. Perry said that the original subdivision approved in 1990 did not change this. In 1994 the property was low density and there has been no change since 1990 in this property. Mr. Perry asked that the Board please look at this carefully and he thinks the Board will determine that these people will have to go to the drawing board and come back with another plan. Mr. Perry said that he asks the Board to reject the plan based upon these theories.

Supervisor Lewis asked if there are any other in objectors wishing to speak.

Arthur Furnace said he was not called for the meeting with the developer on Friday, and Sam Russell of the DeSoto County Planning Commission said he would contact him for any meetings in connection with this development. Don Chambliss said that he contacted everyone on the petition given to them last week.

Engineer Ben Smith said the only staff recommendation they have not followed in planning the development, is to provide curb and gutter along Nail Road. Mr. Smith said they have presented the plans to the City of Horn Lake, the Horn Lake Aldermen and the DeSoto County Planning Commission who agree that there has been a change in the neighborhood in this area and all voted their support accordingly to the development. Mr. Smith said this does follow the comprehensive plan and said they are in complete compliance with the comprehensive plan. Mr. Smith said that they have compromised on this issue in many areas, but they cannot please everyone. Mr. Smith pointed out that they have pleased the Horn Lake Boards and the Planning Commission. Bruce Niebank said he is asking as a concerned resident in the area, not just for the people adjacent to the area. Mr. Niebank said he is speaking for people who did not hear in past years of all the 350 to 370 lot plans were previously approved in this area, but who now want to voice their opposition to these developments. Mr. Niebank said that they are going to be fighting for the proper developments. Mr. Niebank said that this development is reckless to approve. Mr. Niebank said that

Item D.6., Continued,

even though it is called low density, it is being developed as high density. Mr. Niebank said that he believes in control growth and thinks that we have a Pandora's Box and the Board can control it. Mr. Niebank said he is asking the Board to control and rezone it.

Supervisor John Caldwell said that as far as compromise goes, he keeps hearing that the developer has gone from 370 to 270 in number of lots. However, Supervisor Caldwell said, the County has gone from 54 lots and 82 lots with sewer and that is a big difference between the number of lots proposed for this subdivision. Supervisor Caldwell said that compromise is part of the PUD process. Supervisor Caldwell said that they have talked about R-30 on the south side of the property and asked about the final plans for that zoning.

Supervisor James Pearson said that he wanted the lots on Nail Road larger from the beginning.

Ben Smith said that they have presented changes and are asking the Board to vote on that with the changes presented today.

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to approve Ravenwood Lake Subdivision realizing that all County Ordinances apply to this PUD and if the developer goes through with the PUD it will be accepting that the lots on the south and west edge of the property will be 30,000 square foot lots with 1600 square foot house sizes with double garages; that the changes proposed to the retirement community stands, where one commercial lot is removed; that the plat be recorded to indicate that if the retirement lots are removed that the lots will revert back to R-8 with 8,000 square foot lot sizes; that the common area adjacent to lot 154 be eliminated; that if the developer rejects to change that the property goes back to the original zoning of AR.

Engineer Ben Smith asked to withdraw their motion and proceed with the original zoning changes, which are still in effect. Mr. Smith said they would like to withdraw this request.

Supervisor Caldwell said that if this dies, the next motion would be to go back to the Planning Commission for consideration, since the original PUD has not been developed. The Board Attorney, William Austin, said that he does not think the issue where the retirement community has gone to a PUD is properly before this Board. The Board of Supervisors discussed legal handling of this item and the Board Attorney recommended withdrawing the motion and going back to the Planning Commission on the development due to the request to withdraw.

Supervisor Caldwell amended the motion to eliminate the reference to the retirement community. Supervisor Pearson amended the second accordingly.

Supervisor Eugene Thach said he feels the Board should disapprove the application since they asked to withdraw their application. Supervisor Tommy Lewis said that during a break of a Board of Supervisors, Mr. Smith and Mr. Chambliss had come to him and said if the application was not approved as presented they were going to withdraw their application. Supervisor Eugene Thach said if they want to go back with the other development then that is a legal issue.

Item D.6., Continued,

Supervisor John Caldwell said that if the developers had more options than the homeowners, that is unfair.

Supervisor Jessie Medlin said that they were told at the last meeting that the last zoning still stands. Now the motion includes removing that. Supervisor John Caldwell asked the Board Attorney if that is an issue. The Board Attorney responded, if you turn this one down the other one is not turned down as it stands.

Supervisor Caldwell amended the motion to strike the reference to the previous plan and said that since they will not agree to the house sizes and after

conferring with the Attorney the motion was amended to strike the house sizes. Supervisor Pearson amended the second.

The developer, Jerry Chambliss, said that as a property owner they are asking to withdraw the application. Merritt Powell of the DeSoto County Planning Commission says he has the right to apply for another one. Jerry Chambliss said that they are making this request before the Board votes on this motion. The Board Attorney said that you could have withdrawn the application before the motion was made. Supervisor Caldwell asked to read the motion back and modified it as follows: to approve Ravenwood Subdivisions with all County Ordinances applying to this PUD. If the developer goes through with the PUD, it will be to accept the lots along the south and west edge of the property as 30,000 square foot lots; to eliminate the common area adjacent to lot #154 to make the development compatible with the neighborhood; and, to accept the developers recommendation to eliminate the commercial lot #2. Supervisor Jake Pearson said that his second still stands. The **motion passed** by a vote as follows:

Jessie Medlin-----No
Eugene C. Thach-----Yes
James D. Pearson-----Yes
John Caldwell-----Yes
Tommy Lewis-----No

7. Approval of Resolution for Local & Private to Increase Fees to County Attorney

The County Administrator, Clovis Reed, said he talked to Bart Sperry, who is the Bill Writer for the House of Representatives, in the State of Mississippi, who was originally wanting local and private Legislation to be passed to increase the fees for the DeSoto County Attorney. Mr. Reed said that now it appears this is not appropriate for local and private and the only other option is to increase their allowance.

Chancery Clerk, W.E. "Sluggo" Davis, said according to Senator Bill Hawks the Senate is trying to get approval to pass a Senate Bill now to accomplish this increase in fees.

The Board of Supervisors instructed the County Attorney to call to see what support the County can give for that effort. **See Exhibit D.7.**

Item D., Continued

8. Authorization to Authorize Architect for Jail Improvements

The County Administrator, Clovis Reed, requested approval to advertise for proposals for an Architect for jail security improvements.

Supervisor Tommy Lewis asked if there was any reason to believe DeSoto County will get a lower proposal than was obtained through John Clark Hudson and Dale & Associates. The County Administrator responded that it is unknown what other bids will be received.

Supervisor Tommy Lewis said the jail needs to be handled in a timely manner.

The County Administrator said that it is not necessary to advertise for these proposals and he thinks he can come back within two (2) weeks with an answer. Supervisor Tommy Lewis asked for an update next week. The County Administrator, Clovis Reed, explained that the scope of the job in the proposal received by Dale & Associates, was one of the major concerns with their proposal. Supervisor Tommy Lewis clarified that he does not want a delay in handling this matter.

Supervisor Eugene Thach made the motion and Supervisor James Pearson seconded the motion to approve going out for proposals for an architect for jail security with a report requested back at the meeting of March 23, 1998. The **motion passed** by unanimous vote.

E. BID OPENING

1. Two or More Tractors with Boom Mowers

The bids were opened in connection with Bid File #97-156-014 for 2 or more tractors with mid-mount boom mowers. The bids were as indicated on the bid tabulation form on **Exhibit E.1**. Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to take the bids for the two or more tractors with boom mowers under advisement. The **motion passed** by a unanimous vote.

2. Placement of Soil Cement of Laughter Road

The bids were opened and read aloud by the Road Manager, Kenny Gunn, for the placement of soil cement on Laughter Road in connection with Bid File #98-156-003.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to take the bids under advisement. The **motion passed** by a unanimous vote. **See Exhibit E.2.**

3. Asphalt Roller

The Road Manager, Kenny Gunn, asked the Board for direction from their previous discussion of consideration to buy a used asphalt roller. The Road Manager said that a used equipment sale is to be held next week and asked if the Board wanted to consider purchasing an asphalt roller in that sale. The Board discussed buying a used roller. The Road Manager said he would have to check to see the condition of the equipment before bidding on the item.

Item E.3., Continued,

The Board Attorney said there is a new provision that allows the Board to authorize someone to bid at an auction, but the Board would have to put a ceiling on the amount authorized to bid. The Board asked the Road Manager to find out how much the owner wants for the machine before the auction. Kenny Gunn said that the gentleman that he needs to speak to regarding the requested price for the used asphalt roller will not be available until 1:00. The Board asked to hold this item over.

The bids were opened and read aloud for the Asphalt Roller in connection with Bid File #98-156-010 and as evidenced by the bid tabulation form attached on Exhibit E.3.

Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to take the bids under advisement. The **motion passed** by a unanimous vote. **See Exhibit E.3.**

4. Annual Food Supplies for Jail

Medlin the bids were opened for the annual food supplies at the Jail. Bids were received by Institutional Distributors, D. Canale and Sysco Corp. Supervisor Jessie made the motion and Supervisor John Caldwell seconded the motion to take bids under advisement. The **motion passed** by a vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit E.4.

F. NEW BUSINESS

1. Making Fully Executed Contract with Fisher & Arnold Part of the Minutes

Supervisor James Pearson made the motion and Supervisor John Caldwell seconded the motion to make a fully executed contract with Fisher & Arnold for the DeSoto County Park Study part of the minutes. The **motion passed** by a unanimous vote.

2. Walls Library/Community Building

- a. Approval of Change Order**
- b. Approval of Draw Request**

The County Administrator, Clovis Reed, presented two (2) Change Orders in the amount of \$13,772.00 and said the Change Orders can be absorbed from the contingency budget. Mr. Reed explained that \$12,044.00 of the Change Orders were the result of changes made for the Health Department.

Supervisor Tommy Lewis asked what the changes are. The County Administrator explained that the changes include underground conduits for electrical and telephone service, security system, telephone system, shelving,

Item F.2., Continued,

sinks, etc. Supervisor Tommy Lewis asked was this recommended by Marvin Johnson. Mr. Reed said yes, it was. Jim Bearden, Director of Operations and Maintenance, said that even though the plans were sent to the Health Department for approval, at that time they did not plan to be in the building, therefore, they did not adequately review the plans and make recommendations for their needs.

The County Administrator explained that a 13 day extension due to rain and bad weather was the result of Change Order #2.

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to approve the Change Orders and

draw request for the Walls Library and Health Department to TDL Contractors in the amount of \$230,812.00. The **motion passed** by a unanimous vote.

3. Approval of Contract With North Mississippi Pest Control for Circuit Court Administrator's Senatobia Office at \$80.25

The County Administrator, Clovis Reed, presented a contract with North Mississippi Pest Control, Inc. for termite control in the Senatobia Office. Mr. Reed explained that all of the Counties in the district had made their contributions to fund this office to DeSoto County, therefore, DeSoto County will use that money and with the County only being responsible for their share of these costs.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the Contract #6327 with North Mississippi Pest Control for termite service to the Senatobia Office of the Circuit Court Administrator in the amount of \$80.25. The **motion passed** by a unanimous vote. **See Exhibit F.3.**

4. Making Authority to Sign Requisitions Part of the Minutes

The County Administrator, Clovis Reed, said that Jeannine Ruby and Vanessa Lynchard need to make their authority to sign requisitions part of the minutes.

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to make the authority to sign requisitions part of the minutes for Jeannine Ruby and Vanessa Lynchard. The **motion passed** by a unanimous vote.

5. Making Proceeds of Metro Surplus Sale Part of the Minutes

This item was held over.

Item F., Continued

6. Authorization for County Administrator to Open Bids

- a. Administration Building - March 19, 1998, or later**
- b. Chip Spreader - March 23, 1998 at 10:00 a.m.**
- c. Front Deck Mower - March 23, 1998 at 10:00 a.m.**
- d. Compact Utility Tractor - March 23, 1998 at 10:00 a.m.**
- e. Repaint Exterior of Courthouse - March 27, 1998 at 10:00 a.m.**

Supervisor James Pearson made the motion and Supervisor John Caldwell seconded the motion to authorize the County Administrator to open bids on the Administration Building on March 19, 1998, for a chip

spreader; on March 23, 1998, for a front deck mower and compact utility tractor; and on March 27, 1998, to repaint the exterior of the Courthouse. The **motion passed** by a unanimous vote.

7. Affidavits Certifying Yearly Road Inspection

The County Administrator, Clovis Reed, presented the Board of Supervisors with the affidavits certifying the yearly road inspection in accordance with Section 65-7-117 of the Mississippi Code. The Board asked to hold this item over to review the list of roads and their designated conditions.

8. Authorization to Advertise for Grounds Foreman for Operations & Maintenance

Jim Bearden appeared before the Board and asked for approval to advertise for a Grounds Foreman for Operations and Maintenance to replace an employee who will be retiring. Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to authorize advertising for a Grounds Foreman for Operations and Maintenance. The **motion passed** by a unanimous vote.

9. Census Contact Person

Supervisor Eugene Thach said that he and the rest of the Board got a letter requesting the County designate an individual for the census people to deal with. Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to designate Sam Russell from the DeSoto County Planning Commission to be the census contact person for the County.

10. Approval for Contract Renewal with Pure Air Filter

The County Administrator, Clovis Reed, presented a contract renewal with Pure Air Filter for County Buildings. Supervisor Tommy Lewis asked if we got quotes to assure this is the best pricing. The Board requested holding this item over to get quotes on this contract.

11. Approval to Assist City of Horn Lake and HL Soccer Assoc in replacing and Installing Lights from District 4 Park Funds for Up to \$700.00

Supervisor John Caldwell said he has been approached for help from the Horn Lake Soccer Association to replace and install lights on their soccer field. Supervisor Caldwell explained that the City of Horn Lake owns the property in which the field is located. Supervisor Eugene Thach asked if this is for bulbs. Supervisor Caldwell said that it is.

Item F.11., Continued,

Pursuant to the interlocal agreement by and between the City of Horn Lake, Mississippi, and the DeSoto County Board of Supervisors dated June 5, 1995, Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to allocate in the amount up to \$700.00 from the District 4 Park Fund for use of the Horn Lake Soccer Association to replace bulbs on the soccer fields. Supervisor Caldwell stated that the money should be donated appropriately either to the City of Horn Lake for use by the Soccer Association or to the Soccer Association to replace the bulbs. The **motion passed** by a unanimous vote.

12. Authorize Request for Cash for Nesbit Water Project

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to authorize the Board President to sign the documents in connection with the request for cash for the Nesbit Water project, request #5, in the amount of \$7,000.00. The **motion passed** by a unanimous vote.

13. Merritt Powell - Request from Sacred Heart to Remove Building

Merritt Powell of the DeSoto Planning Commission presented a letter to the Board from Sacred Heart Southern Missions requesting the County to require the owner of a burned building to either clear the site or restore it to some appropriate use across the road from their property, as the area is both unsightly and a danger to those who live and attend school in the area. The Board requested Mr. Powell to talk to the owner of the land about the property. **See Exhibit F.13.**

G. EXECUTIVE SESSION

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

H. OTHER ISSUES

1. Grounds Keeping at County Buildings

Supervisor Eugene Thach asked Jim Bearden, Director of Operations and Maintenance, if he is looking at contracting the work for the grounds. Jim Bearden said that he has talked to a gentleman, who was recommended to him, but he was not interested. Supervisor Eugene Thach suggested speaking with someone else about contracting. Jim Bearden said that it would be a large contract to handle all of the lawncare in the County and he recommends continuing taking care of these services.

2. Introduction of Kenneth Evans

Jim Bearden, Director of Operations and Maintenance, introduced Kenneth Evans, who is the new Supervisor for Buildings & Grounds, to the Board. The Board welcomed Mr. Evans in his position with the County.

Item H., Continued,

3. Horn Lake Ball Field

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to share in the cost of the Horn Lake Ball Field improvements from the District 4 Park Funds up to \$10,000, pursuant to the Interlocal Agreement by and between the City of Horn Lake, Mississippi, and the Board of Supervisors dated June 5, 1995. . The **motion passed** by a unanimous vote.

4. Buena Vista Subdivision

Supervisor Tommy Lewis presented a map of one of his subdivisions. Supervisor Lewis said that road improvements are needed badly in this subdivision, however, the budget will only allow part of the roads to be repaired. Supervisor Lewis said that the Road Manager suggested starting in the back part of the subdivision so he won't tear up any roads later with heavy equipment to repair the balance of the subdivision. Supervisor Lewis suggested doing one side or the other so that more of the residents of the subdivision can receive benefits from the road repairs.

Supervisor James Pearson made the motion and Supervisor Tommy Lewis seconded the motion to begin road repairs on one side or the other of Buena Vista Subdivision rather than starting the repairs in the back of the subdivision. The **motion passed** by a unanimous vote.

Supervisor James Pearson made the motion and Supervisor Eugene Thach seconded the motion to recess until March 23, 1998, at 9:00am. The **motion passed** by a vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

THIS the 16th day of March, 1998, these minutes have been read and approved by the DeSoto County Board of Supervisors.

TOMMY LEWIS, President
DeSoto County Board of Supervisors