

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

JESSIE L. MEDLIN, PRESIDENT, PRESIDING

November 3, 1999

A. CALL TO ORDER

The November 3, 1999, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie L. Medlin of DeSoto County.

Chief Deputy Charles Brown 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:

- Supervisor Jessie Medlin-----District 1
- Supervisor Eugene C. Thach-----District 2
- Supervisor Jimmy James-----District 3
- Supervisor John Caldwell-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. "Sluggo" Davis-----Chancery Clerk
- David Armstrong-----County Administrator
- William Austin-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor Eugene Thach.

C. PLANNING COMMISSION

The Planning Commission brought several items before the Board of Supervisors as evidenced by the portion of the minutes submitted by the Planning Commission.
****See Exhibit C****

D. LEGISLATIVE DELEGATION

Supervisor Jessie Medlin welcomed the Legislative Delegation and congratulated each on being reelected and elected to their respective offices.

County Administrator David Armstrong introduced the Legislative Wish List for 2000 and informed the Legislators that the projected population for DeSoto County is approximately 95,000. Mr. Armstrong said that an the population has increased 41% from 1990 to 1998 with 6.9 families moving to DeSoto County every day. He said that there has been a 165% increase in the number of building permits issued from 1991 to 1998.

FINANCE

A. Homestead Exemption Loss

Chancery Clerk Sluggo Davis informed the Legislators that with the increased growth in
ITEM D, CONTINUED,

DeSoto County, more funds are needed. Mr. Davis said that in 1986 the formula for

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Homestead Reimbursement changed and the reimbursement to counties was reduced. He said that the County would like for the formula to be changed back to what it was prior to 1986 so that DeSoto County will benefit from its growth. He said that this would not affect counties not experiencing growth.

Representative Wanda Jennings said that the County may benefit from establishing a coalition with other counties about the Homestead Reimbursement formula and implementing it over a ten year period. Supervisor Jessie Medlin asked if other counties had addressed this. Representative Jennings said that it had been discussed in the Ways and Means Committee only. Representative Warner McBride said MAS has pushed this legislation.

B. Sales Tax

Supervisor John Caldwell said that the County relies on property taxes as its primary funding and requested that counties share the State sales taxes to help fund essential county services. Representative Warner McBride said counties may be able to get a portion but maybe not a fair share. Board Attorney Bill Austin said theoretically, counties should be able to get the sales tax back on sales in the unincorporated areas. Representative Tommy Woods said to initiate a tax reform, everything else would have to be restructured.

C. Gaming Redistribution

Supervisor John Caldwell said that personally he is against gaming but said that non-gaming counties should have a claim to gaming revenues. Representative Wanda Jennings said that it would be difficult to ask for a portion of the gaming revenues since DeSoto County voted against gaming. Representative Warner McBride said that a large portion of gaming revenues funds the State general fund. Supervisor Caldwell said all 82 counties should be included.

D. Funds for Meetings

County Administrator David Armstrong requested a reasonable amount of funding for refreshments at official meetings and gatherings. Representative Tommy Woods said that to do this, the unit system will have to be changed and the Unit Bill is too strong to change.

E. State Support for Health Department

Supervisor Jessie Medlin said that DeSoto County has increased its appropriations to the State Health Department over the past few years and the State has decreased its appropriations. Supervisor Medlin said that the County would like the Health Department to be a complete State obligation. Representative Valeria Robertson said the State is taking steps to address this issue and one step is to place nurses in the schools to alleviate waiting at the health department.

INFRASTRUCTURE

A. Rental of Heavy Equipment

Board Attorney Bill Austin said that the County would like to see an amendment to Mississippi Code Section 65-7-95 to allow the Road Manager to rent or lease heavy machinery or equipment from the lowest of two quotes during construction season. Mr. Austin said the amendment would benefit all counties. Representative Tommy Woods suggested writing an opinion and then he will have the issue addressed.

ITEM D, CONTINUED,

B. Highway 51 South of Church Road Widened

Supervisor John Caldwell said that there is nothing in the two year road plan about widening

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Highway 51 between Church Road and Nesbit Road. Supervisor Caldwell said that Highway 51 is overcrowded and widening this portion of Highway 51 would help alleviate some of the traffic problems on the highway. Representative Tommy Woods said that the 87 Highway Program is progressing as planned but there is a shortage of funds. Supervisor Caldwell said that adding intersections with turn lanes may be an alternate to widening the highway between those roads.

C. Inclusion in Great River Road Studies

Supervisor Eugene Thach notified the Legislators that DeSoto County may be receiving benefits as a result of the Great River Road Study being conducted by the Federal Government.

D. Highway 301 South to be Accepted in State Highway Program

Supervisor Jimmy James said that due to the increasing number of families moving to DeSoto County, Arkabutla Lake has become a major recreational area for families and Highway 301 is a primary access to the park. Supervisor James said the County would like to see Highway 301 accepted in the State Highway Program. Supervisor John Caldwell said that Highway 301 was built according to a certain level of State standards.

E. Improvement of Germantown Road

Supervisor Jessie Medlin said that Germantown Road needs to be improved to meet the needs of the increasing development in Olive Branch. Supervisor Medlin ask if any money is earmarked to improve Germantown Road. Representative Tommy Woods said the city is working on the ROW and utilities and the State will address improvements after the ROW is obtained and utilities are moved.

F. Highway 305 Improvements Between Olive Branch and Lewisburg

Supervisor Jessie Medlin said that traffic on the western part of Highway 305 has increased due to the increase in residential and commercial developments on the western side of DeSoto County. Supervisor Medlin asked if there are any improvements planned for Highway 305 between Olive Branch and Lewisburg. Representative Valeria Robertson said that part of Highway 305 is under the 87 Highway Program and the design is in progress now and ROW will be done after the first of the year. Ms. Robertson said that the engineering has been completed. Supervisor Medlin asked if this was going to be a divided highway. Representative Robertson said she did not know.

HEALTH AND PUBLIC SAFETY

A. Radar for Sheriff

Supervisor Eugene Thach said that with the increasing population in DeSoto County, vehicle registration is also increasing rapidly. Supervisor Thach said that use of radar by the Sheriff's Office would help prevent traffic accidents. Representative Valeria Robertson said that the use of radar is based on population and that it might be useful to have the support of the Sheriff's Association when presenting this issue.

ITEM D, CONTINUED,

B. More Highway Patrol Officers

Supervisor Eugene Thach asked for the Legislators to support their request for additional Highway Patrol Officers. Representative Valeria Robertson said that the State has committed to providing one additional officer to DeSoto County. Representative Warner McBride said

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that four new troopers are being assigned to this district; however, there are also four troopers retiring.

Representative Wanda Jennings notified the Board that if the new drivers license building is not completely bricked, they need to make sure they get the footings in to add the brick at a later date.

C. Improvements to Underpass on Church Road

Supervisor John Caldwell said that the underpass on Church Road will be heavily traveled in the future and will require improvements. Supervisor Caldwell also said that in the absence of widening Church Road, the one-lane underpass on Star Landing Road definitely needs to be widened. Representative Valeria Robertson asked if the Board has any communication with MDOT. Board Attorney Bill Austin said that the widening of Church Road east involves wetlands and that there will have to be a hearing with the landowners because it will affect the flood level. Mr. Austin said they can proceed further if there are no objections.

D. State Aid Requirements for Brick Mailboxes

Supervisor John Caldwell said that the County would like the requirement of removing brick mailboxes from the roadway to get state aid funds lifted. Supervisor Caldwell said that the landowners should be able to move the brick mailboxes away from the roadway so that they will not be a safety hazard. Supervisor Eugene Thach said that this is a constant request by the constituents.

E. Mississippi Highway Safety Patrol's Use of Radar

Supervisor John Caldwell said that DeSoto County would like Section 63-3-519 of the Mississippi Code amended so that the Mississippi Highway Patrol can run radar in municipalities. Representative Wanda Jennings said she assumes this was changed because cities wanted to run radar. Supervisor Eugene Thach said the Legislators need to check to see what the cities want. Supervisor Tommy Lewis pointed out that it left the Mayors with the only power in that area.

F. Construction of Welcome Center on Highway 78

Supervisor Jessie Medlin said that a Welcome Center on Highway 78 would be beneficial to travelers and would also promote a positive image of DeSoto County and the State of Mississippi.

ADMINISTRATIVE

A. Separate Circuit District

Chancery Clerk Sluggo Davis said that with the increasing number of circuit court cases in DeSoto County, a separate circuit district for DeSoto County is requested. Representative Valeria Robertson speculated that there may be a problem with convincing the Legislature to do that.

ITEM D, CONTINUED,

B. Planning and Zoning Authority in Villages

Supervisor Jimmy James said that the counties should have the authority to provide planning and zoning activities to villages. Supervisor James said that the County is requesting that the statute be amended so that counties can provide planning and zoning to areas too small to do their own.

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C. Budget Clarification

County Administrator David Armstrong asked for clarification of Sections 19-11-7 and 19-11-11 of the Mississippi Code. Mr. Armstrong said that the County is requesting that the sections be amended to change the publication date of the budget to September 30th of each year as the current codes require the budget to be both adopted and published by September 15th.

D. Election Year Restrictions for the County Road Departments

Supervisor Tommy Lewis said that Section 19-13-21 of the Mississippi Code causes delays in necessary road work and needs to be addressed. Supervisor Lewis also said that Section 23-15-881 of the Mississippi Code also needs to be revised to allow for up to a 10% increase in employees in the Road Department during the election year as compared to the first year of the term of office.

E. Modification of State Retail Sales Tax Legislation

Board Attorney Bill Austin said that Jim Flanagan, Executive Director of the DeSoto Council requested that this be added to the Wish List because this is an old law that requires taxes on storage warehouses. He said that this is impeding the growth of DeSoto County because of the retail sales growth. Representative Wanda Jennings said there is a bill being drawn up now to address this.

F. Authorization for Counties to Correct Drainage Problems

Supervisor Jimmy James informed the Legislators that the County needs authorization to go onto private property to correct drainage problems. Representative Warner McBride asked about easements. Supervisor John Caldwell said the Board of Supervisors is not authorized to address drainage problems even with easements. Supervisor Caldwell said this is a community problem, not an individual problem. Representative Valeria Robertson said this is an issue that the Planning Commission needs to address. Board Attorney Bill Austin said that the Planning Commission can only make recommendations and that the Board of Supervisors and the State regulate the actions of the Planning Commission.

G. Expediting the Transfer of Lunacy Patients

Chancery Clerk Sluggo Davis said that the new mental health facility in Tupelo has been a tremendous asset but lunacy patients are a continuing burden to counties. Mr. Davis said that jail is not the place for lunacy patients and that the State needs to try to get lunacy patients out of jails within 24 hours of commitment. Senator Bobby Chamberlin said that DeSoto County averages 70 lunacy commitments each year. Supervisor Jessie Medlin said the County would also like compensation when it has to house lunacy patients past 24 hours. Representative Warner McBride said that seven crisis centers have been approved throughout the State and construction will begin in 2000.

ITEM D, CONTINUED,

H. Funding of Death Row Appeals

Board Attorney Bill Austin said that the number of public defenders for inmates on death row is very expensive. Mr. Austin said that a great burden would be alleviated from counties if the State paid for the defense of death row inmates.

The Legislative Delegation notified the Board that they would present these issues to their respective houses. Representative Tommy Woods said that if DeSoto County has something they want addressed later, contact the legislators and they will arrange with the legal

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department to draw up a draft to save time. Mr. Woods said that having it in draft form will save time.

Supervisor Eugene Thach made a motion and Supervisor Jessie Medlin seconded the motion to recess until 2:00 p.m. on this date. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES
Supervisor John Caldwell-----ABSENT
Supervisor Tommy Lewis-----ABSENT

E. OLD BUSINESS

1. Petition to Abandon Stacey Drive

This item was held over until November 15, 1999.

2. Roads - Request to Take in Road North of Goodman Road

This item was held over until November 15, 1999.

F. NEW BUSINESS

1. Jail Inspection

In accordance with Section 19-5-1 of the Mississippi Code Annotated of 1972, which states that

a least annually, and as often as it may think proper, the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine into the state and condition of the jail, in regard to its safety, sufficiency and accommodation of the prisoners, and from time to time take such legal measures as may best tend to secure the prisoners against escape, sickness and infection, and have the jail cleansed.

Having completed such inspection, Supervisor John Caldwell made the motion and Supervisor Jimmy James seconded the motion to acknowledge the inspection of the DeSoto County Jail by the Board of Supervisors as outlined in Section 19-5-1 of the Mississippi Code Annotated. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES
Supervisor John Caldwell-----YES
Supervisor Tommy Lewis-----ABSENT

ITEM F.2, CONTINUED,

2. Approval to Open Bids for Grants

Supervisor Jimmy James made a motion and Supervisor John Caldwell seconded the motion to authorize County Administrator David Armstrong or his designee to open bids on November 8, 1999 for grant proposals. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES

Supervisor John Caldwell-----YES
Supervisor Tommy Lewis-----ABSENT

3. Waste Collection Contract

The Board of Supervisors discussed a waste collection contract with Brown Ferris Industries (BFI). County Administrator David Armstrong said that the County did not have to choose the lowest bidder because they had requested proposals, not bids. Mr. Armstrong said that he and Jim Bearden, Supervisor John Caldwell, Supervisor Jessie Medlin, Chancery Clerk Sluggo Davis were on the committee to review the proposals for the waste collection contract. Mr. Armstrong said the committee was satisfied with the job BFI has done for DeSoto County. He said that the disposal service was reduced to \$21.25 plus tax and disposal went to \$6.80 per month effective January 1, 2000.

Supervisor Eugene Thach asked when the landfill will be full. Barry Thomas of BFI said that the South Shelby landfill will not be full for at least 5 to 7 years.

County Administrator David Armstrong asked if the county will have the authority to set the price on the rubbish pit. Barry Thomas said that the county does have that authority.

Supervisor Eugene Thach asked about the city contact for BFI. Randy Cannon of BFI said that the cities can join the contract.

Supervisor John Caldwell made a motion and Supervisor Jessie Medlin seconded the motion to approve the agreement extending the contract with Brown Ferris Industries (BFI) effective January 1, 2000 for waste collection and to extend the disposal contract for an additional four and one-half years both to expire December 31, 2005 with collection at \$6.80 per household and disposal at \$21.25 plus tax per ton. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES
Supervisor John Caldwell-----YES
Supervisor Tommy Lewis-----ABSENT

**** See Exhibit F.3.****

4. Metro Narcotics Grant Closeout for FY99

Supervisor John Caldwell made a motion and Supervisor Jimmy James seconded the motion to approve the Metro Narcotics grant closeout for subgrant number 8NM1171 for the period of October 1, 1998 through September 30, 1999 and authorized the Board President to sign the paperwork. The **motion passed** by a vote as follows:

ITEM F.4, CONTINUED,

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES
Supervisor John Caldwell-----YES
Supervisor Tommy Lewis-----ABSENT

****See Exhibit F.4****

5. Advertise County Resources - Miss North Mississippi/Miss Magnolia Pageant

Vanessa Lynchard presented a letter from Dawn Keenum-Gaines requesting support from the

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Board of Supervisors for the Miss North Mississippi/Miss Magnolia Scholarship Program to be held January 29, 2000 in DeSoto County. Ms. Keenum-Gaines requested a contribution in the amount of \$150.00 to help with expenses of this pageant.

In accordance with Section 17-3-1, of the Mississippi Code of 1972, which states the board of supervisors of any county in Mississippi may in their discretion, set aside, appropriate and expend moneys, not to exceed one mill of their respective valuation and assessment for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of such municipality or county, Supervisor John Caldwell made the motion and Supervisor Jimmy James seconded the motion to advertise DeSoto County Resources by contributing \$150.00 to the Miss North Mississippi/Miss Magnolia Pageant Scholarship Program and authorize the Clerk to write the check. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES
Supervisor John Caldwell-----YES
Supervisor Tommy Lewis-----ABSENT

****See Exhibit F.5****

6. Disposal of Property

Vanessa Lynchard presented an inventory disposal request from the Accounting Department to dispose of a Victor calculator. Supervisor John Caldwell made a motion and Supervisor Eugene Thach seconded a motion to approve the disposal of Property Number 274, Serial Number 12557975, a Victor calculator. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES
Supervisor John Caldwell-----YES
Supervisor Tommy Lewis-----ABSENT

****See Exhibit F.6****

7. Authorization for County Administrator to Open Bids for Courthouse Renovation, November 4, 1999 at 2:00

Supervisor John Caldwell made a motion and Supervisor Jimmy James seconded the motion to authorize County Administrator David Armstrong or his designee to open bids for the Courthouse Renovation on November 4, 1999 at 2:00 p.m. The **motion passed** by a vote as follows:

ITEM F.7, CONTINUED,

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES
Supervisor John Caldwell-----YES
Supervisor Tommy Lewis-----ABSENT

A. EXECUTIVE SESSION

The "Executive Session" portion of this meeting is presented under the portion of minutes called "Executive Session.

B. OTHER ISSUES

1. Highway 304

County Engineer Daniel Murphy informed the Board that he and Supervisor Tommy Lewis met with Jimmy Dickerson with MDOT about the agreement to construct an interchange on Highway 304. Mr. Murphy said that DeSoto County agreed to connect to the north of the interchange to Tulane Road and MDOT to construct the portion of the road to the south to Pine Tree Loop for approximately 4,500 feet. He said construction is currently in progress and that DeSoto County will only be responsible for connecting north for approximately one-half of a mile. Bill Bayne of the *Commercial Appeal* asked if the half-mile DeSoto County will build includes Hurricane Creek and if the State Aid Bridge Fund could be used to build it. Mr. Murphy said that it did include Hurricane Creek and State Aid funds could be used.

Joe Miracle, resident of 2154 Pine Tree Road, Hernando, MS addressed the Board about the agreement with MDOT. Mr. Miracle said that on November 14, 1995, the Board requested that MDOT conduct a study regarding the construction of an interchange on the new Highway 304 between Tulane Road on the west and Odom Road on the east and then on March 20, 1995, the Board endorsed Alternative B and sent a resolution to MDOT. Mr. Miracle said that on August 7, 1995, the County Administrator presented a future agreement to the Board for an interchange between Tulane Road on the west and Odom Road on the east on Alternative B. Mr. Miracle said the agreement was signed by the state and county on September 29, 1995 and approved by the Federal Department of Transportation on October 11, 1995 and, made a part of the Board minutes on November 6, 1995. Mr. Miracle said that MDOT has breached the agreement it made with DeSoto County because it changed the location of the interchange. Supervisor Eugene Thach said the State has the authority to decide where to put the interchange. Supervisor Jessie Medlin asked if the agreement is to build to the north. County Engineer Daniel Murphy said that it is to the north. Mr. Murphy said that the exact location of the interchange is not in the agreement and that they speculated on a route in the agreement. The Board informed Mr. Miracle that they would review the agreement.

2. Highway Billboards

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to advertise for a public hearing on December 8, 1999 at 10:00 a.m. regarding a moratorium on billboards on highways. The motion passed by a vote as follows:

- Supervisor Jessie Medlin-----YES
- Supervisor Eugene Thach-----YES
- Supervisor Jimmy James-----YES
- Supervisor John Caldwell-----YES
- Supervisor Tommy Lewis-----ABSENT

ITEM H.3, CONTINUED,

3. Hacks Cross Road

At the recommendation of Board Attorney Bill Austin, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to pay Sparky Sparkman for three review appraisals on Hacks Cross Road in the amount of \$225.00 and authorized the clerk to write the check. The motion passed by a vote as follows:

- Supervisor Jessie Medlin-----YES
- Supervisor Eugene Thach-----YES
- Supervisor Jimmy James-----YES
- Supervisor John Caldwell-----YES
- Supervisor Tommy Lewis-----ABSENT

Supervisor Jimmy James made the motion and Supervisor Eugene Thach seconded the motion

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to recess until November 15, 1999 at 9:00 a.m. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Jimmy James-----YES
Supervisor John Caldwell-----YES
Supervisor Tommy Lewis-----ABSENT

THIS the 3rd day of November, 1999, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie L. Medlin, President
DeSoto County Board of Supervisors

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