

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

JESSIE MEDLIN, PRESIDENT 2002 PRESIDING

DECEMBER 2, 2002

A. CALL TO ORDER

The December 2, 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. APPROVAL OF NOVEMBER MINUTES

The official minutes of the Board of Supervisors were read for the month of November 2002, pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the minutes of the Board of Supervisors, with clarifications made by the Supervisors, for the month of November 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 | YES |

E. OLD BUSINESS

1. Report from Committee to Inspect Harper Road

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until the Board meeting on December 4, 2002. The motion passed by a unanimous vote.

2. Approval of Contract for Legal Services - Brentwood

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to hold this item over until the Board meeting on December 4, 2002. The motion passed by a unanimous vote.

3. Lease for Olive Branch Food Pantry

Supervisor Jessie Medlin said the Olive Branch Food Pantry is still not ready to be opened and they have requested to change their lease effective date to January 1, 2003.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve changing the effective lease date to January 1, 2003, for the Olive Branch Food Pantry and to authorize the Board President to sign the lease agreement and authorize the Chamberlin/Nowak Law Firm to amend the agreement. The motion passed by a unanimous vote.

F. NEW BUISINESS

1. Legislative Wish List

Supervisor Jessie Medlin thanked the Legislative Delegation consisting of Senators' Bobby Chamberlin and Bill Minor and Representatives' Tommy Woods, John Mayo, Wanda Jennings and Valeria Robertson, for all they have done for DeSoto County. Supervisor Medlin said the additional drivers' licenses facility that was placed in Olive Branch was due to their efforts.

County Administrator David Armstrong said that there are a lot of requests on the wish list, but the Board will address the ones they feel are the most important. David Armstrong said the sales tax paid by DeSoto County has increased 9.8% over last year and this mirrors the type of growth for the County. The income taxes paid by DeSoto County residents increased by 9.3% with a population increase of 12% based the March 2002 figures. Due to the growth of the County, this has created a lot of infrastructure requirements.

Chancery Clerk Sluggo Davis addressed the Legislative Delegation regarding the Homestead Exemption Loss for DeSoto County. Mr. Davis said the State Legislature changed the Homestead Reimbursement formula and this has penalized DeSoto County in two ways. First, the County is not getting what they are entitled to and second, the County is being penalized for growth in the County. Mr. Davis said that the State was in a financial crunch, which was the reason for the changes, but now this is putting DeSoto County in a crunch.

Supervisor Jessie Medlin addressed the Legislative Delegation regarding the County Infrastructure. Supervisor Medlin said the County has requested MDOT to widen Hwy 305 and a lot has been done, but due to money not being available to be committed by MDOT, they cannot start the widening to Lewisburg until 2005. This is a major north-south route on the eastern side of the County and due to the growth of the residential and commercial developments, traffic on Hwy 305 has increased dramatically.

Supervisor Medlin said that Germantown Road has been a death trap for citizens, it connects with the five lane Germantown Road out of Tennessee down to a two lane road. Supervisor Medlin said that this road has been designated as a State Highway and Olive Branch is in the process of getting ROW and moving utilities so that MDOT can widen the road. But again, due to the money situation, there is no guarantee MDOT will widen the road. Representative Tommy Woods said he had talked with Mayor Rikard of Olive Branch and with MDOT and was told that once the ROW are completed by Olive Branch they would widen this road. Representative Woods said this same problem exists on Byhalia Road near the school, the ROW is the reason the work by MDOT can't be done. Supervisor Medlin said he could understand this because of what the County had to do on Hacks Cross Road, but we just want to make sure the money is there for

MDOT to do the work. There is industry looking to come into the County but these roads are necessary. MDOT is talking of 2004 and starting in 2006.

Supervisor Eugene Thach addressed the Legislative Delegation regarding the construction of Welcome Center on Highway 78 in Olive Branch. Supervisor Thach said he had spoken with Representative Roger Wicker's office and they have stated this route would be an interstate in the future. The construction of a Welcome Center would give DeSoto County good presence for advertising the County to the traveling public, therefore encouraging travelers to stop at sights throughout DeSoto County and the State of Mississippi.

Supervisor Gerald Clifton addressed the Legislative Delegation regarding the addition of three (3) more Highway Patrol Officers' in DeSoto County. Supervisor Clifton said the north-south corridor of Hwy 61 traveling to the casinos' are very busy and carries a lot of traffic. Supervisor Clifton said the Sheriff's Department does a great job patrolling the area and helping in accidents to direct traffic. The County now has five (5) officers' working three shifts to patrol the County, we need three (3) more officers. Supervisor Medlin said at a recent wreck in the Cedarview Church area the Sheriff's Patrol was on the scene quickly, but had to wait on the Highway Patrol and in this time frame traffic was backed up for two miles waiting. Supervisor Clifton said when the work begins on Hwy 302 between Olive Branch and Horn Lake this area would require that a Highway Patrolman be in the area due to the amount of traffic that travels this section of highway. Supervisor Tommy Lewis asked if it was a fact that the Sheriff's Department can't work a wreck on a State Highway. Sheriff James Riley said that they could work a wreck as long as they communicate with the Highway Patrol.

David Armstrong addressed the Legislative Delegation regarding the same assessment assigned State prisoners for housing being applicable for City and County prisoners. Mr. Armstrong said that with the growth of the County brings issues. The recent jail expansion is an example. The County can only receive a maximum of \$20 a day for State prisoners but the Cities can only collect \$10 a day for prisoners. We are asking for Legislation to allow DeSoto County to receive the maximum amount of State allowance for City prisoners. Supervisor Medlin said the Cities collect and pay the County for the jail housing.

Supervisor Tommy Lewis addressed the Legislative Delegation regarding the expediting of transfers of lunacy patients. Supervisor Lewis said the process for handling lunacies through the court system requires a State employed Chancery Judge to hear and dispose of all lunacy cases within a County. The County elected Sheriff then has responsibility to hold this patient until the State hospital has a bed for the patient. The County then assumes liability and expense for the lunacy patient until the State hospital allows the patient to be transferred to their facility. Usually the time period between the court disposition and the transfer to the State hospital is lengthy. This process creates the burden of liability and expense being placed on the County government for these medical cases, where training may not be sufficient to handle the patients' medical needs adequately. Chancery Clerk Sluggo Davis said that North Mississippi Regional Hospital was great a few years ago when there were plenty of beds, but the beds are full now and the County is holding five patients to transfer when there is a bed. Sheriff Riley said he has held patients five or six weeks waiting for the State to have a bed. The State should provide for sick people and the jail is no place for these patients to be. Representative Valeria Robertson said the jail medical physician should be able to treat mental health patients to keep down any violence. Supervisor Caldwell said the State should provide for this, but some medications won't work. Sluggo Davis said that once the patient is on medication and then they are transferred to the State hospital, they would have to start treatment all over and that any help or solution would be appreciated.

David Armstrong introduced Road Manager Russell Dorris to the Legislative Delegation to speak on the election year restrictions for County road department. Russell Dorris said he was here to request the Legislature to raise the statue amount that can be spent to repair road equipment from \$500 to \$2,500 during the last six months of office. Russell

Dorris said there is a State statute that limits the hiring number of employees during an election year and the amount of money that could be spent. Russell Dorris said these laws were instituted before Counties went to the Unit System, so they need to have the limits to spend increased. Supervisor Tommy Lewis said these statutes work a hardship to be able to do the work when the spending limits are this low.

Supervisor Jessie Medlin addressed the Legislative Delegation stating that these requests they have heard today are the most important issues this Board has, but their book contains an additional list of requests the Board asks the delegation to review and try to pass appropriate legislation. The list is as follows:

1. Reducing Reliance on Property Taxes by Sharing Sales Tax
2. Redistribution of Gaming Revenues
3. State Support for the Health Department
4. Old Highway 304 to Remain in the State Highway System
5. Request to Increase Funding to MDOT
6. Highway 51 South of Church Road put on MDOT Priority List
7. Adding Highway 301 South to the State Highway System
8. Use of Radar by the DeSoto County Sheriff's Department
9. Funding of Death Row Appeals
10. Aerial Photography for Property Reappraisals
11. Raising of Lost Cause Amount from \$1,000 to \$2,500
12. Raising the Bailiff Pay From \$40 Per Day to \$80 Per Day
13. Give an Allowance for Gas so that the Constables can Patrol the County
14. Section 27-47-1 through 27-47-31 Should Be Removed from the State Code
15. Amend Code 9-9-11 (4) (g) Setting the Salary of the County Court Judge
16. Bailiff Training for Constables Statewide
17. Amend State Constitution Whereby Justice Court Judges Pay Will Be Based off 2000 Census
18. Full Time Public Defender for DeSoto County Justice Court
19. More Victim Friendly Legislation for Victims of Domestic Violence
20. Increase Justice Court Judges Educational Minimum Requirement to a Four Year Degree and Raise Salary
21. Separate Circuit Court District for DeSoto County

Representative Wanda Jennings suggested that the Supervisors work together within the Supervisors Association in an effort to have some of these changes made by the Legislature. Supervisor Jessie Medlin said this has been done in the past when the Supervisors requested changes on StateAid. Supervisor Eugene Thach said there are 82 Counties in the association, but the small Counties control the association and the issues that are critical to the larger Counties, tend not to be addressed because of this.

The Board expressed their gratitude to the Legislative Delegation for all their efforts in the past and said any help on these items they could get thru the Legislature would be a tremendous help to DeSoto County. ****See Exhibit F.1****

2. Soil & Water Conservation Budget Request – M. C. Sparks

M. C. Sparks, Chairman of the Soil & Water Conservation District, Scott Griffin and Alice Renfrew, employees of the Soil & Water Conservation District, appeared before the Board of Supervisors to request an increase in its FY2003 budget in the amount of \$2,400. Mr. Sparks said they have had a change in personnel of office staff due to the retirement of Joyce Carter and Wade Carter. Mr. Sparks said Wade Carter was replaced with Scott Griffin and that Alice Renfrew has taken on added responsibility since Ms. Carter retired. Mr. Sparks said a new staff member to fill this vacancy would require training and they would like to have Joyce Carter to come back temporarily and do the training. This is why they are asking for the additional \$2,400 in the budget. Mr. Sparks said that Soil & Water Conservation had a carry over in last year's budget, which lets the Board know they stay within their budget requirements.

Supervisor Eugene Thach asked if the balance of the 2002 budget for Soil & Water Conservation went back into the budget. County Administrator David Armstrong said the carry over went back into the general fund. Supervisor Thach said the increase to the budget would have to come from the contingency fund, since the Board can't change the budget otherwise.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to authorize a budget amendment in the amount of \$2,400 to the Soil & Water Conservation District. The motion passed by a unanimous vote. ****See Exhibit F.2****

3. Redistricting of Voting Precincts – Dale Thompson

Circuit Clerk Dale Thompson, Election Commissioner Ted Mayhall, and GIS Director Sam Russell appeared before the Board of Supervisors to discuss the redistricting of the voting precinct boundaries to coincide with the redistricting. Supervisor John Caldwell said the boundary on a particular subdivision in the aerial photos was not extended to cover the entire subdivision. The district lines cut through some new roads and new homes, which has neighbors voting in different Districts and Cities within this subdivision. Supervisor Caldwell said that Tulane should be used as a dividing line between the districts and to extend north to the city limits of Horn Lake.

Supervisor Jessie Medlin said this would change the Supervisor District lines that have already been approved by the Justice Department. Supervisor Caldwell said that the Board should submit paperwork showing an error or change to these district lines. Board Attorney Bobby Chamberlin said it would have to go back through the regular process with the Justice Department.

Supervisor Medlin said the district lines would have to be moved and then move the precinct line. Chancery Clerk Sluggo Davis asked how many people would be effected by the district change? Sam Russell said there are approximate 99 people in this block. Sluggo Davis said this small amount would not change the percentages that have been established on the original Supervisors District submission to the Justice Department.

Supervisor John Caldwell made a motion to submit a change to the District lines based on the improvement to the precinct and district lines. The motion failed for lack of a second.

Supervisor Gerald Clifton questioned what would happen on elections if the Justice Department doesn't approve the change by the March 2003 qualifying time frame. Dale Thompson said she has already had calls regarding the qualifying for elections. Bobby Chamberlin said it would take 3 to 6 months for approval, since Bridge & Slaughter would have to draw up new maps to be submitted. Dale Thompson suggested letting the County GIS draw up the maps and this would save time. Bobby Chamberlin said this could be done.

Supervisor Caldwell said that the precinct lines have to be finished for the March 1, 2003 qualifying deadline. Bobby Chamberlin said the district lines and the precinct lines are not the same. Supervisor Caldwell suggested to ask for the approval of the precinct lines with the minor change to the district lines. Bobby Chamberlin said a Public Hearing would have to be done for the district changes. Supervisor Caldwell said that when the Board voted on the district lines, it was their intent to include the entire subdivision. The legal descriptions were done after this approval and the Board needs to make it right. He said this is a correction and not a change.

Dales Thompson said the precinct listing presented to the Board is corrected with the exception of these two in question.

Bobby Chamberlin said he would need a new map of the district lines, the population of the districts, the minority population of every district effected by this move, and a copy of the Board minutes where the Board approved the district lines.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to carry this item over until Wednesday, December 4, 2002 Board meeting in order to let the Board Attorney, Circuit Clerk and the Election Commissioner make a recommendation to the Board. The motion passed by a unanimous vote. ****See Exhibit F.3****

Dale Thompson said all they would have to do is draw the lines and check the data on the precinct lines. Bobby Chamberlin said the Board has to set the district lines. Dale Thompson said she has the list of registered voters for each district.

Dale Thompson advised the Board that Sidney Pounders had requested to have a voting precinct at the Oak Grove Church, but the Church can't agree to a voting precinct. Also the Horn Lake South Precinct at the Fire Station will have some problems with parking facilities similar to the Horn Lake East Precinct located at the Tulane Road Fire Station. Dale Thompson said there was a request to move the Horn Lake East Precinct to the Library. Supervisor Tommy Lewis said the DeSoto Central School Precinct has been confirmed and there is ample parking. Ted Mayhall said when a primary election is held, the schools don't let out, but when other elections are held the schools do let out.

4. Ted Mayhall

Ted Mayhall, Election Commissioner for District 3, appeared before the Board of Supervisors to submit his letter of resignation from the DeSoto County Election Commission, District 3. Mr. Mayhall said that under Mississippi election law Section 23-15-217, he must resign before January 1 of the year in which he plans to run for another elected office. Mr. Mayhall said he plans to run for the Mississippi House of Representatives from DeSoto County in House District 40 in 2003. Mr. Mayhall said he appreciated all of the Board's help with the change over in election equipment and stated that DeSoto County is in a good condition for the upcoming elections in 2003.

Supervisor Eugene Thach questioned how the Board would replace the Election Commissioner for District 3. Board Attorney Bobby Chamberlin said he would look into the procedure for replacement by the Board.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to accept the letter of resignation from the Election Commissioner for District 3 Ted Mayhall. The motion passed by a unanimous vote.

5. Approval of Travel

In accordance with Section 25-3-41 Mississippi Code of 1972, as amended, any official or employee of DeSoto County, Mississippi is hereby authorized to travel during the period of December 2, 2002 to January 6, 2003, as necessary, and incur travel expenses in the performance of their official duties for DeSoto County; that all such travel is hereby authorized contingent on funds being available in the departmental budget of the individual traveling.

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to authorize DeSoto County employees or officials to travel during the period of December 2, 2002 to January 6, 2003, as necessary, and incur travel expenses in the performance of their official duties for DeSoto County. The motion passed by a unanimous vote.

6. Approval of Publication of Board Proceedings

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to approve the publication of Board Proceedings in accordance with Section 19-3-33 of the Mississippi Code, which states that the Board of Supervisors may have its proceedings published in some newspaper published in the county, and cause the same

to be paid for out of the county treasury. The motion passed by a unanimous vote.

7. Sheriff's Employee Report

Supervisor Gerald Clifton made the motion and Supervisor Tommy Lewis seconded the motion to acknowledge receipt of the Sheriff's Department Employee Report for the month of November 2002. The report is attached and made a part of the minutes in Exhibit F.7. The motion passed by a unanimous vote. ****See Exhibit F.7****

8. Approval of Bailiff Pay

Pursuant to Section 25-7-27, Section 1, paragraph (e), which allows for Constables working as Bailiffs to be paid as provided under Section 25-3-69, Mississippi Code of 1973, Annotated, Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to pay Joe Holmes the amount of \$160.00 for the month of November 2002; to pay Lee Hodge the amount of \$80.00 for the month of November 2002; and to pay Floyd Medlin the amount of \$80.00 for the month of November 2002, for their services as Bailiffs for DeSoto County Justice Court. The motion passed by a unanimous vote. ****See Exhibit F.8****

9. Approval of Justice Court Report

Justice Court Clerk Linda Aldridge appeared before the Board of Supervisors to present the Justice Court Report for the month of November 2002. Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the Justice Court Report for the month of November 2002 attached as Exhibit F.9. 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.9****

10. Approval of Chancery Clerk Allowance

On this date, Chancery Court Clerk W. E. Davis presented an Order of Allowances to the Board of Supervisors for the November 2002 Term in the amount of \$900.00. 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 F.10****

11. Homestead Deletions Listing

Chancery Clerk Sluggo Davis requested approval from the Board of Supervisors for the Board President to sign the Homestead Deletions list that has been taken off the Homestead rolls.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to sign the Homestead Deletions list to be sent to the State Tax Commission. The motion passed by a unanimous vote.

12. Inventory Control Dispositions

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to accept receipts from the Inventory Clerk pursuant to Section 31-7-107 of the

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

a. Data Processing - Final

Asset #	Serial #	Description	Reason For Disposal	Location of Items at Preliminary Approval	Disposed By	Location of Final Disposal
6074	94031241229	Black Box Switch	Outdated not used	Data Processing	Trey Clenney	BFI
6075	94024241175	Black Box Switch	Outdated not used	Data Processing	Trey Clenney	BFI
6190	92273762765	Black Box Switch	Outdated not used	Data Processing	Trey Clenney	BFI
6076	94035241233	Black Box Switch	Outdated not used	Data Processing	Trey Clenney	BFI
6079	A05720003760	Modem	Outdated not used	Data Processing	Trey Clenney	BFI
6167	23855LC	IBM 8228	Outdated not used	Data Processing	Trey Clenney	BFI
8304	1F8E662492	Epson LQ570 Printer	Broken	Data Processing	Trey Clenney	BFI
6211	41NE221264	Epson LQ570 Printer	Broken	Data Processing	Trey Clenney	BFI
6219	11B5744	IBM 2391 printer	Broken	Data Processing	Trey Clenney	BFI
6104	9001394722	General Datacom	Outdated not used	Data Processing	Trey Clenney	BFI
8311	SG73Q1115v	HP ScanJet 5P	Broken	Data Processing	Trey Clenney	BFI
8144	23W3642	IBM monitor	Broken	Data Processing	Trey Clenney	BFI

b. Maintenance Dept. – Final

Asset #	Serial #	Description	Reason For Disposal	Location of Items at Preliminary Approval	Disposed By	Location of Final Disposal
10053	71952	Delta 10” Saw	Motor burned up	Maintenance Dept	Kenny Evans	
16150	273515T	Dayton ½ Bench Grinder	Broken	Maintenance Dept	Kenny Evans	

The motion passed by a unanimous vote. ****See Exhibit F.12.a.b****

13. Authorization to Open Bids for Wrecked Motorcycle Dec. 5, 2002, 10 a.m.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to authorize the County Administrator or his designee to open Bid File #03-200-001 for the sale of one wrecked motorcycle (in non driving condition) on December 5, 2002 at 10:00 a.m. The motion passed by a unanimous vote. ****See Exhibit F.13****

14. Making Approval of County Audit Contract with Williams & Pitts a Part of the Minutes

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to approve making the approved County Audit Contract with Williams & Pitts a part of the Board minutes. The motion passed by a unanimous vote. ****See Exhibit F.14****

15. Approval to Bid

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to authorize going out for bids on the following:

- a. Annual Bids**
- b. Publication of Board Proceedings**
- c. Dishwasher for Jail**

The motion passed by a unanimous vote.

16. Authorization for Metro Narcotics Commander to Disburse Confidential Fund Money

County Administrator David Armstrong said the Metro Narcotics Board has appointed Michael Lee as the new Commander for Metro Narcotics and the Board of Supervisors must authorize him the ability to disburse confidential fund money.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve authorization for Commander Michael Lee of Metro Narcotics to disburse confidential fund money. The motion passed by a unanimous vote. ****See Exhibit F.16****

17. Approval for Board President to Sign Budget Modification for Metro Narcotics

County Administrator David Armstrong said the Metro Narcotics Control Board has appointed new officers and some changes have been made. David Armstrong asked the Grant Writer Brigitte Herring to explain the budget modifications made to the grant. Ms. Herring said the Division of Public Safety Planning has approved the request from DeSoto County for a modification to the Multi-Jurisdictional Narcotics Task Force Grant issued to DeSoto County. The Board President must sign this modification signature sheet. The modification to the grant allows the personnel to receive a 5% pay raise and to pay for the fringe benefit increases. The Metro Narcotics has four agents and one secretary on payroll. The grant amount is still the original \$157,064.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to sign the Budget Modification Sheet for Metro Narcotics. 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 F.17****

18. Approval for Cremation of a Pauper

County Administrator David Armstrong informed the Board of Supervisors that Coroner Jeffery Pounders requested approval to cremate Donald Kuster as a pauper. Mr. Kuster was DOA at Baptist DeSoto Hospital on November 20, 2002 and the family members do not have money to bury him. The time period to cremate a body is after a one week waiting period upon approval by the Board of Supervisors. The cremation took place on November 27, 2002.

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

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to declare Donald Kuster a pauper and to authorize the Clerk to write a check in the amount not to exceed \$400.00 for the cremation of Donald Kuster as previously approved by telephone by Supervisor Jessie Medlin, Supervisor John Caldwell, and Supervisor Tommy Lewis. 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 F.18****

19. Comptroller – Joyce Riales

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

a. Approval for Interfund Loans

Comptroller Joyce Riales said these interfund loans are needed to cover claims on the December 2, 2002 docket. The loan to Fund 061 (Brentwood Originals) will be repaid when CDBG and/or EDA funds are received. The loan to Fund 383 (State Development Bank Fund) will be repaid when EPA and/or State Development Bank Funds are received.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the interfund loan as follows:

From: General County Fund	001-000-054	\$102,629.15
To: “Brentwood Originals” Fund	051-000-149	\$102,629.15
From: General County Fund	001-000-054	\$272,158.95
To: State Development Bank Fund	383-000-149	\$272,158.95

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 F.19.a****

b. 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 that 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 John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the investment of surplus funds to Trustmark National Bank, the high bidder to place their bid on time for funds as follows:

<u>Date of Investment</u>	<u>Bank</u>	<u>Amount</u>	<u>Maturity Date</u>	<u># of Days</u>	<u>Interest Rate</u>	<u>CD#</u>
11/26/02	Trustmark	\$5,000,000	1/30/03	65	1.35%	8616080

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 F.19.b****

c. Approval to Ratify Bond Payments

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

the following accounts as follows:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
001-801-800	Principal	\$31,261.78
001-801-802	Interest	\$15,558.44
		\$46,820.22

Verified loan repayment documents for the \$18,000,000 MS Development Bank Special Obligation Bonds, Series 2000 (DeSoto County, MS General Obligation Public Improvement Bond Project; Issue #0350, were presented by copy to each Supervisor.

Payment for variable rate interest to be made for thirty days to Trustmark Bank against the following account:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
215-800-802	Interest	\$26,635.07

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to ratify the bond payments as described above. 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 F.19.c****

d. Claims Docket

Comptroller Joyce Riales and Sarah Clenney, Accounting Clerk, presented the claims docket showing claims to be paid for various departments as of December 2, 2002, in the amount of \$2,889,978.26.

Ms. Riales said that this would be Sarah's last appearance before the Board, since Stephanie Hanks has returned to work, but that she would like for the Board to know that Sarah has done an outstanding job and that she appreciates all her efforts during this time of filling in for Stephanie. The Board all commended Sarah for her work for the County.

Supervisor John Caldwell suggested that the Bridgetown drainage account be changed to County drainage and that all work concerning drainage be listed under the County account. Ms. Riales said that this was set up this way so the Board could look at each project to see the expense for each and if it was set up under a County account, this would have to be done by a spreadsheet to capture the expense for each project. Supervisor Eugene Thach said the drainage projects that require this Board's approval should be set up in order to keep track of this expense.

Supervisor Jessie Medlin asked if the payment to Standard & Poor's Corp. was for them to do the bond rating. Ms. Riales said that since the \$18 million bond carries a variable rate interest there are several expenses paid to handle this account. Ms. Riales said she had spoken with Demery Grubbs, County Financial Consultant, about the potential of a lock in rate on this bond. Supervisor Medlin said that Demery had been asked by the Board to keep a watch on the County's bond for a lock in rate. Supervisor Medlin suggested the County Administrator talk with Demery Grubbs to see where the County stands on the bonds.

Supervisor John Caldwell asked Vanessa Lynchard to check on the Justice Court Judge's cell phone bill that was \$380.17.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the

motion to approve the claims docket in the amount of \$2,889,978.26 and to authorize the clerk to write the checks. 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.19.e ****

20. Central Maintenance

Pursuant to Section 65-17-7 of the Mississippi Code of 1972, Annotated, Road Manager Russell Dorris presented the Road Report for October 26, 2002 November 25, 2002 and the Work Schedule for the month of December 2002 and the Road Bond Report.

Russell Dorris said the bond for Ivy Manor Phase I, has been renewed. Supervisor Eugene Thach commended Russell Dorris and his employees for keeping up with the bonds. Russell Dorris said he appreciated Chancery Clerk Sluggo Davis for all of his work on the collection of the bond the County had to call.

Supervisor John Caldwell commented to Russell Dorris that a section on Starlanding Road in Southaven needs work. Russell Dorris said he would work with the City of Southaven to get this done.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to approve the following reports as presented by the Road Manager Russell Dorris:

- a. Road Report and Work Schedule**
- b. Road Bond Report**

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 F.20.a.b****

- c. Road Condition List**

Road Manager Russell Dorris presented the DeSoto County Road Condition List to the Board of Supervisors. Russell Dorris said that this was the initial list for the Board to look at. Supervisor Jessie Medlin reminded the Board that this list has to be completed and made a part of the minutes by December 31, 2002.

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

21. Petition to have Road Changed – Horn Lake Road Extension

Supervisor John Caldwell said due to the road layout change on the Southwest extension of Horn Lake Road, South of Oak Grove Road in Section 20, Township 3 South and Range 8 West, a petition has been submitted for this section to be added to the County road map.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to appoint Supervisor Tommy Lewis and Supervisor Gerald Clifton as a committee to inspect the Southwest extension of Horn Lake Road, South of Oak Grove Road in Section 20, Township 3 South and Range 8 West. 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 F.21****

22. Bridgetown Drainage at Beaver Head Road

County Engineer Andy Swims said he had received a call from Vince McClusky, a member of Bridgetown Association, about an area on Beaver Head Road where there is 100 feet of 24 inch pipe that is rusted out that is in the road right of way. Andy Swims said he has looked at the area and there are two inlets that are in good shape connected to the pipe that is severely deteriorated. Andy Swims said the pipe is long enough that he would recommend cutting the rusted pipe off and band the two pipes together.

Supervisor Tommy Lewis said this subdivision is 30 years old and the pipes are under the road but they extended the pipes outside the ROW to tie at the low point. This is a road culvert that is causing the problem.

Supervisor Eugene Thach questioned the Attorney General's Opinion on this item. Board Attorney Bobby Chamberlin said the AG Opinion states if the drainage damage is caused by the runoff of the road or causes damage to the road, or if the drainage adjacent to the road causes damage, the County can repair the drainage problem. County Administrator David Armstrong asked for a definition of adjacent for the Board.

Andy Swims said this pipe is an underground system that should go out to a drop inlet that collects water, which is 30 or 40 feet from the road.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the drainage repair to Beaver Head Road based on the County Engineer's determination that this is a road issue and requires the 30 or 40 feet extension of pipe and the replacement or repair of existing pipe for a total cost not to exceed \$2,700 for the complete project. The motion passed by a unanimous vote.

23. City of Olive Branch – Intersection of Church Road & Pleasant Hill Road

County Engineer Andy Swims said he had received a letter from Mayor Rikard of Olive Branch agreeing to pay one-half of the intersection improvements including signalization for Church Road and Pleasant Hill Road. Supervisor Tommy Lewis asked if Olive Branch would be paying the electric and maintenance for the signalization. Andy Swims said he assumed they would be, but he will get this clarified.

Andy Swims stated that the Board needs to authorize the final design and construction plans by Neel-Schaffer for the Church Road and Pleasant Hill Road intersection signalization. Supervisor Lewis asked how much the cost was and what provisions need to be done. Andy Swims said the cost was \$200,000 and that some roadwork would need to be done.

County Administrator David Armstrong said this project is not in the County budget. Supervisor Jessie Medlin said we have been spending the Road Departments money for projects. Supervisor Medlin asked the County Administrator if money from the State

Development Bank could be used for these projects. David Armstrong said yes, we can use SDB money on these projects, but we need to draw down the last \$2.5 million to be able to use. Supervisor Medlin asked if we could go back and use the MDB money on McIngvale and Getwell roads. Supervisor Medlin said if these two roads could be included, the Board should use the \$2.5 million on these projects.

Supervisor Eugene Thach asked if any bond money was left. David Armstrong said there is the \$1.6 million in bond money that was budgeted for the Juvenile Facility.

Supervisor Jessie Medlin said Church Road West has been done, but Church Road East is still being worked on. We have been paying for projects pertaining to Church Road. Supervisor John Caldwell said the Board could reduce the contingency from \$9 million to \$8 million, but we need to be concerned and get the Board Attorney to watch on election year limits to make sure we stay within the limits.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to accept the letter from the Mayor of Olive Branch for payment of 50% of the cost for the construction and then pay for maintenance and electricity for signalization of Church Road and Pleasant Hill Road Intersection and make it a part of the minutes; to authorize Neel-Schaffer to complete the plans for the signalization. The motion passed by a unanimous vote. ****See Exhibit F.23****

24. Approval of Advertising County Resources – U. S. National Guard Association Annual Conference

County Administrator David Armstrong said the National Guard Association of Mississippi will host their 125TH Annual Conference of the National Guard Association of the United States on the Mississippi Gulf Coast and they are requesting for help to underwrite this event and for DeSoto County to be a sponsor.

Supervisor Eugene Thach made the motion to donate \$250 from the Advertising County Resources Fund. Supervisor Tommy Lewis said the Board should donate \$1,000 to be a sponsor since the National Guard has expanded their unit already once and now they plan to bring in another unit to the County. The motion failed for lack of a second.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve advertising the DeSoto County Resources by being a sponsor for the 125TH Annual Conference of the National Guard Association of the United States, at a cost of \$1,000, 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 and other interests of DeSoto County and authorized the clerk to write the check. 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

****See Exhibit F.24****

25. Approval of DeSoto Sunrise Agreement

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to carry this item over until the Board meeting on December 4, 2002. The motion passed by a unanimous vote. ****See Exhibit F.25****

26. Approval of Cell Phone - DCRUA Director

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the purchase of a cell phone for the DCRUA director. The motion passed by a unanimous vote.

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. Dump Site

Jim Bearden, Director of Operations & Maintenance, and Road Manager Russell Dorris appeared before the Board of Supervisors to discuss the dumpsite located at Central Maintenance. Jim Bearden showed pictures that were taken of the dumpsite and stated that this type of dumping happens every weekend and sometimes during the night of a week. We spend \$3,000 a month for disposal fee at Central Maintenance and this is not counting the man-hours necessary for the cleanup of the dump site.

Supervisor John Caldwell said that if a fence was put around the area and it had security personnel, this would not happen. We should have a person 24 hours to provide security for Central Maintenance and Civil Defense. The tag number could be run to see if people dropping off garbage were paying BFI customers and if they aren't to turn them away.

Jim Bearden said he has signs stating this site does not take hazardous waste, but people still drop off hazardous waste products. Jim Bearden said even the recycle bins have been turned into garbage because people dump garbage on top of the recycle items.

Supervisor Jessie Medlin said the people that are dumping the garbage maybe tax papers but they need an extra place to dump garbage.

Supervisor Gerald Clifton said when the code enforcement officer gives citations for property clean up the property owners need a place to take the rubbish. Supervisor Tommy Lewis said as an alternative the rubbish pit could have extended hours.

Supervisor Medlin said it would cost the County more in the long run if we don't have sites for dumping. The County has to pick up garbage all over the County, which costs us to clean up. Russell Dorris said the question is do you want to stop the dumping. Supervisor Caldwell asked are we going to stop the recycling. Supervisor Medlin said the County needs a convenience center for recycling. Russell Dorris said someone would need to be there at least 12 hours a day and it could be opened on Saturday and Sunday. The way the County is doing it now is not working.

Jim Bearden said the Central Maintenance area has a place to dump old washers and appliances and that when he gets phone calls about dumping he gives out the location of Tree Savers and the location in Byhalia where things can be dumped.

Supervisor Medlin said that DeSoto County has the best price on garbage pick up, but a lot of people don't know where to go to dump extra garbage. Supervisor Lewis said we need to get the message of where to go to dump and to have extended hours at the rubbish pit. If we spend money to man an area, we need to man the rubbish pit. Supervisor Medlin said if we had literature for where people can call to get information for convenient centers for dumping.

Jim Bearden said he has patrolled the County for illegal dumpsites in the past, but with everything going on in the County he hasn't had to time to spend patrolling. The Planning Commission has an officer to do this. Jim Bearden said the rubbish pit is open 7 days a week until 4:30 p.m.

Supervisor Eugene Thach said the Cities have garbage trucks and limb trucks that pick up the garbage in the Cities.

Supervisor Tommy Lewis made a motion for Supervisors Jessie Medlin, John Caldwell and Director of Operations and Maintenance Jim Bearden to set up a meeting and determine the best solution for DeSoto County and bring back a recommendation. The motion failed for lack of a second.

Supervisor John Caldwell suggested that David Armstrong and Jim Bearden talk with BFI. Russell Dorris said the County is already paying for a compactor for garbage and bins for rubbish.

Supervisor Medlin said that the collection site needs to be fixed up where it looks nice. Supervisor Lewis suggested to put up signs and maybe a camera on the area and maybe it would not have to be manned.

Jim Bearden said mandatory garbage collection is needed that if people don't pay their garbage bill, then BFI just picks up their container. We need to attach their tags for collection. Supervisor Thach said the Board has to authorize the collection on taxes. Supervisor Lewis said this is just a small glitch that needs to be worked out. Supervisor Caldwell said the issues are recycling, convenience and collections.

Jim Bearden said that DeSoto County School Board changed their contract from BFI and they lost the contract for recycling.

2. Time Warner

Supervisor Jessie Medlin said that Time Warner had sent out a rate increase to the DeSoto County residences and since the County is listed on the bills, should this change be in the Board minutes. The discussion by the Board determined that this did not need to be in the minutes. The Board did discuss what kind of recourse a Time Warner customer could have for the length of service being out. Supervisor Tommy Lewis suggested to review the contract for this information. No motions were made on this item.

3. Stateline Road

Supervisor Gerald Clifton said that there is a section on Stateline Road where the city limits of Southaven ends near the soccer fields, that a portion of the road in the County needs to have a guardrail extended to the bridge. This is the area where the car went off the road during the flooding in the County earlier in the year.

Supervisor John Caldwell suggested the Road Manager and the County Engineer to look at this area and to slope the rail where cars won't hit the embankment.

Supervisor Jessie Medlin said the County has a lot of areas that need guardrails installed and the Board needs to discuss all of these areas. Supervisor Clifton said we don't need for cars to hit the guardrails and bounce back into the traffic and cause problems.

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to authorize the Road Manager and County Engineer to look at this section of Stateline Road and make a recommendation. The motion passed by a unanimous vote.

4. Animal Shelter

County Administrator David Armstrong said that he and Jim Bearden had looked at various sites in the County for the animal shelter but had found none suitable. Supervisor Caldwell said the landfill site is a prime site and it should not be suitable for the animal shelter. Supervisor Eugene Thach asked if the Animal Shelter, Rescue and

Aviation came under the Sheriff's Department. David Armstrong said the Animal Shelter is the Board's responsibility, but the Rescue and Aviation falls under the Sheriff's Department.

5. Request from Walls Fire Department

Supervisor Gerald Clifton said the gear being used by the Walls Fire Department is unsafe and they need 10 new sets. Supervisor Clifton said he would like to take \$10,000 from the District 3 Park Fund to be used to purchase the new gear for the Walls Fire Department.

The Board questioned being able to do this from the Park Fund.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until Wednesday, December 4, 2002, for clarification by the Board Attorney regarding the use of the Park Fund. The motion passed by a unanimous vote.

6. Texas Gas Lines

Chancery Clerk Sluggo Davis advised the Board of Supervisors of a request from Texas Gas Lines, for a refund of an overpayment of \$82,000 in taxes. Mr. Davis said the Supreme Court had ruled in their favor against the Public Service Commission. Mr. Davis said there were 5 Counties listed that have to refund and the refund has to be broken down by State, School and County funds.

Supervisor Tommy Lewis said the assessment for this year needs to be reviewed based on this request. Board Attorney said the Tax Assessor needs to be advised if changes need to be made.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board Attorney to look over the documents from Texas Gas Lines and bring back to the Board on Wednesday, December 4, 2002. The motion passed by a unanimous vote.

7. Daniel Murphy

Daniel Murphy, Consulting Engineer, appeared before the Board of Supervisor to discuss various issues in the County.

Interim Bridge Inspection - Daniel Murphy said there are 4 bridges in the County that need to be looked at every year.

Mr. Murphy requested to have \$96 from the DeSoto County Federal Off System Bridge Fund transferred to the Project Fund. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the transfer of \$96 from the Federal Off System Bridge Fund to the Project Fund. The motion passed by a unanimous vote.

Craft Road - Daniel Murphy said he would like Board authority to advertise for bid on the extension of Craft road from College to Church, once the right of ways are complete he can contract. Mr. Murphy said this would be for one mile of road. Board Attorney Bobby Chamberlin said there are 2 property owners and that the appraisals have been requested. Mr. Murphy said there are no bridges on this section, but he had met with Mr. Williams concerning the gas line being installed wrong and they have requested for us to angle the road off of the gas line, otherwise the road would go with the established route.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded to the motion to authorize Consultant Daniel Murphy to advertise for bid the section of

Craft Road from College Road to Church Road. The motion passed by a unanimous vote.

Hwy 304 – Supervisor Tommy Lewis asked Daniel Murphy about the installation of a box culvert on Hwy 304. Daniel Murphy said the Board could authorize to advertise the project from the County Bridge money, but we still have to get the right of way from Lanny Funderburk.

Supervisor Lewis said we might get the right of way donated if the Board builds the culverts. Supervisor Lewis asked Daniel Murphy the difference in 2 lane and 5 lane. Supervisor Medlin said this project would be out of the bond money. Daniel Murphy said it would cost between 110,000 to 115,000. Supervisor Eugene Thach asked if any Bridge Fund money was left. Daniel Murphy said that there was nothing left. Supervisor Tommy Lewis asked Daniel Murphy to get with Ben Smith to get an estimate of the road cost to see if they spent as much as they said they would. We need to get this in writing and then authorize bidding to extend with dirt and build base and to do gravel and the asphalt can be done later. Supervisor Lewis said that to install 2 box culverts with wing walls, to build road culverts for 4 way road, but the road would only be a two lane road.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to authorize advertising for bids, based on having Daniel Murphy putting the improvements in a written agreement for the developer to sign and with the County to install the box culvert, contingent on this being a section line road of Old Hwy 304 and New 304. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion, to recess the meeting until Wednesday, December 4, 2002, at 9:00 am. The motion passed by a unanimous vote.

THIS the 2ND day of December 2002, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie Medlin, President
DeSoto County Board of Supervisors