

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**TOMMY LEWIS, PRESIDENT 2001, PRESIDING**

**December 3, 2001**

**A. CALL TO ORDER**

The December 3, 2001, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Chief Deputy Charlie Brown of 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:

Supervisor Jessie Medlin-----District 1  
Supervisor Eugene C. Thach-----District 2  
Supervisor Gerald Clifton-----District 3  
Supervisor John Caldwell-----District 4  
Supervisor Tommy Lewis-----District 5  
W. E. Sluggo Davis-----Chancery Clerk  
James Albert Riley -----Sheriff  
David Armstrong-----County Administrator  
Bobby Chamberlin -----Board Attorney

**B. INVOCATION**

Supervisor John Caldwell presented the invocation.

**C. APPROVAL OF MINUTES**

The other official minutes of the Board of Supervisors were read for the month of November 2001, pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated. Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to accept the minutes of the Board of Supervisors for November 2001, with various corrections as agreed by the Board of Supervisors. The motion passed by a unanimous vote.

**D. OLD BUSINESS**

**1. Appointment -Port Commission**

In accordance with Section 19-5-307 of the Mississippi Code Annotated, Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to reappoint Carl Thomas Koehler, 9235 Starlanding Road, Lake Cormorant, MS 38641, to the to the Port Commission to represent District 3 for a term of five years ending July 1, 2006. The motion passed by a unanimous vote.

**E. NEW BUSINESS**

**1. Sheriff's Department – Prisoner Medical Report – Dr. Rob Meacham**

This item was carried over until the December 17, 2001 Board meeting.

**2. Tax Exemption MOU – W. W. Grainger**

Jim Flanagan, Director of the DeSoto Council, appeared before the Board of Supervisors requesting approval of a Memorandum of Understanding with the Board of

**ITEM E.2, CONTINUED,**

Supervisors of DeSoto County, Mississippi, to grant certain ad valorem property tax exemptions, as inducements for the location for W. W. Grainger, Inc. of its new warehouse/distribution enterprise in DeSoto County. Mr. Flanagan said the warehouse would be located on a thirty (30) acre site on Airways South. The warehouse would be a 25,000 sq. ft. building and would hire 100 employees. W. W. Grainger would be investing twenty-five million dollars into this warehouse. Mr. Flanagan stated this warehouse facility would feed the smaller stores of W. W. Grainger and be the main distribution hub for the company.

Mr. Flanagan said this proposal for W. W. Grainger will have to go before the Tax Advisory Committee, but he wanted to secure the Memorandum of Understanding from the Board for these meetings.

Supervisor Eugene Thach requested that in the negotiations for the warehouse building that the dock doors be located in the back of the plant. Mr. Flanagan said they would visit this situation.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve a Memorandum of Understanding with W. W. Grainger. The motion passed by a unanimous vote. **\*\*See Exhibit E.2\*\***

**3. Late Bills for Payment**

County Administrator David Armstrong said there are some bills not on the claims docket that are late due to his recent travels out of county, and they need to be approved by the Board for payment. The bill to EAI/WEI, LLC. for the evaluation done on the wastewater treatment plant in the amount of \$643.23; the bills from Waggoner Engineering, Inc. for project support services on project W98024B – Industrial Development site on the west side of the County in the amount of \$1,495.76; the DeSoto County Wasterwater System for the County under Federal Grant #XP984855-99-0 for a total amount of \$22,340 (invoice 42665-\$6,830, invoice17720 - \$15,510); and the Chamberlin-Nowak, P.C. invoice #14560 in the amount of \$1,620 for services pertaining to the County sewer project.

Supervisor Gerald Clifton made the motion and Supervisor John Caldwell seconded the motion to approve the following late bills for payment:

- a. EAI/WEI, LLC. - \$643.23
- b. Chamberlin-Nowak - \$1,620.00
- c. Waggoner Engineering - \$22,340.00
- d. Waggoner Engineering - \$1,495.76

The motion passed by a unanimous vote. **\*\*See Exhibit E.3\*\***

**4. Joyce Riales – Comptroller**

**(a) Claims Docket**

Comptroller Joyce Riales and Stephanie Hanks of the Accounting Department presented the claims docket showing claims that need to be paid for various departments as of December 3, 2001. In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller in the amount of \$2,684,344.73. The motion passed by a unanimous vote.

**(b) Transfer Funds**

Comptroller Joyce Riales presented a letter from the State Tax Commission that certifies that DeSoto County has complied with the criteria set forth in Section 27-39-329 (2) (b), of the Mississippi Code of 1972 [1990], as amended. This certification authorizes the County to expend the avails of the one (1) mill levy for fiscal year 2000-2001. Supervisor John Caldwell made the motion and Supervisor Tommy Lewis

**ITEM E.4.b, CONTINUED,**

seconded the motion to approve the Comptroller to transfer the fund 002 (General County Mandatory) into Fund 001 (General County) as follows:

<u>Account#</u>	<u>Description</u>	<u>Amount</u>
002-900-950	General County Mandatory	(\$703,599.72)
001-000-384	General County	\$703,599.72

The motion passed by a unanimous vote. **\*\*See Exhibit E.4.b\*\***

**(c) Ratify Bond Payments**

Verified loan repayment documents for DeSoto County Account #71-61-5881-3T 5 \$10,000,000 Mississippi Development Bank Promissory Note dated October 9, 2000 were presented by copy to each Supervisor. Payment was made to Hancock Bank against the following accounts as follows:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
001-801-800	Principal	\$20,833.67
001-801-801	Interest	<u>\$11,617.81</u>
		\$32,451.48

Verified loan repayment documents for \$18,000,000 MS Development Bank Special Obligation Bonds, Series 2000 (DeSoto County, MS General Obligation Public Improvement Bond Project) Issue #0350, were presented by copy to each Supervisor. Payment for variable rate interest to be made for thirty-two days to Trustmark Bank against the following account:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
215-800-801	Interest	\$31,083.29

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to ratify the bond payments as described above. The motion passed by a unanimous vote. **\*\*See Exhibit E.4.c\*\***

**(d) Investment of Surplus Funds**

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

At the recommendation of the Comptroller, Joyce Riales, Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the investment of surplus funds to Trustmark National Bank for \$2,500,000, as they were the highest bidder that placed its bid on time for funds as follows:

<u>Date of Investment</u>	<u>Bank</u>	<u>Amount</u>	<u>Maturity Date</u>	<u># of Days</u>	<u>Interest Rate</u>	<u>CD#</u>
11/29/01	Trustmark	\$2,500,000	3/14/02	105	2.02%	8609518

The motion passed by a unanimous vote. **\*\*See Exhibit E.4.d\*\***

**5. Authority to Seek Proposals for County Bank Depositories**

According to Mississippi Code Section 27-105-305, the Board of Supervisors are to annually or, in the discretion of the Board of Supervisors, every two (2) years thereafter, shall give notice to all financial institutions in its county whose accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, by publication, that bids will be received from financial institutions at the following January meeting, or some subsequent meeting, for the privilege of keeping the county funds, or any part thereof, which notice shall refer by

**ITEM E.5, CONTINUED,**

name to this article and it shall not be necessary to incorporate in the notice the provisions of this article; and at the January meeting, or a subsequent meeting as may be designated in the notice, as the case may be, the Board of Supervisors shall receive such bids or proposals as the financial institutions may make for the privilege of keeping the county funds, or any part thereof. The bids or proposals shall designate the kind of security as authorized by law which the financial institutions propose to give as security for funds, and the board shall cause the county funds and all other funds in the hands of the county treasurer to be deposited in the qualified financial institution or qualified institutions proposing the best terms and meeting the requirements provided the Section 27-105-315, having in view the safety of such funds. The terms made with each depository shall remain in force for the current year and until new arrangements shall be made according to this article. Section 27-105-305 clearly requires a Board of Supervisors to accept or select a bid only from a qualified financial institution or qualified financial institutions proposing the best terms and meeting the requirements provided in Section 27-105-315. A bank may qualify as a county depository under Sections 27-105-305 and 27-105-315 if it has at least one branch office located within the county and meets all other requirements.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to authorize seeking proposals for County bank depositors for two (2) years. The motion passed by a unanimous vote.

**6. Circuit Clerk – Marriage License Software**

County Administrator David Armstrong said Dale Thompson, Circuit Clerk, has requested approval from the Board of Supervisors to purchase marriage licenses software from Heritage Solutions, Inc. The cost for the software is \$3,500 plus a monthly fee of \$125 for maintenance support. Mr. Armstrong stated there was money in the budget for this software.

Supervisors Tommy Lewis asked if the software was a sole source supply. Mr. Armstrong said he would have to check with the Circuit Clerk to see if she has other quotes for the software, since the cost exceeds \$1,500.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to carry this item over until Wednesday December 5, 2001 Board Meeting. The motion passed by a unanimous vote. **\*\*See Exhibit E.6\*\***

Later in the meeting the Board of Supervisors considered a request from the Circuit Clerk to reconsider their previous action on this matter. At the request of the Circuit Clerk, Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the purchase of the marriage license software subject to getting a second quote or, upon the advice of the Audit Department, buying the software outright through the Circuit Clerk's fees. The motion passed by a unanimous vote.

**7. Approval to Bid Annual Supplies – Central Maintenance**

County Administrator David Armstrong advised the Board of Supervisors that it was time for the Board to authorize for bids for County Annual Maintenance supplies for the coming year. Supervisor John Caldwell made a motion and Supervisor Eugene Thach seconded the motion for the Board of Supervisors authorization to bid for annual supplies for the County Central Maintenance. The motion passed by a unanimous vote.

**8. Chancery Clerk Allowances**

On this date, Chancery Court Clerk, W. E. Davis, presented an order of Allowances to the Board of Supervisors for the November 2001, term in the amount of \$810.00. Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve these payments, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a unanimous vote. **\*\*See Exhibit E.8 \*\***

## ITEM E, CONTINUED,

### 9. Justice Court Report

At the recommendation of the Justice Court Clerk Linda Aldridge, Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Justice Court Report for the month of November 2001. The motion passed by a unanimous vote. **\*See Exhibit E.9**

### 10. Bailiff Pay

Pursuant to Section 25-7-27, Section 1, paragraph (e) which allows for Constables working as Bailiffs to be paid as provided under Section 25-3-69, Mississippi Code of 1973, Annotated, Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to pay Joe Holmes the amount of \$160.00 for the month of November 2001; to pay Lee Hodge the amount of \$200.00 for the month of November 2001; to pay Floyd Medlin the amount of \$200.00 for the month of November 2001, for their services as bailiffs for DeSoto County Justice Court. The motion passed by a unanimous vote. **\*\*See Exhibit E.10\*\***

### 11. Sheriff's Employee Report

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to acknowledge receipt of the Sheriff's Department Employee Report for the month of November, 2001. The report is attached and made a part of the minutes in Exhibit E.11. The motion passed by a unanimous vote. **\*\*See Exhibit E.11\*\***

### 12. Outdoor Warning System – Civil Defense EMA

T. H. Walker, Director of DeSoto County Emergency Management, and Tim Curtis, Assistant Director of DeSoto County Emergency Management, appeared before the Board of Supervisors to request the Board's approval of an outdoor warning system for the unincorporated areas of DeSoto County. Mr. Walker distributed copies of the County map with the proposed warning siren sites. County Administrator David Armstrong asked what criteria were used to pick the sites. Mr. Walker stated that the density of population and the location of County owned property was what was used.

Supervisor Gerald Clifton asked how the system would be mounted. Mr. Walker said the recommendation was for a class 2 fifty-foot pole to be used to mount the sirens on. Mr. Walker said the sirens could be set in groups to go off. Not all of the siren areas would go off at once. The County relies on the Weather Bureau to notify the EMA office for the sirens to go off in areas where storms are located. The Weather Bureau has weather watchers trained to call in reports in storm areas.

Mr. Armstrong asked if the main control for the sirens would be located in the EMA office. Mr. Walker said the main reason for the system would be to warn people to seek safety. Supervisor Tommy Lewis said the last time a study was done, the statement was made that a small weather radio would be a better warning system. Mr. Walker said the radios would cover areas that are not effected by the storm. Tim Curtis said there were 36,000 single family dwellings in the County that have no access to a storm warning systems

Supervisor Eugene Thach said the money was not in the budget to purchase radios or the sirens and asked how the maintenance would be maintained on the sirens. Supervisor Thach said the cities already have sirens. Mr. Walker said Southaven has eleven (11), Horn Lake has two (2), and Olive Branch has seventeen (17), but that Hernando has none and the Village of Memphis has none.

Supervisor John Caldwell asked how the phone warning system would work. Mr. Walker said the telephone system call down method could only handle 15,000 calls per hour. Supervisors Lewis said if the storm came in the middle of the night what was the chance of people hearing the warning sirens. Mr. Walker said the EMA office receives

**ITEM E.12, CONTINUED,**

a call from the Weather Bureau four (4) hours before the storms come into the area, so that the alert can be set off.

Supervisor Thach said to evaluate the areas to place the system so that the largest number of people could hear the sirens. Mr. Walker said the sirens have a 30 year life span and that low maintenance is required. Tim Curtis said the sirens are tested in several different ways during maintenance to make sure they work properly. Mr. Walker said the funding required for the warning system would not be needed until the next budget year, due to all the requirements being worked out before the sirens could be purchased. Supervisor Gerald Clifton asked if the County could do a lease purchase for the sirens. Mr. Walker stated that Olive Branch used the lease purchase plan for their sirens. Mr. Walker said that the County would have to write the specs and do specifications for locations and purchase the rights of way, if necessary, in some cases.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to take under advisement the purchase of a County Warning System until all the information has been gathered. The motion passed by a vote as follows:

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

**\*\*See Exhibit E.12\*\***

**13. Approval to Declare Emergency Declaration and Approval to Clear Debris from Private Property**

**(a) Wind Storm – November 24, 2001**

Supervisor Eugene Thach suggested limiting the amount of County clean up. Jim Bearden, Director of Operations & Maintenance, said he had dumpsters out in the areas that have a lot of clean up. Tim Curtis, Assistant Director of EMA, said there would be a Presidential Declaration of Emergency for the County that would assist in the clean up. T. H. Walker, Director of EMA, said the County could burn natural vegetation. The Board discussed the County moving only debris that has to be picked up by heavy equipment. Supervisor Jessie Medlin said the State would not clean up along Hwy 305, and you will see other damage later after the water is gone. We must keep up with all damage expense. Supervisor Medlin said there will have to be a flagman for traffic on Hwy 305 to clean up.

Supervisor Tommy Lewis said there was a landowner that has an area where the County can pile trees to be burned. Chancery Clerk Sluggo Davis said if the County puts in trees to burn, that they must have a blower on site. Mr. Davis said the County might have to fix a road to the area for the trucks to travel to dump trees. Supervisor Lewis said if it takes heavy equipment to do work the County will do it and take the debris to the site to be burned. Supervisor Medlin said the County would have to haul other items that can't be burned to the rubbish pit. Supervisor Medlin asked if the recycling bins could handle some of the debris from the storm.

Supervisor Thach asked who would oversee the cleanup for the County. David Armstrong, County Administrator, said Jim Bearden would be the overseer. Supervisor Thach said the County should have a release from the property owner before going on to his property.

**(b) Flood – November 28, 2001**

Supervisor John Caldwell asked if the County would be able to go on private property to help with the clean up from the flooding. T. H. Walker said the County would have to extend the declaration for clean up due to the water still being in some areas that the

**ITEM E.13.b, CONTINUED,**

County would have work. Board Attorney Bobby Chamberlin stated the County could extend both declarations for seven (7) days to allow for clean up and that the Board could meet again before the seven days expired to extend the declaration for another seven days. Supervisor Jessie Medlin said there would be road, bridge and culvert damage from the flood, but it would be a while before the cost of damage could be given.

Bobby Chamberlin said that property owners would have to request work from the County and they must sign a form of hold harmless agreement before the County could assist them. Mr. Walker said the churches in the area have been assisting the victims and the County could make this a place the citizens could sign up for assistance from the County.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to issue two Proclamations of Existence for a Local Emergency for the wind storm on November 24, 2001 and the flood on November 28, 2001 and that according to Mississippi Code Annotated, Section 33-15-49, in the event a natural disaster occurs within the state or within any portion of it and a proclamation is issued by the governing authorities of the county, the governing authorities of the municipality, the office of the Governor of the state or the President of the United States declaring such affected areas to be disaster areas, the governing authorities of any county or municipality adversely affected by such disaster may:

- (a) Use county or municipally owned equipment and such public employees as necessary to venture onto private property to aid in removing debris and to prevent further damage to such property at the request of the property owners;
- (b) Use county or municipally owned equipment and such public employees as necessary to venture onto private property to remove debris and to perform any other necessary and needed services to prevent the spread of disease or any other health hazard to the community at large.

Governor Ronnie Musgrove made a proclamation declaring DeSoto County an area of the State of Mississippi to exist in the State of Emergency and until such time as emergency conditions shall cease to exist and all agencies of the State of Mississippi shall discharge their emergency responsibilities as set forth in State Emergency Operations Plan and Executive Order No. 653 dated November 16, 1990. These emergency proclamations are set to expire on December 10, 2001. The motion passed by a unanimous vote. **\*\*See Exhibit E.13\*\***

**14. Corrections of Previously Approved Minutes**

**(a) Sept. 5, 2001 – Approval of Cell Phone – Victims Witness Coordinator**

County Administrator David Armstrong said that the September 5, 2001 Board minutes regarding the approval of a cell phone for the Victims Witness Coordinator, failed to state in the minutes that the Board Attorney Bobby Chamberlin recused himself from the discussion of this item.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to amend the September 5, 2001 Board minutes to reflect that the Board Attorney recused himself on the approval of a cell phone for the victims witness coordinator. The motion passed by a vote as follows:

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

**ITEM E, CONTINUED,**

**15. Secretary of State's Approval of Interlocal Agreement with Horn Lake Creek Drainage Dist. Part of Minutes**

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to make the Secretary of State's Approval of the Interlocal Agreement between the DeSoto County Board of Supervisors and the Horn Lake Creek Watershed Drainage District a part of the Board minutes. The motion passed by a vote as follows:

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

**\*\*See Exhibit E.15\*\***

**16. Central Maintenance**

**(a) Road Report and Work Schedule**

Pursuant to Section 65-17-7 of the Mississippi Code of 1972, annotated, Interim County Road Manager Billbo Williams presented the Road Report for October 26, 2001 thru November 25, 2001 and the Work Schedule for the month of December 2001.

At the recommendation of the Interim Road Manager, Billbo Williams, Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to accept the Road Report and Work Schedule into the minutes. The motion passed by a unanimous vote.

**(b) Road Bond Report**

At the recommendation of Interim Road Manager, Billbo Williams, Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to accept the Road Bond Report into the minutes and to approve the reductions and releases of bonds as recommended by Mr. Williams as follows:

1. Miller Road – Center Hill Rd S/D Reduce from a \$10,000 Initial Construction Bond to a \$4,500 Final Construction Bond.
2. Pine Hill – Pidgeon Roost Rd. S/D Reduce from a \$15,624 Initial Construction Bond to a \$6,500 Final Construction Bond.
3. Cypress Creek S/D Ph. III Reduce from a \$15,045 Initial Construction Bond to a \$30,000 Final Construction Bond.
4. Sunny Grove S/D Reduce from a \$6,000 Initial Construction Bond to a \$4,500 Final Construction Bond.
5. Fairview Trails S/D Reduce from a \$37,000 Initial Construction Bond to a \$17,500 Final Construction Bond.

The motion passed by a unanimous vote. **\*\*See Exhibit E.16\*\***

**17. Christmas Vacation Schedule for Central Maintenance**

County Administrator David Armstrong said the Central Maintenance Christmas schedule last year allowed the crew to use vacation time for the days in December after Christmas until January 2. The department was closed down but was on emergency call out if necessary. It is not mandatory for personnel, but voluntary.

**ITEM E.17, CONTINUED,**

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to authorize the Christmas closing of Central Maintenance for December 26, 27, 28, and 31, but clarified for employees to take the time off is not mandatory, as they can work in other departments if necessary. The motion passed by a unanimous vote.

**18. Approval to Declare Pauper**

In accordance with Section 43-31-29 of the Mississippi Code, which states the Board of Supervisors shall also relieve, support or employ paupers found or being in the county, though not entitled to a settlement therein, and, in case of their deceased, shall decently bury them; and all expenses shall be chargeable to and recoverable from the county in which such pauper had a settlement; and the board shall decently bury all strangers dying in the county,

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to declare Patricia Baker a pauper and to authorize the Clerk to write a check for the cremation of as approved by the Board of Supervisors. The motion passed by a unanimous vote. **\*\*See Exhibit E.18\*\***

**19. Approval to Reimburse City of Olive Branch for Moving Gas Lines at Byhalia Road and Laughter Road**

Supervisor Tommy Lewis said the Gas Lines at Byhalia Road and Laughter Road were having to be moved to allow for the widening of the road. The City of Olive Branch has received three quotes for the gas line project and the low bidder was C. E. Robertson Construction, Nesbit, MS in the amount of \$7,245.00. These gas lines are located on the County right of way and the City of Olive Branch has requested reimbursement for this expense of moving the gas lines.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve reimbursement to the City of Olive Branch for \$7,245 for the movement of gas lines on the County right of way at Byhalia Road and Laughter Road. The motion passed by a unanimous vote.

**20. Purchasing – Authorization for Dixie Lamb to Sign Purchase Orders**

The Mississippi Code, Section 31-7-101, states the Supervisors of each County in the State shall establish a Central Purchasing System, with approval of the Board of Supervisors, and shall authorize personnel to sign purchasing orders when necessary. Supervisor John Caldwell made a motion and Supervisor Gerald Clifton seconded the motion to authorize Dixie Lamb in purchasing to sign purchase orders and to approve a bond for Dixie Lamb as required. The motion passed by a vote as follows:

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

**21. Making the Attorney General’s Approval of Interlocal Agreement for Tax Collection and Assessment Part of the Minutes**

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to make the approval by the Attorney General a part of the Board minutes for the Interlocal Agreement for tax collection and tax assessment between DeSoto County and the following cities:

- (a) Tax Collector – City of Hernando**
- (b) Tax Collector – City of Horn Lake**

**ITEM E.21, CONTINUED,**

- (c) Tax Collector – City of Olive Branch**
- (d) Tax Collector – City of Southaven**
- (e) Tax Assessor – City of Hernando**
- (f) Tax Assessor – City of Horn Lake**
- (g) Tax Assessor – City of Olive Branch**
- (h) Tax Assessor – City of Southaven**

The motion passed by a vote as follows:

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

**\*\*See Exhibit E.21\*\***

**22. Youth Court – Approval for Terry Wallace to Sign Purchase Requisitions for Youth Court**

The Mississippi Code, Section 31-7-101, states the Supervisors of each County in the State shall establish a Central Purchasing System, with approval of the Board of Supervisors, and shall authorize personnel to sign purchasing requisitions when necessary. Supervisor Eugene Thach made a motion and Supervisor John Caldwell seconded the motion to authorize Terry Wallace to sign purchase requisitions for Youth Court and to remove Chester Beasley from the Youth Court list to sign purchase requisitions. The motion passed by a vote as follows:

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

**23. Approval of Continuing Disclosure Statement**

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion for approval of the Continuing Disclosure Information Statement required by the SEC to be filed by DeSoto County, Mississippi issued by Butler, Snow, O’Mara, Stevens & Cannada, PLLC and to approve the Board President to sign the statement. The motion passed by a vote as follows:

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

**\*\*See Exhibit E.23\*\***

**24. Making the Contract with Treesaver, Inc. for Recycling Part of the Minutes**

County Administrator David Armstrong said the County needs to make the contract with Treesaver, Inc. for recycling a part of the Board minutes. The County has only three locations at this time. There are two bins at Central Maintenance, two at Oak Grove School, and two at Getwell Methodist Church. Jim Bearden, Director of Operations and Maintenance, said he had to take up the recycle bins at the Hwy 301 Ball Park and at the Old Horn Lake City Hall. There are plans to put out containers at Horn Lake Elementary School and Southaven Central School. Supervisor Jessie Medlin said he would like to have a recycle bin at the new fire station in Olive Branch when it is finished.

## **ITEM E.24, CONTINUED,**

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to acknowledge approving the contract with Treesaver, Inc. for recycling and to make it a part of the minutes. The motion passed by a unanimous vote.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Director of Operations and Maintenance to make changes to the locations for recycling. The motion passed by a unanimous vote. **\*\*See Exhibit E.24\*\***

### **25. Homestead Deletions**

Chancery Clerk W. E. Davis asked the Board of Supervisors for approval for the deletion of records from the Homestead Exemption listing. Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion for approval for the Chancery Clerk to delete records required from the Homestead Exemption listing and for the Board President to sign. The motion passed by a unanimous vote. **\*\*See Exhibit E.25\*\***

### **26. Itasca Drive – Approval to Correct Drainage Problem**

Supervisor Tommy Lewis said there was a drainage problem in Bridgetown on Itasca Drive and asked the Board Attorney Bobby Chamberlin how the County could handle the issue. Bobby Chamberlin said the County has the authority to correct damage on private property caused by drainage of roads and to work on private property to correct damage to roads. Therefore, the County can fix these areas. Supervisor John Caldwell said the County should require a fact-finding analysis by an engineer. Bobby Chamberlin said due to the nature of claims he would recommend that an engineer analyze the areas first.

Vanessa Lynchard said that Central Maintenance pulled records on Itasca Drive and Victoria and Itasca and Okeechobee, which are on both sides of the problem. There were twelve (12) times the County had worked on this road. Supervisor Lewis said the pipes located in this area have wires in them and there may be some legal problems. Supervisor Caldwell said to have the Road Manager and County Engineer to look at Itasca Drive and to give a finding to the Board. Bobby Chamberlin said they should make sure to state the cause of the problem, the severity of the problem, and how it effects the person filing the complaint.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the County Road Manager and the County Engineer to do a fact finding study on the Bridgetown Itasca Drive and to bring their findings to the Board. The motion passed by a unanimous vote.

### **27. Change Order – Asphalt Contract**

County Engineer Daniel Murphy appeared before the Board of Supervisors to report on all the Board Orders requiring a change order to the asphalt contract. Mr. Murphy gave a copy of the construction change request to each Supervisor, which listed each road and the estimated cost change to the asphalt contract. The total cost for change order was \$248,863.41. This work included paving a piece of Starlanding Road, add one mile of Fairview Road, Nesbit Road from Hwy 51 to Gwynn Road, Holly Springs Road near the Marshall County line and a portion of McInvale Road, a portion of Tulane Road, Pleasant Hill Road and various patching projects.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the recommendation from the County Engineer for the change order to the Asphalt Contract in the amount of \$248,863.41. The motion passed by a unanimous vote. **\*\*See Exhibit E.27\*\***

CONTINUED,

**F. EXECUTIVE SESSION**

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

**G. OTHER ISSUES**

**1. Tax Collector – Vendor Permits in County**

Joey Treadway, DeSoto County Tax Collector, appeared before the Board of Supervisors regarding transient vendors licenses. Mr. Treadway said there were trucks coming into the jail construction site that sell food to the construction crews. Mr. Treadway said the fee for the license is between \$15 and \$20 and they are required to post a bond, which runs 5% of wholesale value of merchandise on trucks or \$2,000. This bond money is refunded once proof there are no claims against the vendor. This bond money goes into the general account fund until it is refunded. Mr. Treadway said most of the time they post bond but sometimes they don't. Supervisor Tommy Lewis asked if this created more paperwork than the revenue received. Mr. Treadway said yes, but does the Board want to enforce the bond. Mr. Treadway said he recommends the bonding. The Planning Commission will take where the vendor plans to set up their location and the Sheriff's Department will do the enforcement of the permit requirements. Supervisor Gerald Clifton asked who would monitor the expiration on the bonds. Mr. Treadway said the vendors pay for 90 days and they have to pay \$25 every three (3) months thereafter.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to take the recommendation of the Tax Collector and the Board Attorney to bond vendors at 5% of wholesale value of merchandise or \$2,000, whichever is less. The motion passed by a vote as follows:

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

**2. Tax Collector – Amusement Machine Permits**

Tax Collector Joey Treadway said the State statute section 27-27-5 states the Board of Supervisors can levy a tax or assess a value for the use and occupancy of vendors of slot machine amusement. Mr. Treadway said the County could charge \$27.00 per machine, \$45.00 per game machine, and \$18.00 for riding machines. Supervisor Tommy Lewis asked if this is a conditional use area and does the vendor have a permit from the Planning Commission. Mr. Treadway said he called the State Tax Commission and was told that if the machines do not have clickers in the back of machine it is ok and that it is up to the Board of Supervisor to control the taxing. Michael Garriga from Planning Commission said the person wanting to put in the slot machines was located in a building on Hwy 301 at DeSoto Road.

Supervisor John Caldwell said the County only controls the unincorporated area and asked if there was a tax or separate fee for the property tax. Supervisor Caldwell said the Council of Governments should be in agreement on how to tax. Mr. Treadway said outside the city they have to sticker machines and charge a privilege license once a year. Supervisor Tommy Lewis asked Mr. Treadway to check with the Cities to see how they handle this issue.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to take this matter under advisement. The motion passed by a unanimous vote.

## ITEM G, CONTINUED,

### 3. Board President Signature on Bonds

Chancery Clerk Sluggo Davis said the bond for the appointment to the Horn Lake Creek and the bond for the superintendent for the Hernando Library construction requires the Board President's signature. Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to approve the Board President to sign the bonds for Horn Lake Creek and the Hernando Library. The motion passed by a unanimous vote. **\*\*See Exhibit G.3\*\***

### 4. Central Maintenance – Purchase of Equipment

Interim Road Manager Billbo Williams present a list of equipment needs for Central Maintenance as follows:

- 2 – Four wheel drive tractors for road side grass cutting
  - 1 with 5' side mount mower
  - 1 with 20' boom mower
- 2 – 5' side mount mowers to be mounted on existing tractors
- 1 – One ton standard cab truck to be used as a sign truck

Supervisor Jessie Medlin said the new limb truck has already been approved by the Board. Billbo Williams said the sign truck has 300,000 miles on it. Mr. Williams said he would like to add three (3) one ton king crew cab trucks with dump beds to the list for bid. Supervisor John Caldwell said he could adjust the purchase quantity.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve to go out for bids for the Central Maintenance equipment list. The motion passed by a unanimous vote. **\*\*See Exhibit G.4\*\***

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion, to recess the meeting until December 5, 2001 at 9:00 am. The motion passed by a unanimous vote.

THIS the 3<sup>RD</sup>. day of December 2001, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Tommy Lewis, President  
DeSoto County Board of Supervisors