

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

JESSIE MEDLIN, PRESIDENT 2002, PRESIDING

January 28, 2002

A. CALL TO ORDER

The January 28, 2002, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, 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
- Chief Deputy Charlie Brown -----Sheriff’s Dept.
- David Armstrong-----County Administrator
- Bobby Chamberlin -----Board Attorney

B. INVOCATION

Board Attorney Bobby Chamberlin presented the invocation.

C. OLD BUSINESS

1. Authority to Award Bid for Optical Scan Election Equipment

County Administrator David Armstrong said the Board Attorney has looked over the contract from ES&S for the Optical Scan Election Equipment. Board Attorney Bobby Chamberlin said there were some language changes that were made in the contract and he is waiting to hear back from ES&S.

Mr. Armstrong said that Ted Mayhall, District 3 Election Commissioner, had requested the Board hold this item over until the County could hear from Congress. Mr. Armstrong said the bill would be introduced on February 19th in Congress.

Supervisor John Caldwell asked when the bid ran out. Mr. Armstrong said March 1ST. Supervisor Eugene Thach asked what will the County do if Congress doesn’t approve funds for the election equipment. Mr. Armstrong said the County would have to proceed to purchase election equipment.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to accept the bid subject to the contract language by the Board Attorney being accepted.

Mr. Steve Evans, a representative for ES&S, said they would agree the equipment delivery would be contingent on the Congressional bill passing.

Mr. Armstrong said that conversations with the Congressional offices of Senator Lott

ITEM C.1, CONTINUED,

and Representative Wicker have affirmed that the bills state that the funds for election equipment will be retroactive, unless changed.

Supervisor Thach said if the election commission has a change of heart regarding this equipment, they need to tell the Board of Supervisors what their reasons are. Supervisor Thach suggested the Circuit Clerk and the Election Commission should be present at the Board meeting to discuss where they stand.

Supervisor John Caldwell withdrew his motion and Supervisor Eugene Thach withdrew his second.

Supervisor Eugene Thach made a motion and Supervisor John Caldwell seconded the motion to hold this item over until the February 4, 2002, Board meeting and to have the Circuit Clerk and the Election Commission present. The motion passed by a unanimous vote.

2. Mid-State Opportunity – DeSoto Industries

Supervisor Jessie Medlin said Vanessa Lynchard has been working with DeSoto Industries to verify job openings and the people on their waiting list that require transportation to work. The request from Mid-State Opportunity for funds is in the amount of \$12,948 from the County to pay salary and fringe benefits for a bus driver to operate the bus for the afternoon shift. They have requested an additional \$10,400 for bus maintenance and fuel. Supervisor Medlin said the Board Attorney had been asked to research to see if the County could provide maintenance and fuel for these buses.

Board Attorney Bobby Chamberlin said the research has been done, but he must have positive verification the Board can do the bus maintenance, so he has requested the Attorney General's Opinion on this matter.

Supervisor Eugene Thach said he had spoken with Sara at Mid-State and she told him that DeSoto Industries didn't have work for the individuals to do and if they don't work, they don't get paid. Vanessa Lynchard said she had verified with DeSoto Industries their need for these individuals requiring transportation.

The County Administrator said the School Board was contacted to see if they had a handicapped bus available that the County could use. They don't have anything at this time, but would be on the lookout for one for the County.

Supervisor Tommy Lewis said the Board could vote on this and this would give time for them to line things up. Supervisor Thach asked if the money was in their budget? Mr. Armstrong said the County would have to amend the Mid-State budget for the additional money requested.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to approve the request from Mid-State for additional funds needed to operate the buses with additional personnel and the maintenance funds, subject to the opinion of the Attorney General. Also Mid-State will supply a letter to the County regarding the buses being run to their capacity. The motion passed by a unanimous vote. ****See Exhibit C.2****

3. Bids Under Advisement – E-911 UPS System

County Administrator David Armstrong said this item had been held over from the January 16TH Board meeting so that a meeting could be held with all the bidders to make sure they were comfortable with the bid specifications required for the UPS System for E-911. Board Attorney Bobby Chamberlin said there are no legal problems involved with the bids. Bobby Chamberlin said the Board of Supervisors has the right

ITEM C.3, CONTINUED,

to re-bid, but he advises the Board to take the recommendation of the engineer for the project on the bid being awarded to McCrory Electric.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the recommendation of Brandt Engineering to award the bid for the E-911 UPS System to McCrory Electric. 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 | ABSTAIN |

****See Exhibit C.3****

4.Approval of Contract with CBI for Brentwood Water Tank

Nathan Hussman , Engineer with Engineering Associates, presented a copy of the revised water tank contract to the Board of Supervisors. Mr. Hussman said the Board Attorney has reviewed the contract and all corrections have been made. Mr. Hussman said the financing for the CDBG was approved on January 8 and the Board President needs to sign the Contract for the construction of the Water Tank for the Brentwood project.

County Administrator David Armstrong said the budget was set at \$750,000 and CDBG funds requested, but according to Chris Gouras the County was awarded \$721,000. The County has requested \$1.1 Million for the EDA grant, which we are waiting to be awarded to the County. The County has agreed to proceed at their own risk for the \$1.1 million, based on the EDA’s award to the County, in order for the matching funds required for the CDBG funds to be released. According to the contract the total cost for the elevated water tank will be \$696,000. The requirement for the elevated water tank was for the County to provide water for fire for the project.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion, based on the Board Attorney’s recommendation, to approve the contract with CBI for the construction of the elevated water tank for Brentwood Originals, contingent upon the approval of EDA funds awarded to the County. The motion passed by a unanimous vote. ****See Exhibit C.4****

D. NEW BUISINESS

1. Demery Grubbs – County Update

Demery Grubbs, Financial Advisor for the County, presented a copy of DeSoto County’s Debt information regarding the general obligation debt. Mr. Grubbs said that DeSoto County’s assessed value on all property, which is \$773.7 million this year, continues to grow at about 10 percent a year, and most of the growth is due to the natural growth of the County.

Mr. Grubbs said they are looking at a locked in rate of interest for the DeSoto County \$18,000,000 bond debt, because of the potential of the variable rate moving back up. Mr. Grubbs showed the Supervisors how their decision to finance the variable rate has already saved the County \$498,375. County Administrator David Armstrong asked what notice he would need from the County to lock in the interest rate. Mr. Grubbs said thirty days. Chancery Clerk Sluggo Davis asked what the fixed rate is now. Mr. Grubbs said the fixed rate is down in the 4% range and the lock in would be for a 5 year time frame at a fixed rate. Supervisor Eugene Thach asked if the County did switch over to a fixed rate, what costs would be involved. Mr. Grubbs said only minor

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administrative charges.

Mr. Grubbs said the County Administrator had asked him to look at repayment of money loaned to the Regional Utility Authority or the Civic Center Board. They should be self supported with revenues coming from customers being served, and the County could loan out of the General Fund or out of the Mississippi Development Bank Pool. Mr. Grubbs said he has researched the possible repayment options for both the General Fund and the Mississippi Development Bank Pool.

Possible Repayment Options (General Fund)

1. The average interest income that would have been generated if funds were invested from the time of initial loan to first payment on loan.
2. The average G.O. interest rate that would have been charged the County in the market place over the loan period if funds had been borrowed.
3. An interest rate below either interest income or borrowed interests rate.
4. DCRUA was created by the County to provide a service in the area of water/sewer and therefore no interest would be paid on loan.

Possible Repayment Options (Mississippi Development Bank Pool)

1. Average rate of interest over the period of the loan that the County paid on the pool loan.
2. An interest rate below the rate of interest that the County paid on the pool loan.
3. DCRUA was created by the County to provide a service in the area of water/sewer and therefore no interest would be paid on the loan.

Supervisor Jessie Medlin asked what the Mississippi Development Bank Pool interest rate was? Mr. Grubbs said the average pool loan rate is 4.3%. Mr. Grubbs said the Civic Center has revenue at this time so they could be billed for interest, but it would be two to three years before the DCRUA would have a customer base to bring in funds.

Mr. Armstrong said the interlocal agreement with the Civic Center has not been signed by the Civic Center Board. Mr. Armstrong said for the County to have a uniform rate, they could let the pool rate dictate what the General Fund money rate would be. Mr. Grubbs said whatever the pool rate was at the time the County borrowed the money, should give an average rate for pay back.

Supervisor Jessie Medlin said if the Board wants to do an average rate or whatever the Mississippi Development Bank Pool rate is. This would be over the lifetime of the debt.

Mr. Grubbs said the County had only \$5 million left in the Mississippi Development Bank Pool at this time. If the DCRUA wanted to contract for \$5 million from the County, he would recommend the County make another application for more funds for any other County projects. Supervisor Caldwell asked if the funds could be spent on roads. Mr. Grubbs said as long as the definitions for use were in the application, the money could be spent that way. Supervisor Medlin asked what the length of time would be for pay off. Mr. Grubbs said it was up to 20 years. Supervisor Medlin asked what the Board would have to do to raise the money in the pool to 20 million. Mr. Grubbs said they just had to authorize him to do the application.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the addition of \$10 million loan for the Mississippi Development Bank Pool. The motion passed by a unanimous vote.

Mr. Grubbs said the County would have up to four years to spend the money. Supervisor Medlin said the County could spend the money on roads and it wouldn't cost as much.

Supervisor Tommy Lewis asked what the GO interest rate was? Mr. Grubbs said at

this
ITEM D.1, CONTINUED,

time it is between 4.75% and 4.85%. Mr. Grubbs said they might want to look at refinancing all bonds. If the interest rate earned on what is invested goes down below what you pay the Pool, this could cause a problem. Mr. Grubbs said the County has done well using the bond issue at a variable interest rate below 5%, thereby saving the County more than \$498,000 in debt service.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to take the recommendations of the Financial Advisor Demery Grubbs, to use the average interest rate for the loans from the Mississippi Development Bank Pool and bonded debt to establish a loan agreement to DCRUA and the Civic Center, when pay back of funds are possible, and to have hire the Chamber/Nowak Law Firm to work out an interlocal agreement with the Civic Center or whatever is necessary. The motion passed by a unanimous vote. ****See Exhibit D.1****

2. Authorization to Bid Food Supplies for Jail

County Administrator David Armstrong requested authorization to advertise for bids for the purchase of food supplies at the DeSoto County Jail. Supervisor Gerald Clifton made a motion and Supervisor Eugene Thach seconded the motion to authorize the Purchase Clerk to obtain bids for the purchase of food supplies at the DeSoto County Jail, and authorize advertisement, pursuant to Section 31-7-13(c), of the Mississippi Code of 1972, Annotated, in a newspaper having a general circulation in DeSoto County, Mississippi. The motion passed by a unanimous vote.

3. Approval to Purchase Furniture for Sheriff's Department

County Administrator David Armstrong said the Sheriff's Department has requested furniture for a portion of the new jail facility. Mr. Armstrong said Vanessa Lynchard and Jim Bearden went with him to look over the facility and talk to the Sheriff's Department about their needs. Mr. Armstrong said it is estimated the department will need up to \$50,000 in furniture.

Mr. Armstrong said the funding for this furniture is available thru the bond money, due to the contract for construction being less than expected.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to establish a furniture budget for the Sheriff's Department up to \$50,000, and to authorize the procurement of furniture in accordance with State purchasing laws. 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 |

4. Approval to Open Bids

County Administrator David Armstrong asked the Board of Supervisors for approval to open bids for the following list of specific items. The first one is the County Depository to be opened on February 12, 2002 at 2:00pm.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion for approval of the County Administrator or his designee to open bids for the following item on the date specified:

- a. County Depository, Feb. 12, 2002 at 2:00 pm

ITEM D.4, CONTINUED,

The motion passed by a unanimous vote. ****See Exhibit D.4.a****

Mr. Armstrong said the other bids are scheduled to be opened on February 11, 2002 for mowers and February 12, 2002 for the janitorial supplies for the County.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion for approval of the County Administrator or his designee to open bids for the following items on the dates specified:

- b. One or More Tractors with Mid-Mount Deck Mowers, Feb. 11, 2002 at 10:00 am
- c. One or More Mid-Mount Deck Mowers, Feb. 11, 2002 at 10:00 am
- d. One or More Tractors with Mid-Mount Boom Mowers, Feb. 11, 2002 at 10:00 am
- e. Janitorial Supplies for various DeSoto County Buildings, Feb. 12, 2002 at 10:00 am

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 D.4.b.c.d.e****

5. Comptroller – Joyce Riales

a. 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 Peoples Bank & Trust for \$2,500,000, that was 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> |
|---------------------------|--------------|---------------|----------------------|------------------|----------------------|------------|
| 9/28/2001 | Peoples Bank | \$2,500,000 | 5/3/2002 | 109 | 1.86% | 92582528 |

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 D.5.a**

b. Transfer of Funds – CDBG to Road & Bridge

County Administrator David Armstrong said the Board of Supervisors had approved

ITEM D.5.b, CONTINUED,

an interfund transfer on November 17, 2000 from Fund 156 (Road & Bridge) to Fund 050 (CDBG-Hacks Cross Road) to cover the County's portion of the Hacks Cross Road project. The County had already paid engineering costs and purchased right of ways that should have been deducted from this transfer. The prior expenditure in addition to interest income on the project and the cost of the project coming in lower than anticipated resulted in a balance in Fund 050 that needs to be transferred back into Fund 156.

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an Inter-Fund Transfer for the Fiscal year beginning October 1, 2001, and ending September 30, 2002. At the recommendation of the Comptroller, Joyce Riales, Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the Inter-Fund Transfer as follows:

| | | | |
|----------|-------------|-----------------------|--------------|
| Lower | 050-900-950 | CDBG-Hacks Cross Road | \$220,750.86 |
| Increase | 156-000-384 | Road & Bridge | \$220,750.86 |

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 D.5.b****

c. Interfund Transfer of Metro Seized Funds

At the recommendation of Comptroller Joyce Riales, Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion, pursuant to Section 41-29-185 of the Mississippi Code of 1972, as amended, to transfer the following forfeited funds that were seized by Metro Narcotics:

| <u>Case Number</u> | <u>Defendant</u> | <u>Date Seized</u> | <u>County Receipt</u> | <u>Amount</u> |
|--------------------|--------------------------|--------------------|-----------------------|---------------|
| DC-01-0240 | Steve Owens | 12/9/01 | 12982 | 170.00 |
| DC-01-0232 | Cassandra L. Whittington | 12/7/01 | 12982 | 150.00 |
| DC-01-0245 | Tony D. Ayers | 12/17/01 | 12982 | 169.00 |
| DC-01-0241 | Arnold W. Rackley | 12/10/01 | 12982 | 344.00 |
| DC-01-0236 | Jacob Harmon | 12/7/01 | 12982 | 32.00 |
| DC-01-0208 | Marcus A. McNeal | 11/01/01 | 12982 | 209.00 |
| DC-01-0209 | Randal J. Medlin | 11/03/01 | 12982 | 82.00 |

| | | |
|---|-------------|------------|
| Transfer from Metro Narcotics Seized | 123-900-950 | \$1,156.00 |
| Transfer to Metro Narcotics Forfeitures | 105-000-384 | \$1,156.00 |

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 D.5.c****

d. Late Bill – Murphy & Sons – Eudora Fire Dept.

County Administrator David Armstrong said this item was on the claims docket for February 4, 2002 payment. No actions were taken on this item.

ITEM D. CONTINUED,

6. Making the Continuing Disclosure Statement Part of the Minutes

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to make the Continuing Disclosure Statement from Butler, Snow, O’Mara, Stevens & Cannada, PLLC a part of the Board minutes, and to authorize the clerk to issue a check for \$1,000 to Butler, Snow, O’Mara, Stevens & Cannada, PLLC for the preparation and submission of the Continuing Disclosure Statement. 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 D.6****

7. Making a copy of the 2000 Audit Report Part of the Minutes

County Administrator David Armstrong presented to the Board of Supervisors the Auditor=s Report for Fiscal Year ending September 2000 and requested the Board of Supervisors to make the report a part of the Board minutes.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to accept the Audit Report for FY00 and to make it a part of the Board Minutes. The motion passed by a unanimous vote. ****See Exhibit D.7****

8. Approval to Seek Property & Liability Insurance Quotes

County Administrator David Armstrong said the County’s Property & Liability Insurance would expire in May and asked the Board for approval to begin seeking proposals.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to authorize the County Administrator to seek proposals for the Property & Liability Insurance for the County. 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 |

9. Approval of Change Order #10 Courthouse Renovation

County Administrator David Armstrong said Circuit Judge George Ready has received an grant for \$37,000 to put in an Audiovisual System. Mr. Armstrong said the completion due date for Seiler Construction was to be March 28, 2002, but they are requesting an extension of fifteen days on the contract time for the installation of the audiovisual system and the necessary modifications to install the system.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the extension of contract completion by Seiler Construction for the Courthouse Renovation by fifteen days as requested. The motion passed by a unanimous vote. ****See Exhibit D.9****

ITEM D, CONTINUED,

10. County Safety Reports – Tim Curtis & Jim Green

County Administrator David Armstrong said the Board has copies of the County Safety Reports for December 2001. Mr. Armstrong said he had met with the County's new Workers Comp Insurance, Mississippi Public Entity Services, agent, Mr. Kenneth Sandifer, along with Tim Curtis and Jim Green, the County's Safety Officers. They discussed the issues presented in the December report. Mr. Armstrong said that Mr. Sandifer advised him that if the first five facility changes were made at Justice Court, the insurance cost would decrease by \$15,158. This would mean the County's total cost for Workers Comp would be \$288,003. Mr. Armstrong said after meeting with Mr. Sandifer, he recommends the County not seek a local agent. Mr. Armstrong said that Mr. Sandifer stated he would aggressively work with the County.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to investigate the cost for changes at the Justice Court facility and bring back to the Board of Supervisors:

1. Punch or keypad style locks should be placed on doors to main hallway between office and Courtroom.
2. Move metal detector out of Courtroom into main lobby area.
3. Additional security should be added to man the metal detector anytime court is in session.
4. A security camera should be added to the video surveillance system to cover the parking areas.
5. A video recorder should be added to the present camera system.

The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept the December 2001 Safety Officers Reports and make them part of the Board minutes. The motion passed by a unanimous vote. ****See Exhibit D.10****

11. Approval of Adoption of County Safety Policy Statement

County Administrator David Armstrong said he would like to carry this item over until a later date. No actions were taken on this item.

12. Planning Commission – Refund of \$100 fee collected twice – Ms. Sharon Simpson

Merritt Powell, Director of Planning Commission, appeared before the Board of Supervisors for approval to refund a permit fee in the amount of \$100 that was collected twice from Ms. Sharon K. Simpson, Stonewall Lot 16, 13468 Whit Drive, Byhalia, MS 38611. Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion for approval of refund and authority for the clerk to write the refund check for \$100 to Ms. Sharon K. Simpson, Stonewall Lot 16, 13468 Whit Drive, Byhalia, MS 38611. The motion passed by a unanimous vote.

13. Approval to have Vehicle Delivered off State Contract for the Planning Commission

County Administrator David Armstrong asked the Board of Supervisor to approve having the vehicle for the Planning Commission, which was purchased off State Contract, be delivered to the County. Mr. Armstrong said that \$17,000 was in the budget for the new truck and the cost was only \$14,100, and the cost to deliver would be \$187.00.

Supervisor Gerald Clifton made the motion and Supervisor Tommy Lewis seconded the motion to approve the delivery for a new truck for the Planning Commission. The

ITEM D.13, CONTINUED,

motion passed by a unanimous vote.

1/28/02

14. Approval of Refund of Taxes – Assessment Error

County Administrator David Armstrong stated that the Board of Supervisors had received a letter from Tax Assessor Parker Pickle stating that parcel number 1079 3111.0 00006.00, property owned by Gerald B. and Tommye F. Seawright, 6772 Beaumont Circle, Southaven, MS 38671, was miscalculated due to clerical error on the square footage of the home for the year 2000 on their property taxes. Due to this error, the Tax Assessor is requesting a refund on taxes for the 2000 tax year in the amount of \$140.50. Supervisor Eugene Thach made a motion and Supervisor Gerald Clifton seconded the motion to approve the Tax Assessor's request for refund of taxes to Gerald B. and Tommye F. Seawright for the 2000 tax year for the following amounts:

| | |
|-------------------------|-----------------|
| County Taxes refund due | \$101.74 |
| City Taxes refund due | <u>\$ 38.82</u> |
| Total Refund due | \$140.50 |

The motion passed by a unanimous vote. ****See Exhibit D.14**

Supervisor Tommy Lewis asked if the County has the authority to refund City taxes. The Board Attorney Bobby Chamberlin said the City might have to do a resolution for refund. County Administration David Armstrong said he would talk with the City regarding this refund.

15. Approval of Resolution for Hwy 301 to add to State Hwy System

County Administrator David Armstrong said that to have Hwy 301 S. from Eudora added to the State Highway System would require a Board Resolution stating that this part of 301 was constructed to State specs and a letter from Daniel Murphy, Consulting County Engineer, concurring that 301 was build to State specs.

Supervisor John Caldwell said the Corp of Engineers did the roadwork to build Hwy 301 S. when the floods washed the road out. Supervisor Tommy Lewis said the Board could do a resolution stating the County would bring the road to State Aid spec.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to hold this item over to get clarification from the County Engineer. The motion passed by a unanimous vote.

16. Approval to give ROW on Myers Road over Byhalia Creek

Supervisor Jessie Medlin said he had spoken with Howard Scruggs at the Soil Conservation Department regarding repairs for bank stabilization for Myers Road across Byhalia Creek. The Soil Conservation can do a 75% cost for repair and the property owner is responsible for 25% cost of the repair. Supervisor Medlin said the County would have to give the right of way easement so that the repair could be done.

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to approve the right of way easement necessary for the stabilization of Myers Road across Byhalia Creek. The motion passed by a unanimous vote.

17. Four Year Road Plan

In accordance with Section 65-7-117 of the Mississippi Code Annotated, which states that each member of the Board of Supervisors shall personally inspect every road and bridge in the County under the jurisdiction of the County not later than December 31 and, thereafter, not later than once each fiscal year. Each member shall file with the

ITEM D.17, CONTINUED,

Clerk of the Board a report, under oath, of the condition of the roads and bridges inspected by him with recommendations by him for a four year plan for construction

and major maintenance of such roads and bridges. Based upon such reports, the Board of Supervisors shall, on or before February 1 of each year thereafter, adopt and spread upon its minutes a four year plan for the construction and maintenance of County roads and bridges. The plan may be amended at any time by a vote of the majority of the members of the Board of Supervisors.

Supervisor Jessie Medlin asked if everyone had gotten with Billbo Williams to verify these requirements? Supervisor Eugene Thach said the overlay contract for 2002 looks like the cost will run \$3 million.

Supervisor Medlin said that Craft Road is only a one mile stretch and that the County could build this. Supervisor Lewis asked if the Board had discussed going to Hwy 302 or Church Road. Supervisor Jessie Medlin said he thought it was Church Road. Supervisor Lewis said that when the State starts work on Hwy 305, they will need an alternate route for traffic and Craft Road would be one they could use.

Supervisor John Caldwell said that Nail Road was not down for hot mix from Horn Lake Road to Tulane. Billbo Williams said that Daniel Murphy was to program Nail for State Aid. Supervisor Gerald Clifton agreed with Supervisor Caldwell and requested verifying with Daniel Murphy.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the recommendations by the Interim County Road Manager Billbo Williams for the Four Year Road Plan. The motion passed by a unanimous vote.

****See Exhibit D.17****

18. School Board Request for Assistance – Horn Lake Intermediate School Grounds

Supervisor John Caldwell made a motion to carry this item over until the letter was received from the Board of Education. Supervisor Tommy Lewis seconded the motion. The motion passed by a unanimous vote.

19. T. H. Walker – Bridge Report for FEMA Assistance

County Administrator David Armstrong said that T. H. Walker, Director of Civil Defense, has been getting all the numbers together for the County to receive FEMA assistance. Mr. Armstrong said the County has to have \$286,000 to qualify for assistance.

Mr. Walker said the request was made to FEMA for DeSoto County to be reconsidered and declared a disaster area. Mr. Walker said FEMA came back into the County to look at the bridges and other areas. The bridge damage had to be related to the storms before they could be considered. Mr. Walker said they looked at five different bridges, but only one was ruled damaged by the storm and that was the Tulane Road Bridge. The cost for repair was stated to be \$50,000. Also the repair for the bridge is all that is covered, not the replacement of the bridge. Mr. Walker said with this bridge expense the total for County expenses come to only \$143,000, and this is below the amount to qualify for public assistance.

Mr. Walker said the Family Grant program was approved by FEMA and several homeowners have received assistance. Mr. Walker said this is a 75% fund match from the State.

Supervisor Jessie Medlin said he appreciated all the efforts of Mr. Walker. No actions were taken on this item.

ITEM D, CONTINUED,

20. Approval of Justice Court Appointment of Barbara Porter to sign Purchase Requisitions

County Administrator David Armstrong said that Linda Aldridge, Justice Court Clerk, has asked the Board of Supervisors for approval for Barbara Porter to sign purchase requisitions for the Justice Court. Supervisor Eugene Thach made a motion and Supervisor Gerald Clifton seconded the motion, at the recommendation of Justice Court Clerk Linda Aldridge, to approve Barbara Porter to sign purchase requisitions for the Justice Court when necessary, in accordance with Section 31-7-101, which states the Supervisors of each County in the State shall establish a Central Purchase System, with approval of the Board of Supervisors, and shall appoint assistant clerks when necessary. The motion passed by a unanimous vote. ****See Exhibit D.20****

21. Chancery Clerk Allowance

On this date, the Chancery Court Clerk, W. E. Davis, presented an Order of Allowances to the Board of Supervisors for the January 2002 term in the amount of \$900.00. Supervisor Eugene Thach made the motion and Supervisor John Caldwell 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 D.21****

22. Approval of Cellular Phone Contract for Road Manager

County Administrator David Armstrong said the new Road Manager would be on board February 4, 2002 and would require a cellular phone. The contract would be for 250 minutes with unlimited nights and weekends at a cost of \$29.99 per month.

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to approve the cellular phone contract for the new County Road Manager. 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 |

Supervisor John Caldwell asked if this would be sufficient for the road manager and if it was a state wide roam. Vanessa Lynchard said that there is no longer a State Plan and that we would have to go on a Regional Plan, but the former Road Manager had more minutes and that we could increase this to 400 minutes. Supervisor Caldwell said he felt the Road Manager's phone should be increased to 400 minutes. Supervisor Gerald Clifton made the motion and Supervisor John Caldwell seconded the motion to reconsider the amount of minutes for the new Road Manager. The motion passed by a unanimous vote.

Supervisor Gerald Clifton made the motion and Supervisor John Caldwell seconded the motion to approve for the County Road Manager to have 400 minutes with free nights and weekends on his cellular phone. 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 |

****See Exhibit D.22****

CONTINUED,

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. Approval of Final Concurrence Accepting SAP17 (4)M State Aid Holly Springs & Ingrams Mill Roads

At the recommendation of the County Engineer, Daniel Murphy, Supervisor Tommy Lewis made the motion, and Supervisor John Caldwell seconded the motion for approval of final concurrence acceptance for Project SAP17 (4)M State Aid on Holly Springs and Ingrams Mill Roads. The motion passed by a unanimous vote.

2. Bridgetown Underground Drainage

Supervisor Tommy Lewis said he has talked with the Board Attorney regarding the underground drainage in the Bridgetown Subdivision that is causing flooding problems for the homeowners. Board Attorney Bobby Chamberlin said the Board of Supervisors can do the repair work on private property if the finding states the flooding is due to a public road or causing damage to a public road. Supervisor Lewis said this issue of flooding is due to the culverts in the subdivision, which have deteriorated, thereby not handling the water drainage properly from the roadway. Supervisor Lewis stated that these culverts carry utility lines and that causes a hazard to the public, especially children. These repairs are too expensive for the property owner to handle. Supervisor Lewis said that child in the subdivision had fallen into one of the culverts but was rescued without any complications, and he feels the County needs to do something. Supervisor Jessie Medlin said if the County approves the subdivision, then the County should be responsible to correct the situation.

Supervisor Eugene Thach said there were Drainage Districts established and they should be responsible for these problems. Supervisor John Caldwell asked if the County drew up a report stating the specific instance and submitted this to the Attorney General for approval, would this let the County to the work. Bobby Chamberlin said he would need definite information for this location and he could request the Attorney General's opinion. Mr. Chamberlin asked for the County Engineer, Andy Swims, to be assigned to this project. Supervisor Lewis said this project could be considered a health and safety issue. Mr. Chamberlin said that has to be a Board of Supervisors finding.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to seek the Attorney General's opinion on a site specific basis for the County to correct this drainage problem in Bridgetown Subdivision, and to have Andy Swims provide the information needed. The motion passed by a vote as follows:

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

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to research the Drainage Districts and how to make them more effective. The motion passed by a unanimous vote.

3. 25MPH Speed Signs for Bridgetown Subdivision

Supervisor Tommy Lewis said the Bridgetown Homeowners Association has requested
ITEM F.3, CONTINUED,

the County to place a "Slow Children at Play" and a "25 MPH" road signs at the entrance off of Malone to Windermere, and also at the entrance off of Malone to Bienville Road, which are the entrance driveways into the Subdivision.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to approve the County Road Manager to install a “Slow Children at Play” and a “25 MPH” road signs at the entrance off of Malone to Windermere, and also at the entrance off of Malone to Bienville Road, located in Bridgetown Subdivision. The motion passed by a unanimous vote.

4. North Central Electric ROW Easement for Church Rd. West from Pleasant Hill Rd.

Supervisor Eugene Thach said North Central Electric was putting a line down Church Road from Pleasant Hill Road west to a new subdivision and has requested a construction easement right of way from the County. Supervisor Thach said he instructed them to contact Daniel Murphy, Consulting County Engineer, since they are doing this on Church Road and it could interfere with curb and gutter.

Supervisor Jessie Medlin suggested the County work with North Central, since they are always willing to work with the County.

Billbo Williams, Interim Road Manager, said Mr. Chuck Underwood was handling this for North Central Electric. No action was taken on this item.

5. Church Road

Supervisor John Caldwell said the County doesn't do five lane roads with curb and gutter. Supervisor Eugene Thach said that due to the number of homes on this portion of Church Road from Pleasant Hill west, that the curb and gutter would be necessary. Supervisor Jessie Medlin said that curb and gutter is planned just on the portion of road from Getwell to Elmore Road. Supervisor Medlin said that Daniel Murphy needs to come back to the Board and address the Board of Supervisors about this since the Mayors have all agreed to help on this road. No actions were taken on this item.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion, to adjourn the meeting until February 4, 2002 at 9:00 am. The motion passed by a unanimous vote.

THIS the 28TH. day of January 2002, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie Medlin, President
DeSoto County Board of Supervisors