

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**EUGENE C. THACH, PRESIDENT, PRESIDING**

**December 6, 2000**

**A. CALL TO ORDER**

The December 6, 2000, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Eugene C. Thach of DeSoto County.

Chief Deputy Charlie Brown of the DeSoto County Sheriffs 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:

Supervisor Jessie Medlin-----District 1  
Supervisor Eugene C. Thach-----District 2  
Supervisor Gerald Clifton--District 3-----ABSENT  
Supervisor John Caldwell-----District 4  
Supervisor Tommy Lewis-----District 5  
W. E. ASluggo@ Davis-----Chancery Clerk  
David Armstrong-----County Administrator  
William Austin-----Board Attorney

**B. INVOCATION**

County Administrator David Armstrong presented the invocation.

**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. OLD BUSINESS**

**1. Internet Contract – Venture Technology – Joey Treadway**

County Administrator David Armstrong stated that the Bank of Mississippi in Olive Branch will be handling the County’s account for the Internet transactions and they have agreed to absorb the charges for the handling fees on the car tags being purchased online.

Tax Assessor Joey Treadway stated that Venture Technology wanted to have a kick off preview for other counties in the rotunda area. Mr. Treadway said that the online program would be countywide and that the County would receive an email from Venture Technology with the number of clients and charges that have been processed. Mr. Treadway stated that only auto tag purchases are online but that Venture is checking into the process of setting up the property taxes for the future online program, since the County will likely have more on line traffic for property taxes.

At the suggestion of Supervisor Tommy Lewis, the Board Attorney Bill Austin stated that the contract would have an addendum to reflect that until future notice this contract does not include property taxes. Supervisor Tommy Lewis asked the time frame for the Internet to be set up. Mr. Treadway stated that everything should be ready by January 2001.

Supervisor John Caldwell made a motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to sign contract with Venture Technology for the Internet program for auto tags and with the addendum added to the contract to take out property taxes until future notice from the Board of Supervisors of DeSoto County. The motion passed by a vote as follows:

**ITEM D.1, CONTINUED,**

Supervisor Jessie Medlin	YES
Supervisor Eugene C. Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit D.1\*\***

**2. Horse Arena Committee Appointee=s**

Supervisor John Caldwell asked that the Horse Arena Committee Appointee’s that have been appointed be notified of their appointment and for a meeting to be scheduled for them to meet and start making recommendations to the Board of Supervisors.

The appointment for the District three committee member will be carried over until December 21, 2000.

**3. Planning Commission – Building Permit – Billy Meyers**

Supervisor Tommy Lewis made a motion and Supervisor John Caldwell seconded the motion to hold this item was held over until December 21, 2000.

**4. Allen Hoshall Contract Revision Courthouse Renovation**

County Administrator David Armstrong stated that he had asked Jim Bearden and Kenny Evans to look over the change request from the elected officials for the second floor of the courthouse. Mr. Armstrong stated that if the County personnel from the Operations and Maintenance and Building and Grounds departments could handle the changes without having Seiler Construction do them, that this would save the County any additional cost from the construction company and architect. Mr. Bearden stated that the purchase of two cabinets would be needed and felt that his people could handle this part of the request. Mr. Bearden stated that county personnel could also handle the addition of locks to doors and moving doors. Mr. Bearden said, other than the cost of the cabinets, the changes can be made at not cost.

David Nicholson, from Allen & Hoshall, stated that he had met with Jim Bearden and Kenny Evans to discuss the change request for the second floor. Mr. Nicholson stated that some things on the list would violate fire codes but that he would work with Mr. Bearden and Mr. Evans and not charge any fee to the County. Mr. Nicholson stated that it is the contractor’s responsibility to make changes and it is in the contract to give changes to the architect so that communications go through the proper channels. David Nicholson said he does not have a problem with the changes being made between the owner and the contractor, but reminded the Board that the architect is responsible to comply with codes.

Jim Bearden said all of the requests for the second floor should cost no more than \$1,000 which is the cost of the two cabinets.

**E. NEW BUSINESS**

**1. Allen Hoshall – Chancery Court Room**

County Administrator David Armstrong stated that there are some visual and handicap problems with the Chancery Court Room.

Mr. David Nicholson, from Allen & Hoshall addressed the Board of Supervisors regarding the design of the Chancery Court Room. Mr. Nicholson brought to the Board of Supervisors a quote for three different options to change for the Chancery Court Room. The first change requires the rotation of the courtroom, at a cost of \$59,604. The second change requires moving an existing wall at a cost of \$25,106. The third change requires moving the fake column that was installed at a cost of \$2,414. Mr. Nicholson stated that when the courtroom was designed there were three columns there from the

**ITEM E.1, CONTINUED,**

beginning and that a fake column was put in for even design. After the installation of the wood panel wall access to the bench was cut down from thirty-two inches to twenty-six inches, which causes a handicap access problem. Mr. Nicholson said that, except for the spectators, everyone can see once the column is removed and that the space problems occurred when the west wall was built.

County Administrator David Armstrong recommended to the Board to remove the fake column since this would be the least costly and would allow space for the handicap and would allow adequate viewing for the judge and council.

Supervisor Tommy Lewis asked if the bench could be moved. Jim Bearden stated that all the wiring and cables are under the bench and would cause a problem. Mr. Nicholson said that this would also cut out more room in the courtroom. Chancery Clerk Sluggo Davis stated that they needed as much space as possible in the courtroom since they sometimes have people standing in the hall because they can't get into the courtroom.

Supervisor Jessie Medlin asked that if the fake column is moved how will the room look, and what is the seating capacity of the courtroom. Mr. Nicholson stated that once the proper millwork is done that this would enhance the room and will allow an appropriate access for judges to get to the bench.

Supervisor John Caldwell asked if the furniture is part of the Allen & Hoshall contract or part of Seiler Construction contract. Mr. Nicholson stated that he would look at furniture to make sure that the furniture fits accordingly and said courtroom furniture is part of the construction contract.

Supervisor John Caldwell made a motion and Supervisor Jessie Medlin seconded the motion to authorize the change order for the removal of the fake column for a clearance of thirty-two to thirty-six inches. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene C. Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit E.1\*\***

**2. Jail Inspection**

In accordance with Section 19-5-1 of the Mississippi Code Annotated of 1972, which states that at 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 Jessie Medlin made a motion and Supervisor John Caldwell 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 Gerald Clifton-----	ABSENT
Supervisor John Caldwell-----	YES
Supervisor Tommy Lewis-----	YES

**3. Authorization for Board President to Sign Extension for CDBG on Hacks Cross Road**

County Administrator David Armstrong stated that the County had received the contract modification

**ITEM E.3, CONTINUED**

on the CDBG for Hacks Cross Road for the extension of the contract date of May 30, 2001, that will allow the County adequate time for the completion of the project. Supervisor Tommy Lewis made a motion and Supervisor John Caldwell seconded the motion for the approval of the Board President to sign the CDBG contract modification for the Hacks Cross Road that extends the date for completion to be May 30, 2001. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT  
Supervisor Eugene Thach-----YES  
Supervisor Gerald Clifton-----ABSENT  
Supervisor John Caldwell-----YES  
Supervisor Tommy Lewis-----YES

**\*\*See Exhibit E.3\*\***

**4. EMS Contract – Fuelman – Approval of Fuel Tax Exempt Letter**

County Administrator David Armstrong stated that the County had received a letter from R. R. Morrison and Son, Inc. D/B/A Fuelman in Vicksburg, MS for the confirmation of the County exemption from fuel taxes for the County EMS. Supervisor John Caldwell made a motion and Supervisor Tommy Lewis seconded the motion for the approval for the Board President to sign the fuel tax exemption letter with the R. R. Morrison and Son, Inc. D/B/A Fuelman in Vicksburg, MS for the County EMS. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT  
Supervisor Eugene Thach-----YES  
Supervisor Gerald Clifton-----ABSENT  
Supervisor John Caldwell-----YES  
Supervisor Tommy Lewis-----YES

**\*\*See Exhibit E.4\*\***

**5. Bids Under Advisement – Seven Hughes TH-55A Helicopters**

County Administrator David Armstrong presented to the Board of Supervisors a Bid Tabulation for the seven Hughes TH-55A Helicopter in connection with Bid File Number 00-200-002 which was opened on December 5, 2000 at 10:00 a. m. CST. Mr. Armstrong stated that the recommendation was for Winspring Enterprises, Georgetown, TN as the highest bidder in the amount of \$51,280.70. Supervisor John Caldwell made a motion and Supervisor Tommy Lewis seconded the motion for the Board of Supervisors to accept the bid of Winspring Enterprises, Georgetown, TN for the amount of \$51,280.70. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES  
Supervisor Eugene Thach-----YES  
Supervisor Gerald Clifton-----ABSENT  
Supervisor John Caldwell-----YES  
Supervisor Tommy Lewis-----YES

**\*\*See Exhibit E.5\*\***

**6. Making Secretary of State Approval of Inter-Local Agreement with Horn Lake for Parks as Part of Minutes**

Supervisor John Caldwell made a motion and Supervisor Jessie Medlin seconded the motion to make the Secretary of State a approval of the Inter-Local Agreements Between DeSoto County Board of Supervisors and City of Horn Lake for Construction and/or Improvement of Parks part of the minutes. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES

**ITEM E.6, CONTINUED,**

Supervisor Eugene Thach-----YES  
Supervisor Gerald Clifton-----ABSENT  
Supervisor John Caldwell-----YES  
Supervisor Tommy Lewis-----YES

**\*\*See Exhibit E.6\*\***

**7. Judge Barbee – Resolution of Support for Salary Increase**

Judge Mills Barbee appeared before the Board of Supervisors asking for a Resolution Requesting a Legislative Change to Amend Code Section 9-9-11(4)(g) Setting the Salary of the County Court Judge in DeSoto County. Judge Barbee presented the Board of Supervisors a listing of the Census Bureau’s 1999 Estimates for Population Rank in the top Mississippi counties.

Supervisor Tommy Lewis asked how the case loads for DeSoto County compared with the other Mississippi counties listed. Judge Barbee referenced Hines, Harrison and Jackson counties that all have two or three judges and the higher population numbers, which the county judge’s make a higher salary. The judges salary for these counties \$93,700, where as DeSoto County Judge is at \$85,230. Judge Barbee stated that the Resolution needed to be at the Legislative branch as soon as possible for it to pass for the next budget year which begins July 1, 2001.

Supervisor John Caldwell made a motion and Supervisor Tommy Lewis seconded the motion for the Board of Supervisors approve a Resolution Requesting a Legislative Change to Amend Code Section 9-9-11(4)(g) Setting the Salary of the County Court Judge in DeSoto County to be comparable to other Mississippi counties. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES  
Supervisor Eugene Thach-----NO  
Supervisor Gerald Clifton-----ABSENT  
Supervisor John Caldwell-----YES  
Supervisor Tommy Lewis-----YES

**\*\*See Exhibit E.7\*\***

**F. EXECUTIVE SESSION**

The AExecutive Session@ portion of this meeting is presented under the portion of minutes called AExecutive Session.”

**G. OTHER ISSUES**

**1. Building – CDBG Grant**

County Administrator David Armstrong asked the Board of Supervisors if they still wanted to hold acceptance of the CDBG grant for the public facilities project #0017-PF-01. Supervisor Tommy Lewis stated that the County needs to accept the grant before the state runs out of money. Supervisor Eugene Thach stated that he felt that the County should sell the Commerce Building first.

Mr. Armstrong stated that the County would pay the fee of \$3,500 for Phase I for the application preparation of the grant. Phase II will be paid when the County accepts the grant, which includes, the completion of the Environmental Review Procedure, the preparation and submission of quarterly reporting for all services required during the project, when the project starts construction, a monthly payment for five consecutive months will be paid to the Consultant, and for the final close-out documents approval, an additional fee of 61,500 will be paid by the County.

Supervisor Tommy Lewis asked the County Administrator if the County purchased an existing building could the grant money be used for restoration and refurbishing of the building. Mr. Armstrong stated that he would have to check to see if the grant could be used for an existing building. Supervisor

**ITEM G.1, CONTINUED,**

Tommy Lewis asked that all Supervisors go and look at the property. Supervisor John Caldwell stated that if the County could use this building, they could put the Civil Defense, Metro Narcotics and the DHS all in one building.

Supervisor Tommy Lewis made a motion and Supervisor John Caldwell seconded the motion for the County to accept the CDBG grant for the public facilities project #0017-PF-01 if funds could be used for an existing building. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene C. Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

## **2. MDOT – Hwy 304 East of I-55**

Supervisor Tommy Lewis asked that the County Engineer Tom Childress check with MDOT about the plans for Hwy 304 East of I-55. Supervisor Lewis wants to make sure that the interchange for McIngvale Road is on the MDOT plans. Supervisor Jessie Medlin stated that he thought the plans were to stop at I-55. Supervisor John Caldwell said that in his talks with MDOT that they were not working on the interchange at McIngvale. County Engineer Tom Childress stated that MDOT's plans were very preliminary. Supervisor Jessie Medlin stated that after Tom Childress looked at the plans from MDOT, the Supervisors should send a resolution for the interchange to the state. Supervisor Eugene Thach stated that there are guidelines that the state can only build interchanges within certain distances. The Board Attorney stated that the urban limits are established so that interchanges could be installed with regulations. Supervisor Tommy Lewis asked to expand the urban limits.

Supervisor Tommy Lewis made a motion and Supervisor Jessie Medlin seconded the motion to send a resolution to MDOT requesting an interchange on Hwy 304 at McIngvale Road. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene C. Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

## **3. City of Hernando - New Jail**

Supervisor Tommy Lewis informed the Board of Supervisors about the recent meeting with the City of Hernando regarding the Jail Expansion. Supervisor Lewis stated that there would be a Public Hearing on January 3, 2001 regarding the Jail Expansion. Supervisor Lewis stated that there was an agreement for the relocation of the existing sewer lines, and that the City of Hernando had a wish list of items for the Board of Supervisors to approve. Supervisor Lewis stated that the water line system was not listed but that he felt the cost to lay down a twelve-inch water line would be necessary to create pressure needed at the jail and this cost would run about \$25,000. Mr. Armstrong said that with this size water line that the pump that was recommended by the architect may not be necessary and it had a cost of \$30,000.

Supervisor John Caldwell said that the City's request for a complete brick building would look nice and the Board of Supervisors should consider it. Supervisor Jessie Medlin said that this is a jail and does not need to be all brick. Supervisor Tommy Lewis made a motion to comply with recommendations from the City of Hernando regarding the Jail Expansion, with the exception of the all brick facility; and the clause regarding the indemnify of the City of Hernando from any and all losses, and hold harmless and blameless for their actions in the closing of Caffey Street should the occasion arise; and to improve the east end of West Street. Supervisor Tommy Lewis advised the Board of Supervisors that the County could only improve the East Side of West Street, since the West Side belongs to someone else. The County could install curb and gutters to the West Side. Supervisor Jessie Medlin asked what the cost of

**ITEM G.3, CONTINUED,**

all these request for the road and water line and brickwork would be. Supervisor Lewis said that since the water line was not on the list that it should be left out of the request from the City of Hernando. Supervisor Eugene Thach asked that the Board Attorney Bill Austin talk more with the City of Hernando before any motions is made. Supervisor Tommy Lewis withdraw his motion from the Board. **\*\*See Exhibit G.3\*\***

#### **4. R20 Lots – Curb & Gutter**

Supervisor Tommy Lewis asked the Board of Supervisors about the changes to R20 Lots regarding curbs and gutters. Supervisor Jessie Medlin asked if there would have to be a Public hearing about this matter and of the lot breaks which are 20,000 and 30,000 square feet. Supervisor John Caldwell said that there are density levels at seven and one-half units per acre which is dense. Supervisor Lewis asked whatever the issues the County may now have with sub-division pending. The Board of Suerpvisors discussed the subdivision in question is in the path of annexation. Supervisor John Caldwell said that City properties require curb and gutter. Supervisor Tommy Lewis said the expense of curb and gutter will likely result in the development being changed to a PUD. Supervisor Eugene Thach said a PUD would still require curb and gutter.

Supervisor Tommy Lewis asked Planning Commissioner Merritt Powell what the requirement was for R30. Merritt Powell stated that the R30 lots that are one hundred feet wide don't require curb and gutter and that the lot size is 30,000 sq. ft. Mr. Powell said that the minimum for R30 lots without curb and gutter is 100 ft. wide and not the average lot size. Supervisor Eugene Thach asked that the Planning Commission discuss the necessary lot requirements for curb and gutter and bring the issues back to the Board of Supervisors to discuss their recommendations. Supervisor John Caldwell suggested asking Mr. Powell to get all lots up to a certain size, and to allow the Planning Commission to make special waivers. Mr. Powell said on R20's that would be 30% of the total number of lots.

Mr. Powell said that the drainage problems might require a drainage ordinance also. Several years ago a drainage committee was organized, but they never met.

The Board Attorney Bill Austin advised the Board of Supervisors that there would be first of the year appointments to the Planning Commission and this might not be the right time to start having these discussions. Mr. Powell stated that the Planning Commission already has a Site Review Committee. Supervisor John Caldwell asked the Board of Supervisors to consider reducing the number of Planning Commission member to ten. The others could go to an architectural review committee. No motions were made at this time.

#### **5. Cogentrix Agreement**

The Board Attorney Bill Austin advised the Board of Supervisors that he has received an executed page to the Cogentrix Contract. The previously approved agreement by the Board of Supervisors needs to be added to the Board Minutes. Supervisor Jessie Medlin made a motion and Supervisor John Caldwell seconded the motion for the Board of Supervisors to sign the Cogentrix Contract and to make part of the Board Minutes. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene C. Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	ABSENT

#### **6. E911 Recommendation**

Board Attorney Bill Austin submitted a change order to extend the completion date of the 911 System Project to April 28, 2001. Supervisor Jessie Medlin made a motion and Supervisor John Caldwell seconded the motion to approve the Board President to sign the change order for the 911 System Project with Motorola to adjust the completion date to April 28, 2001. The motion passed by a vote as follows:

**ITEM G.6, CONTINUED,**

Supervisor Jessie Medlin	YES
Supervisor Eugene C. Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	ABSENT

**\*\*See Exhibit G.6\*\***

**7. Starlanding & Hwy 301**

Supervisor John Caldwell asked when the bids would be let for the Horn Lake and Nail Road project. The Board Attorney stated that the bids would not be let until December 2002 or possibly January or February of 2003. Supervisor Caldwell asked if the County could take the one to four million dollars and let this money be put on Starlanding Road repair and then let the state reimburse the County for the repairs to the Starlanding Road. This state reimbursement would then be used for the Horn Lake and Nail Road Project. No motions were made as this time.

**8. Courthouse Walk Through by Supervisors**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting to allow the Board of Supervisors to walk through of the Courthouse to look at the renovations and changes that have been made. The previous Chancery Court room discussion about columns and space was the main purpose of the walk through and to look at the colors being used and the new doors that have been installed.

**9. Sims Bark**

County Administrator David Armstrong stated that Sims Bark needs to come before the Board of Supervisors for a DEQ permit. Supervisor Jessie Medlin said that Sims Bark needs a permit for operations and that this company is a fifteen-year-old business and had probably been a grandfathered in operation, but because of the nature of their business they need a permit of file with the County. County Administrator David Armstrong said that the County would like to include this business in the Solid Waste Plan program and this would require a DEQ permit. No motions were made at this time.

**10. County Recycle Operations**

Supervisor John Caldwell stated that he had talked with the Operations and Maintenance Director Jim Bearden to see if the County's recycle program would be in place by the first of the year. Supervisor Caldwell stated that Barbara Johnson has several project going on and would like an update on where the County's projects are. If they need contracts from the County to get work done the Board of Supervisors need to know. There were no motions made at this time.

**11. Agreement Between Olive Branch and DeSoto County for Hacks Cross Road**

Board Attorney Bill Austin stated that he had received an Agreement from the City of Olive Branch for the road improvement for Hacks Cross Road. Supervisor John Caldwell made a motion and Supervisor Tommy Lewis seconded the motion for the Board President to sign the Agreement with the City of Olive Branch for the Hacks Cross Road improvements under the following terms:

1. The County has made application for and has been awarded a Community Development Block Grant (CDBG) from the State of Mississippi in the amount of \$500,000.
2. The County agrees to undertake the improvement of Hacks Cross Road in the City, from State Line Road to Goodman Road.
3. Hacks Cross Road will be improved to a five-lane road within the designated area.
4. The grant funds will be applied to the cost of the project.
5. The County and City will split equally the remaining expense of the project after application of the grant funds thereto.

**ITEM G.11, CONTINUED,**

6. The County has offered the project to bid, in full compliance with the Mississippi Public Purchase Law.

7. The maximum cost to the City and County is anticipated to be \$750,000 each. However any change orders or amendments to the contract that change this amount shall be equally shared.
8. Payment by the City will be made to the County upon receipt of appropriate invoices from the County.

The motion passed by a vote as follows:

Supervisor Jessie Medlin	ABSENT
Supervisor Eugene C. Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

**\*\*See Exhibit G.11\*\***

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to recess until December 21, 2000 at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

THIS the 6th. day of December 2000, these minutes have been read and approved by the DeSoto County Board of Supervisors.

---

Eugene C. Thach, President  
DeSoto County Board of Supervisors