

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**JESSIE MEDLIN, PRESIDENT 2002 PRESIDING**

**NOVEMBER 18, 2002**

**A. CALL TO ORDER**

The November 18, 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
- Sheriff James Albert Riley-----Sheriff
- David Armstrong-----County Administrator
- Bobby Chamberlin-----Board Attorney

**B. INVOCATION**

Supervisor Eugene Thach presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. OLD BUSINESS**

**1. Requested Assistance from Days Water Association**

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to carry this item over. The motion passed by a unanimous vote.

**2. Report from Committee to Inspect Harper Road**

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to carry this item over. The motion passed by a unanimous vote.

**3. Authority to Issue Check to Tina Hill – Tax Collector**

County Administrator David Armstrong said the Board Attorney has stated the County has no authority to pay this bill. The Tax Collector had an oral agreement with Tina Hill for the collection of past due taxes. The only means to pay this is to go through Chancery Court for authority to pay.

**ITEM D.3, CONTINUED,**

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to authorize taking this matter to Chancery Court. The motion passed by a unanimous vote.

## **E. CONSENT AGENDA ITEM**

### **1. Safety Officer's Report**

Supervisor Eugene Thach suggested that the Board do a Resolution of Appreciation to the employee of the month at Central Maintenance. Road Manager Russell Dorris said they take the employee's picture and place it on the bulletin board. County Administrator David Armstrong asked Vanessa Lynchard, Director of Administrative Services, to do a resolution for the Central Maintenance employee of the month. Supervisor Jessie Medlin said to go back to the beginning of this recognition taking place and do the resolution for each employee.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the Safety Officer's Report and authorized a Resolution of Appreciation being presented to each employee of the month at Central Maintenance, from the initial time this recognition started until the present. The motion passed by a unanimous vote. **\*\*See Exhibit E.1\*\***

### **2. Chancery Clerk Allowances**

County Administrator David Armstrong said Chancery Court Clerk W. E. Davis has two Orders of Allowances to the Board of Supervisors for the November 2002 Term in the amount of \$1,946.66. Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to approve this payment, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a unanimous vote. **\*\*See Exhibit E.2\*\***

### **3. Approval of Declaration of Forfeitures – Metro Narcotics**

County Administrator David Armstrong said Metro Narcotics has submitted a list of items that are forfeitures and the documents have been notarized and they asked for Board approval to add to Metro Narcotics inventory. Board Attorney Bobby Chamberlin said that as long as the documents are notarized it is legal to add to the Metro Narcotics inventory.

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to add the following forfeiture items to Metro Narcotics Inventory:

#### **ITEM DESCRIPTION**

1. 1996 Nissan Sentra – Black – VIN #: 3N1AB41D9TL007269
2. Nokia Cell Phone – Serial #: 078/3478560
3. 1991 Ford Explorer – Gray – VIN #: 1FMDU32X2MUA99951
4. Motorola Cellular Phone – Serial #: 078/07796663
5. Motorola Cellular Phone – Serial #: 218/05670293
6. Motorola Pager – Serial #: 36BDBY23DR
7. U.S. Currency in the amount of \$380.00
8. Audiovox Cellular Phone – Serial #: 14702735
9. Nokia Cellular Phone – Serial #: 661331261A
10. Motorola Pager – Serial #: C38GBJ3749
11. U. S. Currency in the amount of \$347.00

The motion passed by a vote as follows:

**ITEM E.3, CONTINUED,**

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

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

**4. Approval of Bids**

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to approve the County Administrator or his designee to open Bid File No. 03-202-001 for the following:

**a. Sheriff’s Dept – Two or More Motorcycles on Nov. 22, 2002, 10 a.m.**

The motion passed by a vote as follows:

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

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

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approval to advertise for bids on the following:

**b. Jail Renovation – Laundry & Dormitory Addition on Dec. 11, 2002, 2 p.m.**

The motion passed by a vote as follows:

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

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

**5. Approval of Inventory Dispositions**

Vanessa Lynchard, Inventory Clerk, said that on the Sheriff’s Department inventory for a weapon that was destroyed, the Auditor told Bonnie Gatlin to create a department for items seized and confiscated at the Sheriff’s Department. The next Auditor told her to delete the department. She did, but an item was inadvertently left off when the other items were deleted. The Sheriff’s Department has provided a statement and court order regarding the matter. Vanessa Lynchard said she spoke with Bill Pope of the Audit Department and he has approved this process. Vanessa Lynchard said that for the other inventory items listed, based on GASB, these items are not necessary to be on inventory, only items that cost \$500 or more are required to be on inventory.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to accept receipts from the Inventory Clerk pursuant to Section 31-7-107 of the

**ITEM E.5, CONTINUED,**

Mississippi Code and did approve the disposition on the reports as follows:

**a. Sheriff's Department – Preliminary & Final**

Asset #	Serial #	Description	Reason For Disposal	Location of Items at Preliminary Approval	Disposed By	Location of Final Disposal
407064	21331348	Glenfield Model 6022	Destroyed	Buried at Cent. Maint		

**b. Chancery Clerk – Preliminary & Final**

Asset #	Serial #	Description	Reason For Disposal	Location of Items at Preliminary Approval	Disposed By	Location of Final Disposal
8229	None	Ladder w/rails	Not Inv. Item	Chancery Clerk		

**c. Circuit Clerk – Preliminary & Final**

Asset #	Serial #	Description	Reason For Disposal	Location of Items at Preliminary Approval	Disposed By	Location of Final Disposal
4054	B153296	Answering Machine	Not Inv. Item	Circuit Clerk		
30705	U56352EO K812490	Bother Fax Machine	Not Inv. Item	Circuit Clerk		
31377	147394	Microwave	Not Inv. Item	Circuit Clerk		

**d. BOS – Preliminary & Final**

Asset #	Serial #	Description	Reason For Disposal	Location of Items at Preliminary Approval	Disposed By	Location of Final Disposal
30820	E07698493	Brother Fax Machine	Not Inv. Item	BOS Office		

The motion passed by a unanimous vote. **\*\*See Exhibit E.5.a.b.c.d\*\***

**6. Approval of Board of Education's Request for School Bus Turnarounds**

The DeSoto County Board of Supervisors received a letter dated November 13, 2002 from DeSoto County Superintendent Jerry Baird requesting the County to maintain the properties which are used as school bus turnarounds. In accordance with Section 19-3-42, Mississippi Code of 1972 as amended, stating that the school bus turnarounds will be built, maintained and improved, Supervisor Gerald Clifton made the motion to build, maintain, and improve the properties in the Superintendent's letter dated November 13, 2002, and to direct the County Road Manager to carry out this order of this Board forthwith. Supervisor John Caldwell seconded the motion for the following list:

Frank Hanna	5740 Red Banks Rd.	Byhalia, MS	Bus#82
Robert Edmonds	14153 Holly Springs Rd.	Byhalia, MS	Bus#157

The motion passed by a unanimous vote. **\*\*See Exhibit E.6\*\***

Supervisor Eugene Thach asked what happened to the drawings of requirements for the schoolbus turnarounds. Road Manager Russell Dorris said he has talked with the Board of Education personnel about the schoolbus turnarounds and what the County can do about grading and gavel work, so they are not sending in these drawings now.

**F. NEW BUISINESS**

**1. Approval for Board President to Sign Letter for Transportation Officer**

Jim McDougal, Planning Commission Director of Transportation, appeared before the Board of Supervisors seeking approval for the Board President to sign a letter being sent to Governor of Mississippi Ronnie Musgrove, concerning the appointment of Jim Flanagan as the Governor's appointee to the Memphis Metropolitan Planning Organization. The letter is requesting the Governor to assign an immediate effective date for this appointment due to the upcoming meetings in December 2002 concerning

**ITEM F.1, CONTINUED,**

the final route of Interstate 69 through DeSoto County.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the Board President to sign the letter to the Governor concerning the appointment of Jim Flanagan as the Governor's appointee to the Memphis Metropolitan Planning Organization. The motion passed by a unanimous vote. **\*\*See Exhibit F.1\*\***

Jim McDougal advised the Board of the upcoming MPO Regional Advisory Board meeting to be held November 21, 2002, at 1:30 p.m., at the DeSoto Civic Center. Mr. McDougal said Carter Gray, the Memphis MPO representative, would be at this meeting and invited the Board of Supervisors.

## **2. Animal Shelter Proposal Plans – Marvin Johnson**

Marvin Johnson, Architect, and Jim Bearden, Director of Operations & Maintenance, appeared before the Board of Supervisors to discuss the plans for the County Animal Shelter. Mr. Johnson said he wanted to discuss the possible location for the animal shelter and he brought the plans of the Southaven Animal Shelter to use as guidelines for the County shelter. The Southaven shelter is 6,800 sq. ft. and will hold 75 dogs and 25 cats. Mr. Johnson said he needed guidelines on how many animals the County plans to shelter.

Supervisor Eugene Thach asked if there are any State regulations regarding the amount of square feet per animal. Mr. Johnson said no, but usually the facility is designed to have the animals that are to be adopted in the front section and animals that have to be quarantined or euthanized in the back. There is a separate area that would be used for cats. Mr. Johnson said that the Southaven personnel have changed the areas around from what they were designated for.

Mr. Johnson said that he and Jim Bearden had looked at several sites for the animal shelter. Mr. Johnson said that the County landfill property on Starlanding Road, in the area to the east of where the old dog pound was located, seems to be the most reasonable location for the County shelter. Mr. Johnson said that Jim Bearden has records that show this site to have been reclaimed in 1979, and that to do some dirt work and compaction of the soil would be all that would be necessary to be able to build on.

Supervisor Eugene Thach said that there was a study done to see if the County could put a park in this area. Jim Bearden said this study was looking for gases in the area.

Mr. Johnson said the northwest corner of the landfill property, consisting of 10 acres, is where the horse arena would be built.

Supervisor Gerald Clifton said he had received a call from Jim Saucier and he was concerned about dogs being located next to his property regarding the smell and odor problems along with the barking. Mr. Johnson said the Southaven shelter is located in an area where homes are closer to the facility than this proposed site.

County Administrator David Armstrong said the County picked up about 2,000 animals this past year. Mr. Armstrong said animals would not be buried at this location, that a lot of them would be incinerated.

Mr. Johnson said the Southaven shelter was built by TDL Contractors at a cost of \$550,000. Mr. Johnson said he would have to go back and redesign the shelter to handle more animals. David Armstrong said that the Cities of Horn Lake, Olive Branch and Hernando have stated they want to use the County shelter. Supervisor

Clifton  
**ITEM F.2, CONTINUED,**

asked if you take the size of the Southaven shelter and double it would you also double the cost. Mr. Johnson said yes, but the unknown factor is the soil for the size of the facility. David Armstrong asked if there was an office in the building. Mr. Johnson said there was an office and a bathroom facility. Supervisor Jessie Medlin asked how many acres would be necessary for the shelter. Mr. Johnson said he had not calculated this yet.

Supervisor Thach said the landfill property is a good location for the shelter since it is centrally located in the County. Supervisor John Caldwell said he is concerned since the landfill property is a 120 acre site in the center of the County and to put a dog kennel in the entryway of a main road. Supervisor Tommy Lewis said if the County ever wanted to use this area for a park and we have dogs located on it, it would be difficult.

Supervisor Clifton asked if the meat packing plant with 26 acres was still for sell. Supervisor Thach said why buy land, when this site is available.

Supervisor Medlin asked if the animals would have an outside area. Mr. Johnson said there would be an outside pen to release dogs to.

Supervisor Lewis said he would like to look for additional sites preferably in an industrial park and to price the property. David Armstrong asked what the minimal acreage would be. Mr. Johnson said the building would take 2 acres. Supervisor Jessie Medlin said to look for 5 acres, since we need to build where the facility could be enlarged.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to take the County animal shelter under advisement and for the County Administrator, Marvin Johnson and Jim Bearden to look for other sites suitable for the animal shelter. The motion passed by a vote as follows:

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

David Armstrong said maybe by the end of the year they could get something done. Supervisor Thach said the landfill site has been an eyesore for several years and something needs to be done.

**3. Authorization to Send Letter to Olive Branch on Intersection Hwy 305 and Church Road**

County Engineer Andy Swims appeared before the Board of Supervisors asking for approval from the Board to send a letter to the City of Olive Branch requesting they pay for 50% of the cost associated with the improvements to Hwy 305 and Church Road. Andy Swims said the cost of improvements is estimated at \$170,000, with additional costs for right of way acquisitions. Andy Swims said that MDOT has stated that all costs for the improvements are to be the responsibility of the County and the City of Olive Branch.

Supervisor Jessie Medlin said the County needs to ask for Olive Branch to pay for one-half the cost on the Church Road and Pleasant Hill intersection that would cost \$200,000.

Andy Swims said that since Hwy 305 is slated to be improved to a 5 lane road in the **ITEM F.3, CONTINUED,**

next few years, so the County is looking to make modest improvements to adequately handle traffic while keeping cost to a minimum since the improvements will be utilized short term only.

Supervisor Medlin said that MDOT want let the County open Church Road until this improvement is done at Hwy 305, yet MDOT does not have any plans drawn on Hwy 305.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the letter being sent to the City of Olive Branch requesting they pay for 50% of the cost associated with the improvements to Hwy 305 and Church Road. The motion passed by a unanimous vote. **\*\*See Exhibit F.3\*\***

Andy Swims said he needs authorization from the Board for Engineering Associates to do the proposal for the signalization on Church Road and Hwy 305. Andy Swims said that Daniel Murphy, Consulting Engineer, would do the widening on the roads, and he would be meeting with MDOT to discuss the improvement requirements.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to authorize Engineering Associates to proceed with their proposed signalization at Church Road and Hwy 305. The motion passed by a unanimous vote.

#### **4. Approval of Payne Lane ROW Dedication**

Merritt Powell, Director of the Planning Commission, appeared before the Board of Supervisors concerning property on Payne Lane. Mr. Powell stated the developer of Centerhill Plantation, Jim Robbins, has been approved for a planned unit development on Payne Lane, but New Haliburton Church has approached Jim Robbins to purchase some more property to allow for growth of the church. Mr. Powell said this development is under preliminary planning and that Jim Robbins wants to exchange the property along with dedicating 50 feet of property for County right of way with a 10 foot easement on the church property and to build the road for Payne Lane. Mr. Powell said the Board needs to approve these changes to the preliminary plans.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the changes to the preliminary plans for the development at Centerhill Plantation by Jim Robbins regarding land for New Haliburton Church along with the dedication of 50 feet of property for County right of way and to build the road on Payne Lane. The motion passed by a unanimous vote.

#### **5. Request from Bridgetown Association Regarding Drainage Problems**

County Engineer Andy Swims advised the Board of Supervisors that most of the work has been completed regarding the drainage problems in Bridgetown. Andy Swims said that the Bridgetown Association has another location issue regarding drainage problems where there are sinkholes 4 or 5 feet deep. Andy Swims said the area has been filled in but the sinkholes keep coming back and this is in an area where 3 or 4 roads intersect.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to carry this item over until the County Engineer can look at the location to make a full report to the Board. The motion passed by a unanimous vote.

#### **6. Approval of Change Order #1 TDL Contractors – DA’s Office**

County Administrator David Armstrong said that a change order has been issued by TDL Contractors on the construction of the District Attorney's office. Mr. Armstrong

**ITEM F.6, CONTINUED,**

said the original construction cost was \$181,950 and this change order is a credit for \$23,702, which makes the construction cost \$158,248. The Board needs to approve this change order from TDL. Mr. Armstrong said the only thing left to do is to get the door plaque for the offices.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the change order from TDL Contractors on the construction of the District Attorney's office in the amount of a \$23,702 credit. The motion passed by a unanimous vote. **\*\*See Exhibit F.6\*\***

**7. Approval of Change Order for Hernando Library Extension of Completion Date**

County Administrator David Armstrong said the Board has received a copy of the change order request from TDL Contractors for an extension of time of completion of the Hernando Library, due to adverse weather conditions during construction and the unforeseen conditions regarding the existing library footings, which required re-engineering of the footings, structural steel, drafting time, resubmittal time and fabrication time. Mr. Armstrong said the total time extension is for 113 days, but there is no money involved in the change order. Mr. Armstrong said that TDL still expects to be completed by the end of this year with the construction.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the change order request from TDL for 113 days, for the time of completion date on the Hernando Library. The motion passed by a unanimous vote. **\*\*See Exhibit F.7\*\***

Supervisor Eugene Thach asked where the matter stood on the parking lot for the library. Mr. Armstrong said the City of Hernando plans to meet this week to make the determination on the destruction on the homes on the property. Mr. Armstrong said the survey of the property has been done and he would give it to the Board Attorney to start the purchase process on the property when the City of Hernando gives the clearance that this can be done.

**8. Approval of Final Settlement of Contract with TDL for DA's Office a Part of the Minutes**

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the notice of publication of final settlement of contract with TDL Contractors, for the construction of the renovation on the District Attorney's office in the County Administration Building. The motion passed by a unanimous vote. **\*\*See Exhibit F.8\*\***

**9. Approval of Final Settlement of Contract with TDL for DHS a Part of the Minutes**

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to approve the notice of publication of final settlement of contract with TDL Contractors, for the construction of the DeSoto County Department of Human Services Building. The motion passed by a unanimous vote. **\*\* See Exhibit F.9\*\***

**10. Approval to Modify Lease for Olive Branch Food Pantry**

Supervisor Jessie Medlin said the lease on the Olive Branch Food Pantry was to start

on November 15, 2002, but the building has not been completed for their move in, so he asked for the lease start date to be changed to December 1, 2002. Board Attorney Bobby Chamberlin said this one simple change can be made and the authority for the

**ITEM F.10, CONTINUED,**

Board President to sign the lease to be authorized.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve changing the lease date to be effective December 1, 2002 for the Olive Branch Food Pantry and to authorize the Board President to sign the lease papers. The motion passed by a unanimous vote.

**11. Central Mississippi Planning & Development Discussion after 2<sup>ND</sup>. Public Hearing**

Planning Commission Director Merritt Powell and William Peacock, from Central Mississippi Planning & Development District, appeared before the Board of Supervisors to discuss the recent public hearing that was held on November 14, 2002, concerning the County's comprehensive plan. Mr. Peacock said there were between 40 or 50 people that attended the meeting. Mostly it was the large landowners and developers present.

Supervisor Eugene Thach said the main thing developers want is low density. Supervisor John Caldwell said the biggest issue when talking low density is the 3.5 units per acre is considered low density. Merritt Powell said that in the municipalities is where the 3.5 units per acres would be. Supervisor Caldwell said when a development becomes a PUD, this would change the density figures. Mr. Peacock said they had discussed this with the Planning Commission, due to the County regulations on PUD's and the low density requirements, the 3.5 units per acre would not be a factor. Supervisor Caldwell said the way a developer can get 3 units per acre is thru a PUD, and the County does not want a lot of PUD's. Mr. Peacock recommended a way to balance this would be to have lots below 12,000 square feet be in a PUD. Supervisor Jessie Medlin said he recommends taking out the 6,000 sq. ft. developments. Supervisor Caldwell said as long as they are a small percentage of a development, it would be ok.

Supervisor Jessie Medlin suggested putting a bond on the parks for completion, because developments do not complete the parks. They put them in the development and then they are not maintained.

The Board discussed the color coding of the map displayed concerning the plan development of the County. Mr. Peacock said the white is the agricultural land that requires 1 unit per 2 acres, the green is the residential property that requires 1 unit per 1 acre, and the yellow is the low density area that requires 1 to 3 units per acre.

Mr. Peacock said the response rate on the 600 surveys that were mailed out was only 20%. We have held two public hearings and we will be working with the Planning Commission to continue to receive the public's comments.

Supervisor Thach said the public is not responding and it looks like most of the input has been from developers. Supervisors Caldwell asked what level of input should the Cities have on the development of County property? Merritt Powell said they wanted input from different landowners in the County and this is why they chose doing surveys over holding public hearings.

Merritt Powell said the Planning Commission would use the comprehensive plan as a guideline to determine decisions on developments in the County.

Supervisor Eugene Thach suggested to take the area off of the new Hwy 304 east, since

we don't know how the road will run. Mr. Peacock recommended broadening the area for the road. Merritt Powell suggested not having anything permanent that would allow for developers to make plans.

**ITEM F.11, CONTINUED,**

Supervisor Caldwell said the flood plain area needs to be designed for the low density area or high density area.

Mr. Peacock said that the moving of the agriculture area further south and moving the rural residential further south would put the low density area around the municipalities.

Supervisor Tommy Lewis said that land in DeSoto County is expensive, and if we say that a person has to have 2 acres to build on, this takes up the cost and affordability for most people. Supervisor Lewis said that 1 unit per acre would be more affordable. Merritt Powell said that as long as there is public water available, there could be up to 3 homes on an acre.

Supervisor Thach suggested having another public hearing. Mr. Peacock said they have heard from both sides by doing the survey and public hearings.

Supervisor Caldwell said that if we bring down the lot size for affordability there is still a problem to allow an increase in density in the flood plain. There are no regulations to say that you can't build in a flood plain. Mr. Peacock said that based on the comments they have received, people want the rural lifestyle of a County, so we tried to make the plan where they can have that. Supervisor Thach said the city of Madison doesn't have any apartments, but we have to have apartments.

Supervisor Thach said that this Board needs to try doing this right for the comprehensive plan to benefit the County and help plan for growth, and if it takes more public hearings, then that is what we have to do to make the public aware.

Supervisor Jessie Medlin asked if there were curb and gutter requirements for new developments. Merritt Powell said where the break is in the low density and medium density is where the requirement would come in.

Supervisor Medlin said the Planning Commission would need a copy of the map being presented to help in the planning, even though the book spells out the low density requirements and the book is where the County is on the comprehensive plan. Mr. Peacock said the existing land use now is not on the comprehensive plan.

Mr. Peacock said the Board's interest for the Hwy 304 corridor protection plan along the route needs to be looked at. The major changes to the plan have been highlighted on the map.

Supervisor Lewis asked how did the 2 acre requirement come about? Mr. Peacock said the progression of land use density was the determining factor.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to authorize another public hearing for the County Comprehensive Plan. The motion passed by a unanimous vote.

**12. Approval of Request to Advertise County Resources – VFW State Convention**

County Administrator David Armstrong said the Veterans of Foreign Wars has requested the Board of Supervisors do an ad in their Annual Mid-Winter Conference Book. Mr. Armstrong said the ad costs are ¼ page for \$30.00, ½ page for \$60.00 and a full page for \$100.00.

In accordance with Section 17-3-3, of the Mississippi Code of 1972. The Board of Supervisors did make a determination that the above request would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial  
**ITEM F.12, CONTINUED,**

and other interests of DeSoto County, Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to approve advertising in the Veterans of Foreign Wars Winter Conference Book with a \$100.00 full page ad to be paid from Advertising County Resources and authorized the clerk to write the check. The motion passed by a unanimous vote. **\*\*See Exhibit F.12\*\***

### **13. Approval to Bid for First Regional Library**

County Administrator David Armstrong said a part of the overall \$3 million furniture budget for the Hernando Library would be used to purchase a video surveillance system and the telephone system. The Board needs to authorize to go out for bid for these items.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve going out for bid on the following items for the Hernando Library:

- a. Video Surveillance System**
- b. Telephone System**

The motion passed by a unanimous vote. **\*\*See Exhibit F.13.a.b\***

### **14. Approval to Pay City of Horn Lake for Park Lighting – District 4 Park Funds**

Supervisor John Caldwell said part of the requirement in the agreement with the City of Horn Lake, is for the County to pay for one-half of the park lighting cost, which would be \$3496.12.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve payment to the City of Horn Lake from the District 4 Park Funds, for one-half of the park lighting cost of \$6,992.24, with the County to pay \$3,496,12. The motion passed by a unanimous vote. **\*\*See Exhibit F.14\*\***

### **15. Approval of Contract for Legal Services – Brentwood**

At the request of the Board Attorney Bobby Chamberlin, Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to carry this item over until the next board meeting on December 2, 2002. The motion passed by a unanimous vote. **\*\*See Exhibit F.15\*\***

### **16. Comptroller – Joyce Riales**

Comptroller Joyce Riales and Sarah Clenney, Accounting Clerk, appeared before the Board of Supervisors to present the following items:

#### **a. Interfund Loan & Budget Approval for Domestic Preparedness Grant**

Comptroller Joyce Riales said an interfund loan in the amount of \$50,000 is needed to cover the initial expenses of the Domestic Preparedness Grant (#1). This load will be repaid when federal reimbursement is received.

Joyce Riales asked the Board to approve the budget for the Domestic Preparedness Grant (#1) as presented.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded

the motion to approve the interfund loan and budget for the Domestic Preparedness Grant (#1) as follows:

**ITEM F.16.a, CONTINUED,**

From: General County Fund	001-000-054	\$50,000
To: Domestic Preparedness Grant (#1)	044-000-149	\$50,000
Revenues: Budget for Domestic Preparedness Grant		
044-000-241	Federal Revenues Restricted for Public Safety	\$100,048.00
Expenditures: Budget for Domestic Preparedness Grant		
044-266-621	Hazardous Materials Supplies	\$34,554.00
044-266-921	Other Capital Outlay Under \$5,000	\$65,494.00
	Total	\$100,048.00

The motion passed by a vote as follows:

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

**\*\*See Exhibit F.16.a\*\***

**b. Interfund Transfer of Metro Seized Funds**

At the recommendation of Comptroller Joyce Riales, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize and instruct the Chancery Clerk, 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-02-0176	Emmet Hall(Beatrice Anderson)	05/22/02	13500	\$53,000

NOTE: Amount of transfer to be retained by DeSoto County Metro Unit is \$9,540.00. Balance of transfer to be Distributed to J. R. McGarrh (\$5,300) and to the City of Olive Branch (\$38,160)

Transfer From 123-900-951	Metro Narcotics Seized	\$53,000
Transfer To 120-000-387	Metro Narcotics Forfeitures	\$53,000

The motion passed by a vote as follows:

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

**\*\*See Exhibit F.16.b\*\***

**c. Order of Refund Justice Court**

Comptroller Joyce Riales said this money was turned in from Justice Court in 1999 and a judge has ruled to return the money and has petitioned the County to do so.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to approve the petition of the Court to return the court fee and court fine to the following:

1. Case #10-130, the judge has ruled that a portion of the \$40 fee in the amount of \$25.00 be returned to the plaintiff David A. Williams.

**ITEM F.16.c, CONTINUED,**

2. Case #9129-620, the judge ruled that the fine in the amount of \$127.50 be returned to the defendant John E. Bradshaw.

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

**d. Supplemental Claims Docket**

Comptroller Joyce Riales and Sarah Clenney, Accounting Clerk, presented the supplemental claims docket showing claims to be paid for various departments as of November 18, 2002, in the amount of \$1,057,725.07

Supervisor Jessie Medlin asked the Comptroller if the Constables checks could be put on the supplemental claims docket. Joyce Riales said she would get with Justice Court Clerk Linda Aldridge to work out the Constables pay schedule.

Joyce Riales requested approval to run the check on the Civic Center unemployment case to the MS Employment Service, which is on the County records, but to be allowed to hold the check to MS Employment Service until the check has been received from the Civic Center.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the payment of the supplemental claims docket in the amount of \$1,057,725.07 and authorize the clerk to write the check, but to hold the check to the MS Employment Service until the check has been received from the Civic Center. The motion passed by a unanimous vote.

**e. Supplemental Claims Docket for December**

County Administrator David Armstrong said that to have time to do the supplemental claim docket for December, the Comptroller would like to know when the Board would meet in December. The regular schedule meeting would be December 16, 2002, but the Board usually meets the last week of December for the Christmas party.

The Board agreed to meet on December 16, 2002 for the regular meeting and to have the supplemental claims docket on this date. The Board said they might meet on December 23, 2002 for a short meeting also. No motions were made on this item.

**17. Approval to Declare a Pauper**

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to declare Joe Daniel Dennis a pauper in accordance with Section 43-31-29 of the Mississippi Code, which states the Board of Supervisors shall also relieve, support or employ paupers found or being in the county, though not entitled to a settlement therein, and, in case of their deceased, shall decently bury them; and all expenses shall be chargeable to and recoverable from the county in which such pauper had a settlement; and the board shall decently bury all strangers dying in the county and to authorize the Clerk to write a check in the amount of \$250.00 for funeral expenses for Joe Daniel Dennis to Hernando Funeral Home. The motion passed by a unanimous vote. **\*\*See Exhibit F.17\*\***

**18. Resolution for Final \$2.5 Million Draw from State Development Bank**

County Administrator David Armstrong said he has the resolution for the final \$2.5 million of the first \$10 million requested from the State Development Bank. Supervisor Eugene Thach asked what the money would be used for. David Armstrong

said this final draw would be required for the projects the Board has expressed doing this year and it would be used as the waste water management County match. Supervisor John Caldwell said the County could use the contingency fund for the County's match dollars on the waste water SRF loan. David Armstrong said the County would need some of

**ITEM F.18, CONTINUED,**

these funds before the SRF funds are required. Supervisor Caldwell said if the money requirement was just for show, I don't want to draw it down.

Board Attorney Bobby Chamberlin advised the Board of Supervisors that they may wish to confirm with Steve Pittman, Esq. Regarding their alternatives in regard to this draw. Attorney Chamberlin did advise the Board that all legal actions in regard to or relating to the acquisition of state funds, specifically the DEQ state revolving funds, by the DeSoto County Regional Utility Authority and the DeSoto County Board of Supervisors in regard to this project would be handled solely by the law firm Butler, Snow, O'Mara, Stevens and Cannada in order to avoid any appearance of a conflict of interest.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to approve the Resolution for drawing the final \$2.5 million from the State Development Bank, if it is needed for the County projects. The motion passed by a unanimous vote. **\*\*See Exhibit F.18\*\***

**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. Subdivision Revisions Public Hearing**

County Engineer Andy Swims said a copy of the proposed amendments to the DeSoto County Subdivision Regulations has been placed in the Supervisors packets today. Andy Swims said he would like for the Board to look over these for anything they may have any questions about. Andy Swims said he is trying to get the widths changed on the roads in the subdivisions. Andy Swims said that Jim Ivy, Russell Dorris and Bobby Chamberlin have all been involved in drawing up these proposals. Andy Swims said if the Board has no problems, he would like for them to authorize a public hearing for December 4, 2002, at 9 a.m.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to authorize a public hearing on December 4, 2002, at 9 a.m., for the DeSoto County Proposed Amendments to the Subdivision Regulations. The motion passed by a vote as follows:

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

**\*\*See Exhibit H.1\*\***

**2. Administration Building PBX Area Enclosure**

Supervisor John Caldwell said that the PBX Operator Ann Richmond, has asked for an

enclosure to the switchboard area, with a security glass and door for access. Supervisor Caldwell said he had asked the Buildings & Grounds Director Kenny Evans to look at doing this and give an estimated cost. No motions were made on this item.

**ITEM H, CONTINUED,**

**3. Equitable Sharing Certification**

County Administrator David Armstrong said the Federal Annual Certification of Equitable Sharing Report by the Sheriff's Department needs to be filed and signed by the Board President and placed on the Board minutes.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the Federal Annual Certification of Equitable Sharing Report by the Sheriff's Department and authorize the Board President to sign the report and make it a part of the Board minutes. The motion passed by a unanimous vote. **\*\*See Exhibit H.3\*\***

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to adjourn the meeting until Monday, December 2, 2002, at 9:00 am. The motion passed by a unanimous vote.

THIS the 18<sup>th</sup> day of November 2002, these minutes have been read and approved by the DeSoto County Board of Supervisors.

---

Jessie Medlin, President  
DeSoto County Board of Supervisors