

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT 2001, PRESIDING

December 21, 2001

A. CALL TO ORDER

The December 21, 2001, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President.

Captain John Magness 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

The Board Attorney Bobby Chamberlin presented the invocation.

C. OLD BUSINESS

D. NEW BUISINESS

1. Approval of Interlocal Agreement with the Village of Memphis for Tax Collection and Assessment

County Administrator David Armstrong said all of the Cities had signed an agreement with the Tax Collector and the Tax Assessor, except for the Village of Memphis. Mr. Armstrong said Tax Collector Joey Treadway is here to address the Village of Memphis’ agreement.

Joey Treadway said the Village of Memphis has only 170 parcel at this time, so the fee for the year would only be \$85.00 for both the Tax Collector and the Tax Assessor. The agreement is identical to the other City agreements with this exception of the fee.

Supervisor Eugene Thach asked if the Attorney General says a City can pay the Tax Collector and Tax Assessor. Board Attorney Bobby Chamberlin said they have already received that approval from the Attorney General’s office. Mr. Armstrong restated that the agreement is for one year only.

Supervisor Gerald Clifton made the motion and Supervisor John Caldwell seconded the motion to approve the Interlocal Agreement with the Village of Memphis for the Tax Collector and the Tax Assessor, contingent on the Board Attorney’s approval. The motion passed by a vote as follows:

ITEM D.1, CONTINUED,

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

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

2. Workers Compensation Proposal

County Administrator David Armstrong said Mr. Rick Stallings, a representative for Harris Madden & Powell, has handled the Workers Compensation Insurance for the County since January 1998. For last year the County was with C N A as the carrier, the premiums were \$229,171. This year Mr. Stallings was given a quote from C N A in the amount of \$474,775 for a one year premium and another quote from AIG in the amount of \$365,677 for a one year premium. Mr. Armstrong said he had received another proposal from Mississippi Public Entity in Jackson, MS. Mr. Armstrong said he spoke with Mr. Eddie Washington, who said the Supervisors Association started this pool insurance program and they are under the 1992 rates at this time and he quoted a premium of \$303,161. Mr. Armstrong said he likes to use local businesses to handle the County insurance, but with the cost difference of \$62,516 in the premium, he has to recommend the County change to MPE effective January 1, 2002. Mr. Armstrong said he had put in the budget \$317,847 for workers comp for FY02.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to take the recommendation of the County Administrator and go with MPE as the Worker Comp Insurance carrier for FY02. The motion failed as follows:

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

Mr. Armstrong said in all fairness to Mr. Stallings, he works well with the County and he returns calls very promptly. Mr. Armstrong said it took three calls to MPE before he received a return call.

Supervisor Tommy Lewis asked since MPE is a pool program, if they have a cash call, how far back do they go. Mr. Armstrong said three years. Board Attorney Bobby Chamberlin said the time frame is no different from other insurance companies who operate. MPE has 77 Counties in their program along with hospitals and schools. Supervisor Lewis said if the County stays with C N A, they will know what they have to pay. Mr. Stallings said a self-insured trust pool would carry reinsurance on top of this. There are attachment forms that protect the pool and then the County has to pay out for the insurance expense of any County in the pool. Mr. Stallings said AIG has a ten billion dollar surplus rating, they have administrative fees, claim service, and the insurance cost to handle.

Supervisor Eugene Thach asked what kind of reserves were in the MPE program. Supervisor Jessie Medlin said some Counties couldn't get insurance anywhere else and that is the reason they are in the MPE program.

Mr. Stallings said the County buys a policy to pay claims, but they need to get a handle on the type and amount of claims they have or there would not be anyone who would provide insurance to the County. Mr. Stallings said the County has implemented a safety program that would help with the claims, but they also have to take action to

ITEM D.2, CONTINUED,

eliminate some claims. Mr. Stallings said if the County goes with AIG, he would come in to work with the Department Heads and the County Attorney to review claims and check the policy manual for wording for claims. He would also do a quarterly review with the County. Supervisor John Caldwell said Mr. Stallings has had the insurance for the past twelve months. Why was this plan of action not already being done? Mr. Stallings said there have been fifty claims for the County from August 1, 2001, to December 2001. This has been the cause of the increase in insurance premiums. Mr. Stallings said he has tried to contact the gentleman that gave the Risk Management presentation to the County, but has been unsuccessful.

Supervisor Jessie Medlin said he wants to save the taxpayers money, but most of the County problems are internal, and that the department heads and the elected officials must work on correcting these problems. Supervisor John Caldwell said internal commitments must be made. No insurance company can do this for the County. Supervisor Tommy Lewis said his concern is with a pool insurance program. He asked if the County could be assessed for claims prior to entering into the insurance program. Supervisor Lewis said he does not like the idea of the County being assessed for some other County's mistake.

Supervisor Tommy Lewis asked for the Board to recess until the Board Attorney could contact MPE and get the answers regarding questions concerning how the pool insurance program would affect the County.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to recess until 1:30 p.m. The motion passed by a unanimous vote.

The Board of Supervisors returned to the meeting to finish the Workers Compensation proposals.

County Administrator David Armstrong said he had tried to get in touch with Judy Mooney at MPE, but was unsuccessful, so he called Rex Haynes to discuss the pool programs and how they work. Mr. Armstrong said that the Counties are assigned a percentage number that they are responsible for as exposure to loss according to the standard language. If a County can't pay the premium, then all other Counties in the pool have to pay their percentage of expense to cover this loss to the pool.

Mr. Rick Stallings said his insurance company has a State Guaranty Fund to pay for claims. If a pool program goes out no one is there to pay for shortage, because they are not protected by a guaranty fund.

Supervisor Jessie Medlin made the motion to approve AIG as the carrier for the County Workers Compensation Insurance based on the representative working with the County to reduce claims by working with directors and implement changes to personnel manual regarding wording for claims. The motion died for a lack of a second.

Supervisor Tommy Lewis said he has a problem with spending \$65,000, and feels the pool assessment is a problem also. Supervisor Lewis said he wants to make the best decision for the tax papers money.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to approve MPE as the County Workers Comp Insurance, based on the best information supplied, but contingent upon the Board Attorney and the County Administrators review of the MPE contract. The motion passed by a vote as follows:

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

ITEM D.2, CONTINUED,

Supervisor Jessie Medlin said his vote was no, because he felt the County would be further ahead to stay with AIG. ****See Exhibit D.2****

3. Emergency Proclamation

T. H. Walker, Director of Emergency Management, said under the Presidential Declaration of Emergency that DeSoto County was not included and no funds would be available from FEMA. County Administrator David Armstrong asked if there was a chance of an appeal to the Federal Government.

Mr. Walker said they would continue to keep records on expenses. Mr. Armstrong said he would check with Merle Flowers in Congressman Wicker's office regarding this decision from FEMA.

Mr. Walker said he recommends keeping the Emergency Proclamation in effect at this time. Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to extend the DeSoto County Emergency Proclamation until December 28, 2001. The motion passed with a unanimous vote.

4. Circuit Court / Administrator – Approval for Judge Ann Lamar to Sign Purchase Requisitions

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 Gerald Clifton seconded the motion to authorize Judge Lamar to sign purchase requisitions for the Circuit Court Administrator's budget. The motion passed by a unanimous vote.

5. Authorization to Bid to Sell Wrecked Motorcycle

Supervisor Gerald Clifton made the motion and Supervisor John Caldwell seconded the motion to declare the 2001 Harley Davidson Motorcycle, serial number 1HD1GKV111Y324914, inventory control number #30813, as surplus inventory and to be taken off the County inventory, and to authorize to take bids for the sale of the wrecked motorcycle. The motion passed by a unanimous vote. ****See Exhibit D.5****

6. Mandatory Garbage Collection

County Administrator David Armstrong said Jim Bearden, Director of Operations and Maintenance, would like to make a statement regarding the County having a mandatory garbage collection. Jim Bearden said BFI has a list of people who are not paying their bills for garbage collection. Mr. Bearden said BFI stops service to these people and they notify the County. Mr. Bearden said he proposes holding up issuing a car tag to people if they are not paying for garbage collection. Supervisor Tommy Lewis asked if any other County was doing this. Jim Bearden said Panola County does this. Supervisor John Caldwell said that BFI needs to give the County a better rate for 100% participation. Supervisor Jessie Medlin said the BFI contract says they have to have a certain amount of the County business. Supervisor Gerald Clifton asked how business owners were effected. David Armstrong said he would propose the possibility to BFI of the collection of garbage fees. Mr. Armstrong said he would attempt to negotiate a better price from BFI and bring recommendations back to the Board of Supervisors.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to take the mandatory garbage collection under advisement. The motion passed by a unanimous vote. ****See Exhibit D.6****

ITEM D, CONTINUED,

7. Vacant Space on Second Floor – West Wing

County Administrator David Armstrong said District Attorney John Champion was present today to request for additional space for their offices. Mr. Armstrong said he would like to move the District Attorney's offices to the second floor of the Administration Building. There are 4700 sq. ft. of space available for the move and since the DA's office is looking to hire one or two assistant district attorney, they need more space than is available in their current location. Mr. Armstrong stated the County has put a lot of money into the building that now houses the DA's office and he recommends putting the building up for sale. Mr. Armstrong said the Board had discussed putting the County inspectors into this location, but they could be located on the first floor and the DA's office on the second floor.

Supervisor John Caldwell asked how much square footage was in the existing building. Mr. Champion said 3800 sq. ft. are in the top floor of the building they are using and that he has a staff of eleven people now, but if he hires two more this would be a staff of thirteen people. Mr. Champion said he has a concern for storage space for the files that are necessary for the DA's office. Mr. Armstrong asked if it was possible to rent an office location from one of the other Counties they represent. Mr. Champion said they have an office in Batesville and that the other Counties they represent contribute to help pay expenses for this building. Mr. Champion said that 65% to 75% of the caseload the DA's office handles comes from DeSoto County. Mr. Champion said that Tate County contributes \$10,000 and Tallahatchie and Yalobusha Counties contribute \$2,500 each, to the DA's office. Mr. Champion said the Batesville office houses seven people in the 2000 sq. ft. building.

Supervisor John Caldwell said if you customize space that you have now it could be more efficient. Mr. Champion said they need room for growth. Mr. Champion said they would like to make DeSoto County a district of their own. Mr. Champion said they have people who come into the DA's office that don't need to be seen by the public. Supervisor Caldwell said the Administration Building is not a private building and that it has public access where people could be observed. Mr. Champion said the side entrances could take care of the privacy issue.

Supervisor Jessie Medlin asked how many Counties are in a district. Mr. Armstrong said there are five Counties in a district. Mr. Armstrong said that DeSoto County has \$25,000 in the budget for the DA's office, plus they supply a building for their offices. Mr. Champion said the DA's office receives \$37,500 a year in State funds that is used for non-attorney staff for insurance.

Supervisor Medlin asked Jim Bearden, Director of Operations and Maintenance, and Kenny Evans, Director of Buildings and Grounds, if the County had any other building available with the space necessary for the DA's office. Jim Bearden said no, that the building where they are located has a downstairs section that could be renovated. Mr. Champion said they would need to run phone and computer lines downstairs for it to be used to staff personnel. Supervisor Caldwell said the amount to renovate the building downstairs at a cost of \$150,000 would be more economical for the County. Mr. Armstrong said he would have Jim Bearden and Kenny Evans look at the Administration building and give an estimate on renovating the DA's office. Mr. Champion said he would like for the requirement of individual offices and for a security system to be installed in the calculation, if the County does a major renovation of the building.

Supervisor Medlin said if the County makes the improvements to the existing building they could still stay where they are.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to have a property appraisal done on the DA's office. The motion passed by a

ITEM D.7, CONTINUED,

unanimous vote.

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8. Search and Rescue Building

County Administrator David Armstrong asked T. H. Walker, Director of Civil Defense, to come forward to discuss the move of the Search and Rescue Unit to Central Maintenance. Mr. Walker said Pete Mathison and Bill Campbell, from the DeSoto County Aviation Unit, were present also to discuss the relocation for the Aviation Unit along with the Search and Rescue Unit. Supervisor Tommy Lewis asked if this meeting was for Search and Rescue or for the Aviation Unit. Mr. Walker stated it was for both. Mr. Walker said the Search and Rescue Unit requires a building size of 50 ft. X 100 ft. to house their equipment. The completed building cost would be approximately \$300,000. Mr. Walker said he is willing to settle for a 5,000 sq. ft. shell building at this time due to their having to be out of the location in Southaven that they use by January 1, 2002.

Mr. Pete Mathison said that he was here to represent the Aviation Unit to request a new location due to their losing their present location because of the construction of the new DHS building. Mr. Mathison said they couldn't fly out of their present location when this construction is completed. Mr. Mathison said they are requesting three bays for the helicopters and one bay for maintenance for the equipment that needs to be kept out of the weather. Mr. Mathison said they would like for the Board to consider relocating the Aviation unit at the old landfill on Starlanding Road. Supervisor Tommy Lewis said there are forty acres that could be used at the landfill site. Supervisor John Caldwell said the 911 tower was on a portion of this forty-acre landfill site.

Mr. Mathison said there are portions of the landfill that can not be built on and this would allow the clearance for the helicopters to fly out. Mr. Mathison said he had spoken with Supervisor Thach and was aware that a portion of the land had been promised for the Equestrian possibility. Supervisor Gerald Clifton asked what the mandatory landing pad size would be. Mr. Mathison said a 50 X 102 pad for landing would be necessary, but there would be plenty of space available for take off.

Supervisor John Caldwell said the Equestrian Arena is still under advisement, but the Board has to determine the best use of the landfill site. There are twenty acres at the Central Maintenance location and that any building needs to be a functional building. Supervisor Caldwell asked T. H. Walker if he could move Search and Rescue to Central Maintenance. Mr. Walker said the security of the location is a problem. Supervisor Caldwell said security is a problem at all of the County sites, but the County should have security for Central Maintenance for all that is located there. Mr. Walker said he would prefer to be located on the landfill site.

Supervisor Tommy Lewis said Mr. Walker has asked the Board on numerous occasions to provide a facility for Search and Rescue and we need to do so. Mr. Walker said he is willing to have a shell building and then finish it out at a later date. Supervisor Lewis said if they build at the landfill site a building to house the Aviation and the Search and Rescue, would this be feasible. Mr. Mathison said they have worked together to draw up a plan of proposal for both Aviation and Search and Rescue. Mr. Mathison said the Sheriff has designated \$115,000 to be allocated to the Aviation Unit for a new building. Supervisor Caldwell asked could this be done next year and allow the County to secure a bond for the building. Supervisor Caldwell said plans for the Equestrian, Aviation, Search and Rescue and the 911 tower all to be located on the landfill site requires that, on the front end plans be made on the site for each location. This would be a slow process, but the County could best utilize the facility this way. Supervisor Caldwell suggested building a slab and shell facility at the Central Maintenance area for Search and Rescue on a temporary basis until the plans could be done. Supervisor Eugene Thach said to let the architect, who had done the Equestrian Arena, to look at landfill plans to see if this move could be done. Supervisor Thach said he would call Southaven

ITEM D.8, CONTINUED,

about the changes in not allowing Search and Rescue equipment being stored at the facility.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to approve the County Administrator's authority to negotiate for an architect, engineer, and/or planner to research the Central Maintenance or the landfill facility and bring back to the Board and to check with the Sheriff's Department about funds in the budget for the Aviation Unit to see if the \$115,000 donation is duplicated. The motion passed by a vote as follows:

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

Supervisor Medlin said he feels that the County spends too much money on architects and engineers for projects.

9. 4-Way Stop Sign - Dean Road and Sparks Road

County Administrator David Armstrong said he had been authorized to have Daniel Murphy, the Contracted County Engineer, to look at the request for a 4-way stop sign for Dean Road and Sparks Road. Mr. Armstrong said Mr. Murphy agreed with the recommendation of the Interim Road Manager that the location needed a 4-way stop sign.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion that based on the recommendation of the Interim Road Manager and the Contracted County Engineer, to approve the installation of a 4-way stop sign being installed by Central Maintenance at Dean Road and Sparks Road. The motion passed by a unanimous vote. ****See Exhibit D.9****

10. Making State's Response of the Archives and History Grant Request a Part of the Minutes

County Administrator David Armstrong said the County had applied for a grant from the Mississippi Department of Archives and History, for the Courthouse to replace the windows. Mr. Armstrong said the County had applied for \$120,000, with a match of \$30,000 required. The program had \$6,000,000 to be distributed, with sixty-eight applicants with requirements for \$24,000,000. They were able to only grant twenty-seven projects, but the County's application was not one of them.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to make the State's response for the application to the Mississippi Department of Archives and History Grant Program a part of the Board minutes. The motion passed by a unanimous vote. ****See Exhibit D.10****

11. Metro Narcotics – Approval to Return Seized Weapon

County Administrator David Armstrong said the County Metro Narcotics Department has received a request from Ms. Hazel Herrin regarding the return of a Marlin Arms, Model 60, .22 Caliber rifle that was seized during a felony from Patrick J. Powers at 3017 Red Banks Road, Byhalia, DeSoto County, MS. Mr. Armstrong said the proper receipts to prove ownership was provided by Ms. Herrin and that Captain Tim Harris of Metro Narcotics has requested approval of the Board of Supervisors to return the weapon. Board Attorney Bobby Chamberlin said if they provided proof of ownership the Board has the authority to return the weapon.

ITEM D.11, CONTINUED,

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the

motion to approve the return to Ms. Hazel Herrin, a Marlin Arms, Model 60, .22 Caliber rifle that was seized during a felony from Patrick J. Powers at 3017 Red Banks Road, Byhalia, DeSoto County, MS and to authorize someone to witness the return to Ms. Herrin and to make the documents a part of the Board minutes. If the weapon is on inventory, it should come off. The motion passed by a unanimous vote. ****See Exhibit D.11****

E. EXECUTIVE SESSION

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

F. OTHER ISSUES

1. Roads – Church Road

Supervisor Eugene Thach said he has received resident complaints about the noise on Church Road. Supervisor Thach said he had noticed that the ditches along Church Road need to be cleaned out, and if the County did this the people might not complain about the noise. No motions were made on this item.

2. Chancery Clerk Pay Allowance

On this date, Chancery Court Clerk, W. E. Davis presented an order of Allowances to the Board of Supervisors for the December 2001, term in the amount of \$810.00. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach 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 vote as follows:

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

****See Exhibit F.2 ****

3. Economic Development - Brentwood

Supervisor Tommy Lewis said North Delta Planning & Development District has asked the Board President to sign a letter to EDA designating NDPDD to perform the administration and implementation of the EDA DeSoto County Brentwood Originals Project, and for the Board President to sign a letter to Mr. Day at EDA stating the urgent needs of Brentwood Originals Plant in DeSoto County, Mississippi, requesting to proceed at our own risk.

Supervisor Eugene Thach said payment for these services should come out of grant money and that the Board needs to check with Jim Flanagan, Director of the DeSoto Economic Council, to see that the grant will pay. Supervisor Tommy Lewis requested Vanessa Lynchard to contact Jim Flanagan on the telephone for a conversation with the Board.

Mr. Flanagan, speaking from a telephone speaker, said he felt like the administration fees were built into the cost of the grant. If it is not built in, it would be a service for NDPDD. Mr. Flanagan said he would talk with James Curcio about this.

Supervisor Lewis asked Jim Flanagan about the statement in the letter to Mr. Day at

ITEM F.3, CONTINUED,

EDA about proceeding at our own risk. Mr. Flanagan said that we have to go out for bids for the water tank and this provides assurance it will be funded. It would be

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January or February before the funds become due and the EDA funds should be available in February.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion for approval of the Board President to sign a letter to EDA designating NDPDD to perform the administration and implementation of the EDA DeSoto County Brentwood Originals Project, and to sign a letter to Mr. Day at EDA stating the urgent needs of Brentwood Originals Plant in DeSoto County, Mississippi, requesting to proceed at our own risk. The motion passed by a unanimous vote. ****See Exhibit F.3****

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion, to recess the meeting until January 3, 2001 at 9:00 am. The motion passed by a vote as follows:

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

THIS the 21ST. day of December 2001, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Tommy Lewis, President
DeSoto County Board of Supervisors