

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**JESSIE MEDLIN, PRESIDENT 2002 PRESIDING**

**July 3, 2002**

**A. CALL TO ORDER**

The July 3, 2002, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Captain Johnny Combes 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---Absent
- Supervisor John Caldwell-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Sheriff James Albert Riley----Sheriff
- David Armstrong-----County Administrator
- Bobby Chamberlin-----Board Attorney

**B. INVOCATION**

Captain Johnny Combes of the DeSoto County Sheriff's Department presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. PLANNING COMMISSION**

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

**E. OLD BUSINESS**

**1. Approval to Set Policy on Retention of Records**

County Administrator David Armstrong said the Board has talked about setting a policy for the retention of the County records in the past, and now that we need to clear out the second floor for the renovation, it must be done. Mr. Armstrong said if the County does not join the Local Government Records program we would have to get permission every time the County wanted to destroy any records. Mr. Armstrong said there is no charge to join this program and no charge for any copies, but the County has to agree to abide by the schedule of retention of records that the program requires. Mr. Armstrong said that the Chancery Clerk's office does not have to charge a \$1.00 per filing fee for this program, as originally thought.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the following resolution:

**ITEM E.1, CONTINUED,**

IN RE: RESOLUTION RESOLVING THAT DESOTO COUNTY BE A PARTICIPANT IN THE LOCAL GOVERNMENT RECORDS OFFICE

WHEREAS, the 1996 Session of the Mississippi Legislature enacted and passed Senate Bill No. 2832 establishing a Local Government Records Committee, and it imposed an additional filing fee for the recording of documents by counties; and

WHEREAS, the DeSoto County Board of Supervisors has now learned that a \$1.00 filing fee is not required to participate in the Local Government Records Law, and said Board does not desire to impose a \$1.00 filing fee;

THEREFORE, BE IT RESOLVED that DeSoto County be and hereby is a participant in the Local Government Records Law.

Moved by Supervisor Eugene Thach and seconded by Supervisor Jessie Medlin, the vote as follows:

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

RESOLVED, THIS THE 3<sup>rd</sup> day of July, 2002.

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

**2. Approval to Sign Easement & Construction Agreement with MDOT to SR301 Improvement from SR304 to Starlanding Road**

County Engineer Andy Swims said he had looked at the eight-tenth mile of the abandoned Hwy 304 and this portion of road is in bad shape. Andy Swims said he had spoken with Jimmy Dickerson about the State's position on this section and he said they were limited to paving only once when the new Hwy 304 project is complete. Board Attorney Bobby Chamberlin said there was nothing in this agreement about this portion of road.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to sign the agreement, subject to MDOT's written agreement to pave the portion of abandoned section Hwy 304. The motion passed by a vote as follows:

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

**\*\*See Exhibit E.2\*\***

**3. Approval of DHS Payment to TDL**

Board Attorney Bobby Chamberlin said the Board has received a letter from Attorneys Fox, Earwood & Childers, counselors for A & S Building Systems, LP. Bobby Chamberlin said they have given partial release of the Bond Claim dated June 17, 2002, pertaining to goods, materials, labor, services, equipment and/or supplies furnished by A & S on the DeSoto County Human Services Building in Hernando, Mississippi. This partial release covers the sum of \$69,583.51, leaving a principal balance due to date of

**ITEM E.3, CONTINUED,**

\$10,486.99 plus finance charges of \$770.50, for a total remaining balance of \$11,257.49, which balance shall remain subject to the June 17 payment bond claim. Bobby Chamberlin said the County could deduct \$11,257.49 from the \$323,438 amount due TDL.

Supervisor Eugene Thach made motion and Supervisor John Caldwell seconded the motion to approve the payment to TDL in the amount of \$323,438 minus the \$11257.49, pursuant to the letter received from Attorneys Fox, Earwood & Childers, counselors for A & S Building Systems, LP. 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	ABSENT

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

#### **4. Swinnea Road – Andy Swims**

County Engineer Andy Swims said he had spoken with Daniel Murphy about Swinnea Road and nothing has been done on this project. Andy Swims said some of the landowners have been questioned about the County acquiring the right of way and that some of the property owners don't want the road. Supervisor Jessie Medlin said that the Road Manager might have some preliminary work on the right of ways. Andy said yes, some of the preliminary work has been done on the right of ways, but to go from Bankston to Starlanding a lot more needs to be done. Supervisor Jessie Medlin asked Andy Swims to get with Supervisor Tommy Lewis to see how to proceed on this project. There were no motions on this item.

### **F. NEW BUISINESS**

#### **1. Jail Inspection**

The Board does hereby find that, pursuant to Section 19-5-1 of the Mississippi Code Annotated, that periodic examinations into the state and condition of the DeSoto County Jail, in regards to its safety, sufficiency and accommodation of the prisoners is required. Pursuant to Section 19-5-1 the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine the jail for said compliance. The DeSoto County Board of Supervisors has a policy of attempting to inspect the DeSoto County Jail on a monthly basis and a requirement that the DeSoto County Jail be inspected as often as is mandated by Mississippi statute, State and/or Federal law. By direction of the DeSoto County Board of Supervisors, the following persons were directed, pursuant to Section 19-5-1, to perform the required examination into the state and condition of the jail and to report back to the DeSoto County Board of Supervisors:

Supervisor Tommy Lewis  
Supervisor John Caldwell

The DeSoto County Board of Supervisors does hereby find that the above named committee has reported back to the DeSoto County Board of Supervisors. That they have examined the DeSoto County Jail regarding its state and condition in regard to its safety, sufficiency and accommodation of the prisoners, and does find the jail to be in compliance and requiring no further action at this time.

The Board of Supervisors discussed the inspection of the Jail on July 1<sup>ST</sup>. Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the observed condition of the jail and to state there was no overcrowding of the Jail,

#### **ITEM F.1, CONTINUED,**

and do find the Jail to be in compliance and requiring no further action at this time. 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	ABSENT

**\*\*See Exhibit F.1\*\***

## **2. County Engineer's Monthly Report**

County Engineer Andy Swims appeared before the Board of Supervisors to discuss the Engineer's Monthly Report. Mr. Swims went through the different projects on the list: road improvement projects, drainage issues, proposed development reviews, DeSoto County Regional Utility Authority, miscellaneous meetings and miscellaneous others, all of which are contained in attached exhibit E.2.

Andy Swims said he had looked at the Summerwood Subdivision flooding problems and discovered that down stream the ditch has been filled in, therefore the water is backing up and flooding this area. Supervisor Jessie Medlin asked if a pipe was put in, what would be the effect down streams. Andy Swims said if a pipe was installed under the street, which might have to be bigger than what is normally used, there should not be any problem down stream.

Supervisor John Caldwell asked how long would it be before the second quote was received on the Tulane and Church Road signalization warrant analysis. Andy Swims said he should have it by the week of July 8<sup>th</sup>.

Andy Swims said he met with Russell Dorris, Jim Ivy and Daniel Murphy regarding subdivision ordinances concerning changes on how roads are cut for construction in the subdivisions that causes problems when the homes are started. Andy Swims said they have discussed getting the developer to bring the plans in for review before they come in for the final approval. Andy Swims said they plan to require the review of the plans on a specific date prior to final subdivision approval. Andy Swims said a requirement for a 24 foot wide road with a minimum of 12 foot lanes in the subdivision would be applied to the subdivision, but he would present these changes to the Board either in August or September 2002. Supervisor John Caldwell asked if they were looking at changes on curbs. Andy Swims said they are talking about this. Supervisor Jessie Medlin said the inlets should be up under the curb or open drain. Andy Swims said they plan to have the curb integrated with the manhole. Supervisor Caldwell asked about metal pipes. Andy Swims said the developers in the Cities have a problem with the cost of concrete and that the metal pipes have been approved in the long run because of the type of pipe (asphalt coated, galvanized and metal). There are no regulations in the Ordinances to state the requirement of concrete under roads, and the gauge of thickness of pipes could be required in the ordinances.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the County Engineer's monthly report and to make it 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	ABSENT
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	ABSENT

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

**ITEM F, CONTINUED,**

## **3. Approval of LLEBG Grant Award to the City of Olive Branch**

County Administrator David Armstrong said the County has received a notice of agreement for the Local Law Enforcement Block Grant (LLEBG) in the amount of \$26,875. Mr. Armstrong said the County could share this grant with the City of Olive Branch, but Sheriff James Albert Riley wishes to decline any portion of these funds so that the full amount can be allocated to the City of Olive Branch.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the allocation of the FY2002 LLEBG funds, based on the recommendation of Sheriff James Albert Riley, being given fully to the City of Olive Branch. 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	ABSENT

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

#### **4. Confirmation of Andy Swims Permanent Status County Employee**

County Administrator David Armstrong requested that the Board confirm County Engineer Andy Swims employment, effective January 2, 2002. Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to confirm the employment of Andy Swims, effective January 2, 2002. 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	ABSENT

#### **5. Adoption of Hazards Mitigation Plan – T. H. Walker**

Civil Defense Director T. H. Walker addressed the Board of Supervisors requesting the adoption of a County Hazards Mitigation Plan. Supervisor Eugene Thach asked where this plan originated from. Mr. Walker said the plan format was received from Jackson, MS. Mr. Walker stated that MEMA has advised all Counties that under the Homeland Security funding program, if the County does not have a hazards mitigation plan adopted, the County would not be eligible for any funding that becomes available.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to take the Hazards Mitigation Plan under advisement until the July 22, 2002 Board meeting. 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 F.5\*\***

#### **ITEM F, CONTINUED,**

**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 vote as follows:**

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

**6. Bridgetown Homeowners Association**

Supervisor Tommy Lewis said a group of Bridgetown Homeowners were present today to address the Board of Supervisors regarding the Legislative Law passed this year in Congress that would allow the County to give assistance to private property in situations pertaining to drainage problems. The Bridgetown Homeowners present were Susan Brewer, Tommy Burks, Ann Tudor, Tom Long, Thelma Robinson and Vincent McCloskey.

Tommy Burks said he lives on 2311 Okeechobee Drive and that his granddaughter was playing in his backyard when she fell into a hole close to his fence. Mr. Burks said there were a lot of wires and cables in this hole. Mr. Burks said he was in the yard at the time and heard his granddaughter screaming. Mr. Burks said these holes have been occurring for the past two years and no one has taken the responsibility to repair these problems.

Ann Tudor said she lives on Itasca and that the holes are on her property and they cause water to back up on her property.

Thomas Long said he lives on 2290 Itasca Drive and that water has backed up into a shed on his property that has rotted out. Mr. Long said he has an open drain on the property and the water comes from this area.

Supervisor Tommy Lewis said what has happened is that people are putting things in the holes to fill the holes up and this is causing more backup of water in the area. Thomas Long said he had put two truckloads of dirt in the holes on his property, but all of it has washed out.

Supervisor John Caldwell said the County Engineer should determine what can be done to solve the drainage problem, which would require his working with the different property owners. If they don't agree on how their property needs to be repaired, this may create problems for other property owners. Tom Burks said they are here today to agree to work together do get this problem fixed.

Supervisor Eugene Thach said this Board was responsible for getting with the Legislature to get this bill passed, but the safety factor of the community is the main concern. Supervisor Thach said this is a new area for this Board to deal with and we have to determine the priority and to whom the expense for this project belongs.

Ann Tudor said the pipes located on her property have rusted out and you can hear the water. Ms. Tudor said the condition of the property does not allow property owners to sell their homes. Thelma Robinson said she is a recent widow and lives at 4451 Victoria. Ms. Robinson said she has two drainage ditches on each side of her driveway. Ms. Robinson said the County had dug out the ditches to keep the road from washing. Ms. Robinson said all of her property is falling in and her property value is going down.

Supervisor Jessie Medlin asked the group present if they all lived in the same area of Bridgetown. Tom Long said all of them either lived on Itasca Drive or Okeechobee Drive and their property backs up to one another.

**ITEM F.6, CONTINUED,**

Board Attorney Bobby Chamberlin said the criteria of the law requires that the Justice Department approve the plans before the County could repair any private property.

County Engineer Andy Swims said he had done some preliminary investigation of how the drainage pipes run, adequate size of the pipes used, and the location of manholes, but further downstream there is a system that ties into this one that he has not investigated. Vincent McCloskey said he had taken his maps and drawn the drainage system that is causing the problems. Vincent McCloskey said the water that runs off Pleasant Hill Road comes under the lots on Itasca, Okeechobee and Victoria into the lake.

Supervisor Jessie Medlin asked how many present today would be willing to have an open ditch drainage to be put in. Tom Long asked if the pipes would be removed and the open ditch placed in the same location. Andy Swims said the open ditch would be placed close to the fence line, which is the low point. Vincent McCloskey asked what is the alternative. Ann Tutor said all the property owners that are affected with this problem of holes in the yards and water flooding are here today with the exception of one property owner and they are her next door neighbors and have agreed to go along with the majority to resolve the problem. Susan Brewer said the homeowners would work to get the easements necessary for the County to repair the drainage problems. Supervisor Tommy Lewis said if the County is willing to work with the homeowners they need to be willing to work with the County. Supervisor Thach reminded all present that nothing can be done until the Justice Department approves the County plans for the repair.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion, based on the County's determination of the best interest for public safety, to instruct the County Engineer to draw plans necessary to repair the drainage problems, to determine the location for the drainage, to meet with the homeowners to secure the easements necessary, and that once the plans have been approved by the Justice Department to go out for bid. 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

Supervisor Jessie Medlin asked the County Engineer Andy Swims to give the criteria necessary to the Board Attorney to present to the Justice Department.

## 7. Inventory Dispositions

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to accept receipts from the Inventory Clerk pursuant, to Section 31-7-107 of the Mississippi Code, to retain an inoperable and irreparable ambulance for one year for parts and then dispose of it in one year from this date, did approve the disposition of items on the report, and make the property affidavit part of the minutes on the reports as follows:

### a. Justice Court

<u>Property</u>	<u>Description</u>	<u>Serial #</u>	<u>Disposition</u>
264	Victor Calculator	2354923	Broken
154	TI Calculator	532543	Broken
10025	Smith Corona Typewriter	1118507	Broken
202	TI Calculator	533261	Broken
208	TI Calculator	115012	Broken

## ITEM F.7, CONTINUED,

### b. EMS

<u>Property</u>	<u>Description</u>	<u>Serial #</u>	<u>Disposition</u>
19017	1991 Ford Ambulance	1FDHS34M7MHA61831	Cent.

Maint.

**c. Central Maintenance**

<u>Property</u>	<u>Description</u>	<u>Serial #</u>	<u>Disposition</u>
30108	Portable Magnete Steam Clnr.	08056	Stolen

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	ABSENT

**\*\*See Exhibit F.7\*\***

**8. Approval to Apply for Grants**

County Administrator David Armstrong said he had met with the Metro Narcotics staff of Captain Tim Harris, Gary Smith, and Deborah McCaulla to discuss the budget requirements for FY03 so that application could be made for their grants.

**a. Metro Narcotics Grant**

David Armstrong said that this year the grant application is for \$370,812, which has to be filed by July 12, 2002. Last year they received \$211,974. Mr. Armstrong said they requested a 7% pay increase and this year they are requesting to hire one new metro agent and seeking a 5% pay increase for the existing staff of four agents and one office staff. Metro is also requesting funding for night vision binoculars. The grant is a 75% Federal, 25% County match.

Mr. Armstrong said that Metro uses the forfeiture money received to help offset the 25% County money. Last year it was 12.5% forfeiture and 12.5% County, but this year it would be 5% forfeiture and 20% County.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the application for the Metro Narcotics Grant. The motion passed by a vote as follows:

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

**\*\*See Exhibit E.8.a\*\***

Supervisor Eugene Thach said he would like to see a report of what Metro Narcotics is doing on a quarterly basis. Supervisor Jessie Medlin said to get with the County Administrator for new furniture when they move into their new location.

**b. Youth Court Victim Witness Coordinator**

County Administrator David Armstrong said the figures are not ready to do this grant at this time, due to some changes being made by the State. Grant Writer Brigitte Herring said the due date for the grant is July 12, 2002 and that the figures at this time require a budget of \$26,243 with a 25% County match.

**ITEM F.8.b, CONTINUED,**

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the application for the Youth Court Victim Witness Coordinator Grant. 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

**9. Acceptance of Educational Award for EMS**

County Administrator David Armstrong said the County EMS has received a check for \$2,400 from the Delta Trauma Care Region. The money is in the form of an educational award to provide additional training in trauma care. Mr. Armstrong said there is no match from the County for this money.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the acceptance of the educational award from the Delta Trauma Care Region in the amount of \$2,400 for County EMS education in trauma care. 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	ABSENT

**\*\*See Exhibit F.9\***

**10. Cingular Phone Rates for County**

Vanessa Lynchard, Director of Administrative Services, said she had met with several mobile phone carriers for the last two months and there were a lot of issues with them. Ms. Lynchard said the County’s best plan was to stay with Cingular, but they have changed their plans. The County would receive a 10% discount on a phone package, but no discount on any overage in the minutes used. They will give a free car adapter with the activation of the package plan and they have cut the Regional Plan out and only have a Home Plan and a Nation Plan. Ms. Lynchard said they have analyzed the plans the County now has and made recommendations. Ms. Lynchard said she has looked at their recommendations and approved some but changed others. Ms. Lynchard said if the County chooses the National Plan, some phones would have to be changed. Ms. Lynchard said Robbie Riley monitors the phones used by the Sheriff’s Department and she did not make any changes to their plans. Ms. Lynchard said she had spoken with the EMS director and he wants the Home Plan for their use. Ms. Lynchard the potential savings to the County would be \$1,178/mo. with the recommendations as presented today.

Chancery Clerk Sluggo Davis said everyone is not on the same plan. Ms. Lynchard said some people stayed with the same plan they had and others changed. Supervisor Eugene Thach asked how many minutes are on the Home Plan. Ms. Lynchard said 250 minutes. Ms. Lynchard said she recommends the Nation Plan, which is a package with 250 Minutes at \$29.99. Plus discount, this would be \$27.00, but a few people would use more minutes during seasonal needs. Ms. Lynchard said that Russell Dorris would require a larger package, which would cost \$10.00 a month more. Ms. Lynchard said that the night rates do not start until 9 p.m.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion for the County to stay with the Cingular system, the different programs that meet

**ITEM F.10, CONTINUED,**

the department needs, for one year. The motion passed by a vote as follows:

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

**\*\* See Exhibit F.10**

Additionally, Supervisor John Caldwell asked to be rotated out of the County's mobile phone program effective September 1, 2002.

**11. Acceptance of EDA Grant – Brentwood**

Trey Hamby, a Representative from North Delta Planning & Development District, appeared before the Board of Supervisors requesting approval for the Board President to sign the EDA Financial Assistance Grant Award. Mr. Hamby said the County would receive \$1,065,000 in EDA funds for the water and sewer improvements for the Brentwood project.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the Board President to sign the EDA Financial Assistance Grant Award. 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 F.11**

**G. EXECUTIVE SESSION**

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

**H. OTHER ISSUES**

**1. Bids Under Advisement**

Consultant County Engineer Daniel Murphy and State Aid Engineer Dan Tolar appeared before the Board of Supervisors to open Bids for State Aid Project No. SAP-17 (53)- Nail Road and State Aid Project No. SAP-17 (6) M – Starlanding Road, scheduled today July 3, 2002.

**a. Nail Road – SAP-17 (53)**

Daniel Murphy said there were two bids received to widen and overlay 2.188 miles of County highway on Nail Road. Daniel Murphy said the State Aid estimate for this project was \$475,562. The two bids received were one from Lehman-Roberts Company, Memphis, TN for \$415,536.35 and one from APAC-Tennessee, Inc. for \$476,108.15.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to take the two bids for SAP-17 (53) to widen and overlay 2.188 miles of Nail Road under advisement until the bids can be verified for accuracy. The motion passed by a vote as follows:

**ITEM H.1, CONTINUED,**

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

Dan Tolar and Daniel Murphy came back to the Board of Supervisors to verify the accuracy of the two bids for SAP 17(53). Dan Tolar said that the Lehman-Roberts Company bid and the APAC-Tennessee, Inc. bids were accurate. Daniel Murphy said that their recommendation is to go with the low bidder Lehman-Roberts Company for

\$415,536.35. Supervisor John Caldwell made a motion and Supervisor Eugene Thach seconded the motion to accept the recommendation from Dan Tolar, State Aid Engineer, and Daniel Murphy, County Consulting Engineer, to accept the low bid from Lehman-Roberts Company to widen and overlay of 2.188 miles of Nail Road and to pass and order allowing the advance use of State Aid 2001-2002 Funds. 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

**b. Starlanding Road – SAP-17 (6) M**

Daniel Murphy said there were two bids received to overlay 3.772 miles of County highway on Starlanding Road. Daniel Murphy said the State Aid estimate for this project was \$339,821. The two bids were received one from Lehman-Roberts Company, Memphis, TN for \$292,561.21 and one from APAC-Tennessee, Inc. APAC-Tennessee failed to sign their bid and cannot be considered.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to take the one bid for SAP-17 (6) M to overlay 3.772 miles of Starlanding Road under advisement until the bid can be verified for accuracy. 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

Dan Tolar and Daniel Murphy came back to the Board of Supervisors to verify the accuracy of one bid for SAP 17(6) M. Dan Tolar said that the Lehman-Roberts Company bid was accurate. Daniel Murphy said that their recommendation is to go with the only bidder, Lehman-Roberts Company, for \$292,561.21. Supervisor John Caldwell made a motion and Supervisor Eugene Thach seconded the motion to accept the recommendation from Dan Tolar, State Aid Engineer, and Daniel Murphy, County Consulting Engineer, to accept the bid from Lehman-Roberts Company to widen and overlay 3.772 miles of Starlanding Road and to pass and order allowing the advance use of State Aid 2001-2002 Funds. 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

**ITEM H, CONTINUED,**

**2. Lifeblood Donations**

Vanessa Lynchard, Director of Administrative Services, said the Board had proclaimed July 5<sup>TH</sup>. And 6<sup>TH</sup> as Volunteer Blood Donor Days in DeSoto County, and for anyone

who wanted to participate on Friday July 5<sup>TH</sup>, the Southaven office would be opened at 8:00 a.m. and the newspapers would be there. No motions were made on this item.

**3. DeSoto Beautiful**

Supervisor Jessie Medlin asked for the County Administrator to get information regarding the Keep DeSoto County Beautiful de-certification.

**4. Naming Chairmen of Committees**

Supervisor Eugene Thach asked if the Board could name the chairman of various committees, or can they only send a resolution to suggest the chairman. Supervisor Thach said that some of the chairmen now serve two years and then the position rotates, and he would like for everyone on all the committees to get a chance to work with the staff and administrators in the County. Supervisor John Caldwell said the Board does not want to get involved in naming chairmen. Supervisor Jessie Medlin said the Board may want to think about this and discuss it at a later date. No motions were made on this item.

**5. Mayfield Decision – Voting by Telephone**

Board Attorney Bobby Chamberlin said the Board had asked him to review the Mayfield Decision passed by the Legislature to see if the Board of Supervisors could use it. Bobby Chamberlin said the bill states that as long as a quorum is present an absent member could vote by phone. Bobby Chamberlin said he would recommend that the Board of Supervisors get a specific AG Opinion on how this affects the Board of Supervisors.

Supervisor Eugene Thach made the motion for the Board Attorney to obtain an AG Opinion.

County Administrator David Armstrong said a Board member would have to call in at the time of the discussion on the subject, for his vote to be taken. Bobby Chamberlin said this might cause more problems for the Board. Supervisor Thach withdrew his motion.

**6. Stateline Road**

Supervisor Jessie Medlin said he would like for the County to reseal the section of Stateline Road between Pleasant Hill Road and Davidson Road, or add to the overlay contract. Supervisor Eugene Thach asked if it could wait until the next year's overlay. Road Manager Russell Dorris said that due to the amount of traffic on this road it would not make it through the winter months. Supervisor Medlin said he had talked with Steve Biglow, Engineer with the City of Olive Branch, but they are not able to do the Stateline Road section this year. Supervisor Thach asked if this section of road was on the MPO plans. GIS Director Sam Russell said it is on the MPO plans to do an interchange here in the future. Supervisor Medlin asked County Engineer Andy Swims and Road Manager Russell Dorris to look into this section of Stateline Road to see if it could be tied into Hwy 78.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to give Russell Dorris authority to reseal Stateline Road between Pleasant Hill Road and Davidson Road and, if the County pays one-half and the City of Olive Branch pay one-half, to add this to the overlay contract. The motion passed by a votes as follows:

**ITEM H.6, CONTINUED,**

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

**7. Wetonga Drive**

Supervisor John Caldwell said a property owner on Wetonga Drive is having a problem on their driveway due to a stopped up culvert. Supervisor Caldwell said he and Road Manager Russell Dorris had visited the homeowner to review the problem. Russell Dorris said the homeowner claims that the storm the County experienced in November

was the reason for this drainage problem. Mr. Dorris said a large portion of the property has water drainage under the driveway. There are holes all under in the driveway and the homeowner said they have received estimates to replace the driveway for an extensive amount.

Supervisor Jessie Medlin said the homeowner had called him about the drainage problems on her property. Supervisor Medlin asked if the water could be coming from somewhere besides the road. Supervisor Caldwell said there was a cross drain north of her driveway and this is where she claims the water is coming from. Russell Dorris said there is a considerable amount of off the road damage to the driveway and he recommends talking to her about how to fix it, but it is not the County’s responsibility to fix the driveway.

Supervisor Eugene Thach asked the Board Attorney if he had been involved in any discussions on this situation on Wetonga Drive. Bobby Chamberlin said no.

Supervisor John Caldwell said he would talk with the homeowner again, and for the Board not to take any action at this time.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion, to recess the meeting until Monday, July 22, 2002, at 9:00 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	ABSENT

THIS the 3<sup>RD</sup> day of July 2002, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Jessie Medlin, President  
DeSoto County Board of Supervisors