

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**JESSIE MEDLIN, PRESIDENT 2002 PRESIDING**

**DECEMBER 16, 2002**

**A. CALL TO ORDER**

The December 16, 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**

Board Attorney Bobby Chamberlin presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CONTINUATION FOR SUBDIVISION ORDINANCES FOR ROADS AND CONSTRUCTION PLANS**

County Engineer Andy Swims, Planning Commission Director Merritt Powell, Deputy Planning Director Michael Garriga and Transportation Officer Jim McDougal appeared before the Board of Supervisors for a continuation of the public hearing on the changes to the subdivision ordinances concerning the roads and construction plans. Andy Swims gave the Board a copy of the proposed revisions to the subdivision ordinances. Merritt Powell said another public hearing would be required, and could be held on January 21, 2003, for the additional changes concerning the Board seeing the preliminary plans on the subdivisions and the road widths.

Andy Swims said a developer submitting construction plans before final plat approval would be concerned if the preliminary plat for subdivision is approved and changes are required when the final plat is presented. Andy Swims said it is his intention to get construction plans for subdivision in time for any required changes to be made. Supervisor John Caldwell said to do this, the Board would need to see the preliminary plats.

Supervisor Jessie Medlin asked how this would effect developers already approved and what about PUD's. Merritt Powell said some preliminaries are already approved and that PUD's are considered a preliminary plan. Supervisor Eugene Thach asked if the preliminaries are filed and

**ITEM D, CONTINUED,**

the different phases started, which regulation would apply. Merritt Powell said a time limit for filing a final would have to be established to go by the old regulations.

Supervisor Jessie Medlin said the 20 ft. road is a problem and that most roads with curb and gutter would not be affected.

Supervisor Tommy Lewis suggested whenever these changes are adopted, if the construction is not started or completed within 1 year, then it would have to go by the new regulations. Supervisor John Caldwell said that some would come before the Board and request an exemption. Supervisor Thach said we need a deadline for the regulation to take effect. Board Attorney Bobby Chamberlin said the new effect would be after the publication of ordinance changes. Merritt Powell said the changes have to be published in the paper when we are done with the public hearing.

Supervisor Eugene Thach made the motion to approve the recommendation of the County Engineer for revisions subject to meeting the publication requirements. The motion failed for lack of a second.

Supervisor John Caldwell said that the roads should not be more than 20 ft. in a cove. Merritt Powell said the stub out roads are the ones that need to have the 24 ft. road. Andy Swims said that once you start making allowances, you would get many requests for changes. Supervisor Caldwell said that a collector road is different from a cove road.

Supervisor Jessie Medlin asked the Road Manager Russell Dorris how he felt about the proposed road width changes. Russell Dorris said he understands the problem with the 24 ft. roads and he is in favor of the wider roads. Merritt Powell said that most cove roads are not over 500 ft. long and that we have given a waiver on 100 ft. roads based on the land and topography. Supervisor Caldwell said he was concerned about the schoolbus turnarounds. Andy Swims said that people use roads to walk and ride bicycles that don't have curb and gutter. Merritt Powell suggested that a 40 ft. radius on turnarounds or stub out roads and a 50 ft. radius on coves with 5 ft. shoulders. Russell Dorris said a 60 ft. radius is needed in a culdesac turnaround. Supervisor Lewis asked if we advertised about coves. Merritt Powell said no, we advertised just on the width of the roads.

Jim McDougal asked the Board if they wanted to include these issues on road widths in the public hearing notice for preliminary and final changes on January 21, 2003. Supervisor Jessie Medlin said yes.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to carry this item over until the January 21, 2003 meeting and authorized setting another public hearing to update regulations for road and subdivisions. The motion passed by a unanimous vote. **\*\*See Exhibit D\*\***

## **E. OLD BUSINESS**

### **1. Report from Committee to Inspect**

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to carry these items over until the Board meeting on December 23, 2002.

- a. Harper Road**
- b. Horn Lake Road**

The motion passed by a vote as follows:

**ITEM E.1, CONTINUED,**

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

**2. Jail Inspection**

The Board does hereby find that, pursuant to Section 19-5-1 of the Mississippi Code Annotated, that periodic examinations into the state and condition of the DeSoto County Jail in regards to its safety, sufficiency and accommodation of the prisoners is required. Pursuant to Section 19-5-1, the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine the jail for said compliance.

The DeSoto County Board of Supervisors has a policy of attempting to inspect the DeSoto County Jail on a monthly basis and a requirement that the DeSoto County Jail be inspected as often as is mandated by Mississippi statute, State and/or Federal law. By direction of the DeSoto County Board of Supervisors, the following persons were directed, pursuant to Section 19-5-1, to perform the required examination into the state and condition of the jail and to report back to the DeSoto County Board of Supervisors:

County Administrator David Armstrong  
Operations & Maintenance Director Jim Bearden

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

The Board of Supervisors discussed the inspection of the Jail on October 7<sup>TH</sup>, 2002. Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the observed condition of the jail and to state there was no overcrowding of the Jail, and do find the Jail to be in compliance and requiring no action at this time. The motion passed by a vote as follows:

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

**3. McIngvale Road – Preliminary Estimate**

Consulting Engineer Daniel Murphy appeared before the Board of Supervisors to present the preliminary estimated cost on the construction extension of McIngvale Road from Green T Road to Pleasant Hill Road all the way thru the asphalt surface. This includes a two lane bridge over Hurricane Creek. Mr. Murphy presented the Board with the following estimate:

Clearing & Grubbing		\$ 45,000
Excavation	80,000 C. Y. @ 1.25/C.Y.	100,000
Bridge over Hurricane Creek		280,000
Other drainage structures		50,000

**ITEM E.3, CONTINUED,**

Gravel Base	21,000 Ton @ 5.50/Ton	136,500
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Asphalt	4,700 Ton @ 35.50/Ton	166,850
Erosion Control		<u>55,000</u>
		\$833,350

Mr. Murphy said these figures are for 1 ½ miles of road and does not include any engineering cost, which would be 11%.

Supervisor Tommy Lewis said this discussion came about because a landowner would donate the right of way property for the extension. Mr. Murphy said that the side on the last half mile of the road is a subdivision, which this landowner does not own. Mr. Murphy said that there is a possibility that we could vary from the section line a little in this area.

Supervisor John Caldwell said the problem would be that the Interstate would not be perpendicular with the interchange. Supervisor Lewis said that if this road is not in place when the new Hwy 304 comes through, the County will have to build a bridge over the highway to extend the road.

Supervisor Eugene Thach said this project would cost a \$1million. We don't know which route the Interstate 69 would take. Church Road is ready and committed to by this Board and it should be the main concern.

Supervisor Jessie Medlin asked if MDOT had committed to the interchange at McIngvale Road. Supervisor Lewis said the talk has been of the Green T Road area for the interchange. Supervisor Caldwell said even if MDOT does not give the interchange, the County still needs this road to keep from having to build a bridge over the Interstate.

What if we commit to build within 3 years? Supervisor Thach said we couldn't do that because of our term of office. Supervisor Medlin suggested building the half-mile section to take the road to the Interstate exit and then build the rest of the road later. This would give the County time to get the money to build the rest of the extension on McIngvale. Supervisor Caldwell suggested to build the road like Baldwin Road and gravel in the road, but still not build the bridge. Supervisor Lewis said it would be cheaper now to do the gravel, since the gravel pit is so close in this area, but it will probably move after 2 years.

Supervisor Medlin said he agreed with Supervisor Thach about what this Board has already committed to, the animal shelter and other roads.

Supervisor Caldwell suggested to take the project to final engineering and committing within the next 6 years to get the road built. Supervisor Thach said that the east leg of I-69 has not been decided upon where to be built. We don't know for sure that the east leg of I-69 is coming.

Supervisor Lewis said the McIngvale project has a two fold purpose. One, to divert a lot of traffic away from the Hernando Commerce Street, and second to keep the County from having to build a bridge over the Interstate. Supervisor Caldwell said that the Southaven City limits may hit this intersection soon. Supervisor Medlin said the County does need a north/south corridor to handle traffic and it may take a bond issue to do. Supervisor Caldwell said the traffic count is not the main issue, but for the County to be able to spend \$1 million to be able to save \$3 million on a bridge is an incentive.

Supervisor Thach asked Daniel Murphy what the engineering cost would be on McIngvale. Mr. Murphy said the engineering would be 11%. Supervisor Thach asked if

**ITEM E.3, CONTINUED,**

this section was in the Hernando City Limits. Supervisor Lewis said no.

Supervisor John Caldwell suggested hiring Daniel Murphy, subject to getting the majority property owner's ROW donated, and if the road is not built it would revert back to the owner. Supervisor Caldwell said if the road is not built, we will certainly not get the interchange. Daniel Murphy estimated \$35,000 for preliminary engineering to get the project ready to bid.

Supervisor Eugene Thach asked where the money is coming from.

Supervisor Jessie Medlin asked how long it will take to build it. Daniel Murphy said probably one year.

Supervisor John Caldwell asked if we will get 106 feet of ROW. Daniel Murphy said yes. Supervisor Tommy Lewis said somewhere down the line we are going to have to spend money to build roads. Supervisor Eugene Thach said if we do, we will have to raise taxes. Supervisor John Caldwell said this project will save the county money rather than cost you money.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve doing the preliminary and final engineering and the right of way for one and one-half mile of McIngvale Road from Green T Road to Pleasant Hill Road, and for a period of 4 years for the road to be completed, based on the right of way donation. The motion passed by a unanimous vote. **\*\*See Exhibit E.3\*\***

#### **4. Central Maintenance – Road Condition List**

No action was taken on this item, it is just a project reminder for the Board.

#### **5. Bridgetown Drainage Reimbursement**

County Administrator David Armstrong said the Board authorized putting \$10,000 from the general fund into a drainage account for the Bridgetown drainage project. David Armstrong said the Road Manager Russell Dorris posted the expenses for this project and would like to present it to the Board.

Russell Dorris said that after all the work was done the total bill came to \$22,072.60. Mr. Dorris said the County used materials that were in stock while some had to be purchased outside the County inventory, and we used a combination of County owned equipment along with some rented equipment. Mr. Dorris said there was a disproportional amount of labor on this job due to close proximity of the utilities and the sensitive location and nature of this project.

David Armstrong said the County couldn't use road money to do the drainage project.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to authorize a budget amendment from the general fund in the amount of \$12,072.60 for the drainage repair at Bridgetown. The motion passed by a vote as follows:

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

#### **ITEM E.5, CONTINUED,**

**\*\*See Exhibit E.5\*\***

**6. Community Dump site**

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to carry this item over until the Board meeting on January 6, 2003. 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

**F. NEW BUSINESS**

**1. EPA Ozone Attainment Regulations**

Director of DeSoto Economic Council Jim Flanagan, Director of Mississippi Department of Environmental Quality Charles Chisolm and his staff, consisting of Phil Bass, Dwight Wylie and Jerry Beasley, appeared before the Board of Supervisors to address the issue of EPA Ozone Attainment Regulation for DeSoto County.

Charles Chisolm said he before we get into the ozone discussion, he wanted to address the Board about the agreement that DeSoto County entered into with DEQ on GIS a year ago. Mr. Chisolm said a lot has happened from that agreement and that he would leave a copy of the data with the County Administrator. A lot of great opportunities for the State resulted from this project and he wanted the Board to know how much they appreciate their efforts.

Mr. Chisolm said that his group was here today to discuss the air quality of DeSoto County, which has a lot to do with the environment, health, welfare and economic development in the County. Mr. Chisolm said they would like to discuss this subject of ozone attainment and determine the best interest of DeSoto County. Because of the deadline options that exist in the State, the County would have to make a decision whether to participate in this option. We need to deal with the issue of ozone attainment now or make the decision to delay the issued until later.

Mr. Chisolm introduced Dwight Wylie who gave the presentation concerning the ozone attainment schedule commitments by the State.

Mr. Wylie said that the issues of ground level ozone and its effect on the protective ozone being depleted is what we are all concerned with. Mr. Wylie said that ozone is formed in the atmosphere and it is fueled by sunlight. Mr. Wylie said that ozone is good when it is high, but it is bad when it is nearby. Mr. Wylie said that weather conditions have a lot to do with the ozone levels, and that exhaust from automobiles and other sources such as industries combined with weather conditions results in ozone problems. Utilities, automobiles, industrial processes and natural conditions are all factors that would deplete the ozone levels. Mr. Wylie present a graph showing DeSoto County ozone levels that have been measured since 1993. Mr. Wylie said they take the 3 year average of the 4<sup>th</sup> daily maximum 8 hour average and report this as the level of ozone. Mr. Wylie showed the ozone levels for the last five years for DeSoto County as follows:

**ITEM F.1, CONTINUED,**

Air Quality Standard = 0.08 ppm (84 ppb)  
3-year average of the 4<sup>th</sup> Daily Maximum 8-Hour Average

<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>3-year average 2000-2002</u>
89	93	92	75	91	86

Mr. Wylie said the standard average is 84 ppm. Mr. Wylie said these measurements are dependent on weather conditions and that Memphis, Nashville, Knoxville, Chattanooga, Little Rock, and Tupelo are areas that exceed the ozone levels. Mr. Wylie said to have an ATMOS study done would help determine plans to reduce the ozone level. There are lawsuits by several environmental groups being filed regarding the ozone conditions, and EPA has signed a consent decree with environmental groups committing to make ozone non-attainment designation by April 15, 2004. The States are being asked to submit their recommendations by April 15, 2003. The schedule by EPA is as follows:

April 15, 2003	State submits designation boundaries of area
April 15, 2004	EPA designates if meet ozone guidelines
April 15, 2004	Non-attainment offset begins
April 15, 2005	Transportation conformity begins
April 15, 2007	State implements plans (SIP) due with attainment dates range for 2007 to 2010 or longer
2007	Later attainment of ozone standards must occur

Mr. Wylie said when DeSoto County is designated non-attainment, offsets become a requirement for new major sources (manufacturing industries or power plants) of ozone precursors or expansion of existing major sources, and conformity determinations become a requirement for transportation projects.

David Armstrong said that due to the closeness of Memphis this impacts DeSoto County.

Mr. Wylie said that plans to bring the County into attainment will effect transportation compliance, and if attainment is not met this could stop highway projects and development. An extra element of work would be necessary for a highway project to occur. If DeSoto County enters into Memphis's Early Action Compact committing to implementation of air pollution controls at an earlier date than required, the offset and transportation conformity requirements are deferred. Air pollution controls would have to be installed significantly earlier than required by EPA. DeSoto County officials must sign a letter of support by December 31, 2002 for this to happen. The letter would require nothing but participation in the stakeholder process by the County. The County can drop out at any time after that date with no repercussions. With the joint effort there would be a 3 year time period to have attainment completed under the compact agreement.

Supervisor Eugene Thach asked if this could start in 2003 and what are their recommendations.

Mr. Wylie said it is going to be difficult, but EPA is saying that any participating area can drop out. Memphis showed an interest in the Early Action Compact and they must meet the air quality standards early. They have to know within 1 year what has to be done in order to meet this deadline. We have developed a model that will help to accomplish this. Mr. Wylie said the responsibility is on the State to come up with the emission production in the State and within the County.

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

David Armstrong asked what the cost of the implementation would be. Mr. Wylie said some of the control measures established would be for industries and the largest source

is the auto industry for cleaner fuel. Supervisor Thach said if Memphis doesn't clean up their industry it would be hard for DeSoto County to meet the ozone attainment. Supervisor Gerald Clifton said Memphis is an area of concern but DeSoto County has few manufacturing type industries. Supervisor Clifton asked if the local government has to sign off on this. Supervisor Medlin asked if the Cities and County both had to agree to this. Mr. Chisolm said the County has to agree not the Cities.

Mr. Chisolm said that if DeSoto County does sign on to the Early Action Compact, this defers offsets and transportation conformity. The County must meet the milestones set. Supervisor John Caldwell asked who has the final determination on the milestones. Mr. Chisolm said EPA makes this decision, and if you miss the deadline you are out; then the air pollution control measures will be implemented in 2005.

Mr. Chisolm said the relevant issues are (1) Reduction of NOX plus VOC industrial emissions; (2) Reformulated gasoline; (3) Incentives to reduce commuter traffic by means of mass transit and car pool lanes; (4) Ozone action day programs to reduce emissions on days when high ozone concentrations are expected. Mr. Chisolm said that pollution control measures are based on factors in the weather conditions. The pollution causes problems with people who have cardiovascular pulmonary conditions and asthma problems, especially in children.

Supervisor Jessie Medlin asked what solutions were taken by areas that have pollution control measures. Mr. Chisolm said some plants have shut down until better weather conditions.

Supervisor Thach asked what are the consequences if the County doesn't meet the pollution control measures. Mr. Wylie said the economic growth of new industry could stop, transportation projects could be cut off, grant programs could be taken away, Federal funds for road projects could be taken away and all Federal highway projects would be taken away.

Supervisor Caldwell asked if DeSoto County was doing their part, but Memphis misses their deadline, would the County be tied to their area. Mr. Wylie said they couldn't answer all of these questions now.

David Armstrong said that if the County signs the Compact with Memphis, what is the next step. Mr. Wylie said that a letter from DeSoto County in support of the Early Action Compact has to go to the State to be signed.

Mr. Chisolm said the State has some laws on the books, effective in 2002, that put some measures in place that will reduce the pollution problems. Mr. Chisolm said if DeSoto County could be designated as a separate non-attainment area from Memphis, preliminary ATMOS models indicate that ozone standards can be attained, without a lot of additional air pollution controls imposed there by EPA or the DEQ, because the Clean Air Act Mandatory controls, such as automobile standards and the NOX SIP in Tennessee, Alabama, and other states in the eastern US may bring DeSoto County into attainment.

Mr. Chisolm said EPA has designated DeSoto County, Shelby County, Fayette County, Tipton County and Crittenden County as ozone non-attainment Counties. The Early Action Compact is an option to offset some initial areas such as new industry and

**ITEM F.1, CONTINUED,**

transportation. The designation process will occur and the traditional way of doing business will change. Mr. Chisolm said that it would be early 2003 when some recommendations would be made to the State by DEQ.

Mr. Chisolm said that their presence today is due to the comment necessary for the Early Action Compact. They have no recommendations today for the County, but they need to work with the County's designated personnel on these requirements. Mr. Chisolm said he has to make recommendations to the Governor on this situation.

Supervisor Jessie Medlin asked if the County commits to the Early Action Compact, would it hurt our chances to stand alone on the attainment requirements. Mr. Chisolm said to enter into this compact and then have second thoughts would be legally ok, but practically the work and expectations is another matter.

Supervisor Thach said that with one project, the I-69, there would be problems with pollution and ozone. This is a 10 year project and if traffic was routed thru the rural community, it would help on the pollution control. Mr. Chisolm said this would be considered as an implementation plan.

Supervisor Medlin asked what the difference was in the County signing the support letter and signing the compact. Mr. Chisolm said that things change by the day and there are a lot of unknowns at this time. Mr. Wylie said the County could sign the Compact Agreement or sign the letter to commit for participation and not sign the agreement, but they may have to get a clarification on this.

Mr. Chisolm said the Governor would take the ultimate action, but they want input from the County to be able to make recommendations to the Governor. They want to collaborate with people that the County designates as soon as possible. Supervisor Thach said that the County's representative would be David Armstrong, Jim McDougal and Andy Swims. Mr. Chisolm said the DEQ would do the plan, but the issue is to stay with this route or the alternate route. We need someone to be talking with during this time, because we want to do this right and quickly.

Supervisor Jessie Medlin designated Jim McDougal as the contact for the Board of Supervisors and Mr. McDougal will work with the County Administrator for any help. Mr. Chisolm said they are all looking for the best interest of the State and DeSoto County.

Mr. Wylie said the first two dates for action on the attainment process would happen and these dates are April 15, 2003 and April 15, 2004. The other dates in this process would be moved down by the Early Action Compact.

The Board expressed their appreciation to Mr. Chisolm and his staff for this presentation. Mr. Chisolm expressed their gratitude to the Board to be allowed to present this. **\*\*See Exhibit F.1\*\***

## **2. End of Year Jail Report – Dr. Robert Meacham**

There was no action on this item.

## **3. Tax Exemption – Jefferson Smurfit Corp. -**

Attorney Mark Aquadro, Ronnie Burcham and Tom Bowersock, from Jefferson Smurfit Corporation, appeared before the Board of Supervisors to present an application for

### **ITEM F.3, CONTINUED,**

exemption from ad valorem taxes for a five year period and an application for Freeport Warehouse exemption. Mr. Aquadro said Jefferson Smurfit is operating a manufacturing and warehouse facility within the City of Olive Branch, which they rent from Excel. Mr. Aquadro said the facility currently employs 294 workers with an

estimated annual payroll of approximately \$6,312,000. Mr. Aquadro said they have limited their tax exemption to 5 years because of the term lease on the facility, but have asked to be entitled to apply for and be granted an extension of the tax exemption for an additional five years, making the total years not to exceed 10 years. The period would be beginning on June 15, 2002 and ending June 14, 2007.

The Board asked why not request the 10 year tax exemption from the beginning. Chancery Clerk Sluggo Davis stated his understanding that asking for only five years would limit the exemption 5 years. Mr. Aquadro said the statute says 10 years and that 5 years could be granted and then another 5 years. Board Attorney Bobby Chamberlin said his understanding is that getting an extension of 5 years is based on applying for the extension while they are covered under the approved 5 year exemption. Supervisor John Caldwell suggested giving a 10 year exemption if there is a possibility that the State says we can't give another 5 year exemption. Supervisor Jessie Medlin said the application reads "shall request and be granted an option to another 5 years," and he suggested to strike out the "shall". Mr. Aquadro said that if the company ceases operation there is no exemption.

Supervisor Eugene Thach said that if the exemption remained 5 years and the company doesn't do what they committed to, then the exemption could be denied for the extension.

Bobby Chamberlin requested Mr. Aquadro to leave the sentence stating "shall" out of the agreement.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the 5 year tax exemption to Jefferson Smurfit Corporation, with the understanding they must come back to the Board to apply for an additional 5 year exemption. 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 F.3\*\***

#### **4. Approval of BOE Request for Schoolbus Turnaround**

The DeSoto County Board of Supervisors received a letter dated December 3, 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 John Caldwell made the motion to amend the request from the BOE to add Elmer Dabney on Hwy 301 to the schoolbus turnaround, subject to the written request from the BOE, to build, maintain and improve the properties in the Superintendent's letter dated December 3, 2002, and to direct the County Road Manager to carry out this order of this Board, forthwith subject to receiving a written request from the BOE for the Dabney turnaround. Supervisor

#### **ITEM F.4, CONTINUED,**

Eugene Thach seconded the motion for the following list:

Jerry Crawford, 7661 Dylen Rd., Olive Branch, Bus #114  
Elmer Dabney, 1630 Hwy 301, Hernando, Bus #3

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

**5. Safety Officers Report**

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the Safety Officer's Reports. 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 F.5\*\***

**6. Chancery Clerk Allowances**

Chancery Court Clerk W. E. Davis presented two Orders of Allowances to the Board of Supervisors for the December 2002 Term in the amount of \$2,336.66. 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 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 F.6\*\***

**7. Making State Tax Commission Approval of Land Roll a Part of the Minutes**

Chancery Clerk Sluggo Davis stated that he had received the approved Order of State Tax Commission approving the tax roll for real and personal taxes for DeSoto County. Chancery Clerk Davis said that the State accepted the DeSoto County real and personal tax rolls that were submitted to them by the County, and that the Board of Supervisors needs to make the approval and acceptance of the real and personal property tax rolls a part of the minutes. Supervisor Gerald Clifton made a motion and Supervisor Eugene Thach seconded the motion to approve and accept the Real and Personal Tax Rolls for 2002 for DeSoto County as part of the Board minutes. 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 F.7\*\***

**ITEM F, CONTINUED,**

**8. Accepting DCRUA Extension of Contract for Executive Director**

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to approve the employment contract of William H. Austin, Jr. with DCRUA, subject to the approval by the DCRUA Board, at a monthly salary of \$3,500.

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 F.8\*\***

#### **9. Chuck Taylor – Poplar Place Subdivision**

Developer Danny Rutherford and Property Owner Chuck Taylor appeared before the Board of Supervisors, regarding the drainage problems in Poplar Place Subdivision development.

County Engineer Andy Swims said the Board has previously approved the Poplar Place Subdivision. He got concerned when he got the subdivision plans and saw a 54 inch pipe being used between the pipe installed underneath the road is a lot smaller. Andy Swims said he had asked for plans on how they plan to drain the area of the subdivision. The developer and the owner felt that the County road needed to be fixed to handle the culvert drainage problems before the subdivision was put in. Andy Swims said he had asked for a recommendation from the developer on how the County should do this. Andy Swims said the road is gravel only and pipes are not installed yet. This is only a 16 ft. road.

Danny Rutherford said the boundary of the development covers 16 acres, but where the subdivision runs into the County road there is a small pipe under the road. Mr. Rutherford said this road has been this way since 1980 and that water covers the road a lot. The pipe under the road needs to be the correct size and that the water has nowhere to go because there are no ditches for drainage. Mr. Rutherford said that this area must have a pipe opening to take the water and that a ditch must be dug to carry the water off to the center of the main drainage area, which is 800 ft away from this area.

Supervisor Gerald Clifton said that this subdivision is on Poplar Corner Road, which is north and south of Nail Road. Since the County widened Church Road in this area, it now has a lot of traffic. Poplar Corner is a narrow road in this one mile stretch that needs to be repaired.

Mr. Rutherford said smaller pipes can cross the road, but there is no place for water to go. If Mr. Taylor spends the money to correct the subdivision drainage, and the County does not repair the road, it would not help the runoff of water. This is a public road and it needs to be repaired. Supervisor Clifton said two vehicles couldn't pass on this road. Andy Swims said the road is only 16 ft wide in this area. Mr. Rutherford said they want to use the larger pipes on the north side of the entrance road and run to the south side of the road, but there are no ditches in this area to take the water off. Supervisor Eugene Thach asked how far down the road is it before getting to the ditch. Mr.

**ITEM F.9, CONTINUED,**

Rutherford said it was 800 to 1200 ft down the road to the swell area.

Supervisor Clifton asked Andy Swims if the property owners in this area had donated the right of way. Andy Swims said two-thirds of the property owners have donated the right of way to do the road, but the way the water flows there is no defined ditch to carry the water.

Supervisor Medlin asked if they were asking the County to dig a swell. Mr. Rutherford said the road needs to function for this area and that it would take 2 or 3 pipes in the area with concrete to carry the water, and then they would not have to raise the road up. Andy Swims said the road needed to be raised slightly and drop the pipes. Supervisor Thach asked if the County had the authority to do this if the property owners donated the right of way. Board Attorney Bobby Chamberlin said this is a road problem, so the County can do ditches. Andy Swims said that we need to make sure that, if we dig the swell, to tie it in somewhere to handle the water runoff. Mr. Rutherford said this area is flat and all grown up. Supervisor Thach asked Andy Swims to bring the figures for this project back to the Board. Supervisor Clifton said he would get with the Road Manager and the County Engineer to go look at this and bring it back to the Board on December 23, 2002.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to carry this item over until December 23, 2002, Board meeting to allow time for the Supervisor, Road Manager and County Engineer to look at this area. 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 F.9\*\***

**Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to recess until 1:10 p.m. The motion passed by a unanimous vote.**

**10. Approval of Inventory Dispositions**

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton 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 reports as follows:

**a. EMS/Fire – Preliminary & Final**

Asset#	Serial#	Description	Reason for Disposal	Location of items at Preliminary Approval	Date of Preliminary Approval	Disposed By	Location of Final Disposal	Date of Final Approval
6189	3865429	Iupropro Comp.	Broken	BFI prior to 1998		Eddie Word	BFI	
30336	1KUX0001032	Action Printer	Broken	BFI in 1998 or 99		Johnny McGlee	BFI	
31762	T99030155	Life Pak AED Trainer	Added in error actually case for 30632				EMS	
10033	162291	Dictaphone recorder	Broken	BFI Jan-Apr 2001		Bobby Storey	BFI	
14060	2FALP71W8TX10 7491	1996 Ford Crown Victoria	Transferred to Eudora Fire Dept	Eudora Fire Dept	Donation	Sheriff	Transferred to EMS in error	See Attachment

**ITEM F.10.a, CONTINUED,**

30344 60300085	Kenwood VHF Radio	Burned in Auto	Insurance 1998 or 99	Insurance Insurance	
20010 1G1BL5166jR1624 80	1988 Chevy Caprice	1-22-96 Donated to Summershill	Summershill sold	BOS	See Attachment

**b. EMS – Lost or Stolen Affidavit**

Description	Inventory No.	Report No.	Date Purchased	Cost or Value
Trailer	19006	N/A	9/21/93	\$194.50

This trailer was not at EMS when Bobby Storey became director. There is no serial # to run NCIC.

**c. MIS – Lost or Stolen Affidavit**

Description	Inventory No.	Report No.	Date Purchased	Cost or Value
IBM 20" Monitor	730081	2344727		\$1800 - \$300
IBM Ethernet Com	730094	23GW990		\$2400 - \$150

The computer and monitor were stored in a closet in the DeSoto County Courthouse. When we went to check on them, the equipment was gone in July or August 1999.

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 F.10\*\***

**11. Approval to Correct Clerical Error on Tax Assessment – Bancorpsouth Bank**

Tax Collector Joey Treadway appeared before the Board of Supervisors regarding the refund of taxes to Bancorpsouth Bank on parcel #1087 2503.0 00002.00. Mr. Treadway said the refund for 2001 would be a total of \$98,000, which is \$29,556.25 County, \$35,772 School, and \$31,571 City of Southaven. Mr. Treadway said they are correcting the 2002 taxes once the Board approves this refund to Bancorpsouth.

Supervisor John Caldwell asked if this refund would affect the 2003 budget. Mr. Treadway said they are in a shortfall at this time and it would be January before they could write the check, and he requested permission to release the check at that time. The actual results should not shorten anticipated collections.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the right thing and follow the appropriate procedure to refund the 2001 taxes overpaid by Bancorpsouth Bank and adjust the 2002 assessment. The motion passed by a unanimous vote. **\*\*See Exhibit F.11\*\***

**12. Comptroller – Joyce Riales**

**a. Interfund Loan – Domestic Preparedness**

Comptroller Joyce Riales appeared before the Board of Supervisors requesting authority to do an interfund loan to cover purchases for the Domestic Preparedness Grant. This loan will be repaid when the Federal reimbursement is received. The County has to spend the money and then be reimbursed.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the **ITEM F.12.a, CONTINUED,**

motion to approve the interfund loan as follows:

From: General County Fund	001-000-054	\$50,048
To: Domestic Preparedness Grant (#1)	044-000-149	\$50,048

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 F.12.a\*\***

**b. Quarterly Budget Allotments**

In accordance with Section 27-1-32 of the Mississippi Code of 1972, which allows the Board of Supervisors to set aside, appropriate and expend moneys from the general fund for the purpose of supplementing the budget of the offices of Sheriff, Tax Collector and Tax Assessor, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the quarterly allocations for the Sheriff, Tax Assessor, and Tax Collector as recommended by the Comptroller as follows:

<b>Tax Assessor</b>	<b>Dept. 103</b>	<b>\$266,747.75</b>
<b>Tax Collector</b>	<b>Dept. 104</b>	<b>\$247,509.75</b>
<b>Sheriff:</b>		
<b>Sheriff</b>	<b>Dept. 200</b>	<b>\$145,842.50</b>
<b>Aviation</b>	<b>Dept. 201</b>	<b>\$ 14,362.50</b>
<b>Patrol/Law Enforce.</b>	<b>Dept. 202</b>	<b>\$1,144,107.33</b>
<b>Custody of Prisoners &amp; Jail</b>	<b>Dept. 220</b>	<b>\$779,071.41</b>
<b>Prisoners Medical Expense</b>	<b>Dept. 222</b>	<b>\$135,000.00</b>
<b>Juvenile Detention</b>	<b>Dept. 223</b>	<b>\$ 49,587.50</b>
<b>Rescue Unit</b>	<b>Dept. 225</b>	<b>\$ 10,455.00</b>
	<b>TOTAL</b>	<b>\$2,278,426.24</b>

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.12.b\*\***

**c. Supplemental Claims**

Comptroller Joyce Riales and Stephanie Hanks presented the supplementary claims docket showing claims that need to be paid for various departments as of December 16, 2002. In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller in the amount of \$693,965.47. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES

**ITEM F.12.c, CONTINUED,**

Supervisor Gerald Clifton	ABSENT
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Supervisor John Caldwell YES  
 Supervisor Tommy Lewis YES

**13. Approval to Add Forfeitures to Inventory – Metro Narcotics**

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to approve adding items listed as forfeitures by Metro Narcotics to the inventory.

1. Rossi .38 caliber revolver, serial #AA801862
2. Valet leather jacket, size XL
3. 1998 Honda CBR900 motorcycle, yellow, tag #ZH3494,  
 Vin #JH2SC3304WM203950
4. 1991 Chevrolet Blazer, black, tag #HG1-673, Vin #1GKCS18Z0M8510988
5. 1982 Oldsmobile Cutlass, blue, tag #CWW-044, Vin #2G3AM6986C2332290
6. Ericsson Cell phone, serial# UA201DGKDZ,
7. U. S. Currency in the amount of \$47.00

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

**14. Bids Under Advisement**

**a. Equipment – Central Maintenance**

Purchasing Director Jeannine Ruby and Road Manager Russell Dorris appeared before the Board of Supervisors to discuss the recent bids received for the new equipment for Central Maintenance.

**(1) Bid 03-156-001 – One or More 17 Cu. Yd. Dump Truck.**

Jeannine Ruby said she checked with the Audit Department to make sure they could consider the buy back deal in selection of the lowest and best bid.

She was told they could consider the buyback. Supervisor John Caldwell asked why not buy the MACK RD688S, since it is the lowest bid. Russell Dorris said the buy back on the MACK CV713 is higher than the MACK RD688S and that makes it the lowest bid. Ms. Ruby said that the MACK CV713 at \$45,954 is a one of a kind vehicle and is not made anymore with one on the lot at the time and they wanted 2 dump trucks. The Road Manager said the resale value will be less and parts will not be available as long. The MACK RD688S is the old design and will not be made after this year, which affects support and resale. The Road Manager recommended the MACK CV713 at \$46,402.49 each.

The Bid Tab Sheet is as follows:

<b>Equipment:</b> One or More 17 cu. yd. Dump Truck		<b>Bid File No:</b> 03-156-001		
<b>Bid Opening:</b> 10:00 a.m.		<b>Bid Opening Date:</b> November 12, 2002		
<b>Bidder</b>	<b>Model Of Truck</b>	<b>Bid Price Each</b>	<b>Buy Back Amt./5 Yr.</b>	<b>Bid Amt. Less BB</b>
General Trk. Sales	Volvo VHD64F20	\$74,728	\$14,950	\$59,778
Tri-State MACK	MACK RD688S	\$81,129	\$32,451	\$48,678
Tri-State MACK	MACK CV713	\$84,366.49	\$37,964	\$46,402.49
Tri-State MACK	MACK RD688S	\$84,025.27	\$37,811	\$46,214.27
Tri-State MACK	MACK CV713	\$83,554	\$37,600	\$45,954

The recommended bid took no exceptions.

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach

**ITEM F.14.a.1, CONTINUED,**

seconded the motion to approve the purchase of two (2) MACK CV713 dump trucks from Tri-State MACK at \$46,402.49 each after buyback, based

on the recommendation from Road Manager Russell Dorris and Purchasing Director Jeannine Ruby, that the upgraded truck and the buy back allowance justify it being the lowest bid. The motion passed by a unanimous vote.  
**\*\*See Exhibit F.14.a.1\*\***

**(2) Bid File 03-156-002 – One or More Single Axle Boom Truck.**

Jeannine Ruby said she and Russell Dorris have looked over the bids and they are recommending purchasing the Freightliner FL70 from Hol-Mac Corporation for \$73,540 plus the \$595 for the horsepower upgrade. Russell Dorris said that there were two low bids received where they did not meet the specifications requested, but they listed upgrade options. Supervisor John Caldwell asked what are the exceptions to the bid. Russell Dorris said the trucks don't meet the specs due to the size of motor in them. Board Attorney Bobby Chamberlin suggested that if the specs are not important, they should not be made a part of the specs.

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to carry this item over until December 23, 2002, to let the Board Attorney and the County Road Manager review the bids for a recommendation to the Board. The motion passed by a unanimous vote.  
**\*\*See Exhibit F.14.a.2\*\***

Bobby Chamberlin said that if substantial conformity to specifications is a concern they should be put as options for bid. If a bidder does not have the lowest bid, then the Board has to have documents in the minutes to state why they don't meet specs and why the spec is not necessary.

**(3) Bid File 03-156-003 – One or More Tractors with Mid-Mounted Heavy Duty Hydraulic Mowers.**

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to accept the lowest bid for one (1) tractor from Tractor & Equipment for \$51,100 after buyback as stated in the bid tab as follows:

**Bid File Number:** 03-156-003

**Equipment:** One or More Tractors with Mid-Mounted Heavy Duty Hydraulic Mowers

**Bid Opening:** 10:00 a.m. **Bid Opening Date:** November 12, 2002

<b>Bidder Name</b>	<b>Equip. Model of Tractor Mower &amp; Manufacturer</b>	<b>Price Each</b>
Tractor & Equipment	6420 Tractor/John Deere A-Boom 20'/Alamo Indust. Less Buy Back (5Yr.)	\$70,600 - 19,500 \$51,100
Baker & Powell	TS-110 4WD Tractor/New Holland A-Boom 20'/Alamo Indust. No Buy Back Listed	\$72,468.48

The motion passed by a unanimous vote. **\*\*See Exhibit F.14.a.3\*\***

**(4) Bid File 03-156-004 – One or More Tractors with 10 Foot Mechanical Drive 2-Section Bat Wing Cutter.**

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton

**ITEM F.14.a.4, CONTINUED,**

seconded the motion to accept the lowest bid for one (1) tractor from Tractor & Equipment for \$42,700 as stated in bid tab as follows:

<b>Bidder Name</b>	<b>Equip. Model of Tractor Mower &amp; Manufacturer</b>	<b>Price Each</b>
Tractor & Equipment	6420 Tractor/John Deere	
	Sting Ray 10'/Alamo Indust.	\$57,100
	Deduct C/Weight & Safety side glass	- 3,500
	Less Buy Back (5Yr.)	<u>- 10,900</u>
		\$42,700
Baker & Powell	TS-110 4WD Tractor/New Holland	
	Sting Ray 10'/Alamo Indust.	\$60,699.52
	Deduct C/Weight & Safety side glass	<u>- 2,984.00</u>
	No Buy Back Listed	
		\$57,715.52

The motion passed by a unanimous vote. **\*\*See Exhibit F.14.a.4\*\***

**(5) Bid File 03-156-005 – One or More Tractors with 15 Foot Mechanical Drive 3-Section Bat Wing Cutter.**

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to reject the bids for the above mentioned items based on the recommendation of County Road Manager Russell Dorris. The motion passed by a unanimous vote. **\*\*See Exhibit F.14.a.5\*\***

**(6) Bid File 03-156-006 – One or More Tractors with 10 Foot Hydraulic Drive 2-Section Bat Wing Cutter.**

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to reject the bids for the above mentioned items based on the recommendation of County Road Manager Russell Dorris. The motion passed by a unanimous vote. **\*\*See Exhibit F.14.a.6\*\***

**(7) Bid File 03-156-007 – One or More Tractors with 15 Foot Hydraulic Drive 3-Section Bat Wing Cutter.**

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to accept the lowest bid for two (2) tractors from Tractor & Equipment for \$57,400 after buyback as stated in the bid tab:

<b>Bidder Name</b>	<b>Equip. Model of Tractor Mower &amp; Manufacturer</b>	<b>Price Each</b>
Tractor & Equipment	6420 Tractor/John Deere	
	Batwing 15'/Alamo Indust.	\$72,400
	Deduct C/Weight & Safety side glass	- 3,500
	Less Buy Back (5Yr.)	<u>- 11,500</u>
		\$57,400
Baker & Powell	TS-110 4WD Tractor/New Holland	
	Alamo Hydro 15 Cutter/Alamo Indust.	\$74,124.42
	Deduct C/Weight & Safety side glass	<u>- 2,984.00</u>
	No Buy Back Listed	
		\$71,140.42

The motion passed by a unanimous vote. **\*\*See Exhibit F.14.a.7\*\***

**b. Sale of One Wrecked Motorcycle**

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to accept the highest bid from Jerry N. Perry, Sr. in the amount of \$6,610

**ITEM F.14.b, CONTINUED,**

for the wrecked motorcycle as listed in the bid tab:

**Bid Tabulation**

**Equipment:** Sale of One Wrecked Motorcycle      **Bid File No:** 03-200-001

**Bid Opening:** 10:00 a.m.      **Bid Opening Date:** December 5, 2002

<b><u>Bidder</u></b>	<b><u>Price Bided</u></b>
Jerry N. Perry Sr.	\$6,610
W. M. Gatlin	\$5,010
David C. Logan	\$3,365

The motion passed by a unanimous vote. **\*\*See Exhibit F.14.b\*\***

**c. Publication of Board Proceedings**

Purchasing Director Jeannine Ruby said the lowest bid received for the publication of Board proceedings was from the DeSoto County Tribune in the amount of \$.035 per word. Supervisor John Caldwell said this paper only comes out once a week. Vanessa Lynchard, Director of Administrative Services, said this publication is used for monthly bills only.

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to approve the lowest bid received from the DeSoto County Tribune for the publication of Board Proceedings as proposed by the following:

**Bid Tabulation**

**Service:** Publication of Board Proceeding's **Proposal File No:** 03-101-001

**Proposal Opening:** 10:00 a.m.      **Proposal Opening Date:** December 12, 2002

<b><u>Bidder</u></b>	<b><u>Price Bid Per Word</u></b>	<b><u>Price per Publication</u></b>	<b><u>Cost of Proof of Publication</u></b>
DeSoto County Tribune	.035	\$7.03	-0-
DeSoto Times	.050	\$9.00	\$1.00
DeSoto Appeal	.055	\$11.00	-0-

The motion passed by a unanimous vote. **\*\*See Exhibit F.14.c\*\***

**d. Laundry & Dormitory Addition**

County Administrator David Armstrong said the original estimate for the laundry and dormitory addition to the jail was \$385,000 for this project. David Armstrong said the bid from Wagner General Corp. was \$490,000 plus alternate one for \$3,000, which is to construct a fire alarm control panel; alternate two for \$36,520 is for the installation of security cameras at the jail. David Armstrong said after talking with Chief Deputy Charlie Brown about the cost of the cameras, the Sheriff has agreed to put a hold on the security cameras at this time. David Armstrong said they may be able to negotiate the bid down to about \$440,000, and he recommends taking the bid from Wagner General Corp.

Supervisor John Caldwell said he had a request to name the pods at the jail so that the language necessary to distinguish between the areas would be easier to communicate.

Operations and Maintenance Director Jim Bearden said that Kenny Evans, Buildings and Grounds Director, had spoken with the Sheriff and they can do without the security cameras.

Chancery Clerk Sluggo Davis said that if a bid was 10% above the estimate, the Board

**ITEM F.14.d, CONTINUED,**

couldn't accept the bid.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to accept the low bid and to authorize the Board Attorney, County Administrator and Architect to be involved to negotiate with the lowest bidder, Wagner General Corp., for the laundry and dormitory addition at the jail, and to approve alternate one to be included and reject alternate two on the bid tab:

**Bid Tabulation**

**Bid Item:** Laundry & Dormitory Addition **Bid File No:** 03-361-223-001

**Bid Opening:** 2:00 p.m. **Bid Opening Date:** December 11, 2002

<b>Bidder</b>	<b>Bid Amount</b>	<b>ALT#1</b>	<b>ALT#2</b>
Wagner General Corp.	\$490,000	\$3,000	\$36,520
Jayco Dev. Corp.	\$538,000	\$3,400	\$38,200
Wells Constr. Corp.	\$538,800	\$3,900	\$38,100
C&M Builders, Inc.	\$564,000	\$18,000	\$43,000
River Birch Corp.	\$565,000	\$6,500	\$8,000
Omega General Constr.	\$568,690	\$3,800	\$37,500

The motion passed by a unanimous vote. **\*\*See Exhibit F.14.d\*\***

**15. State Development Bank Draw Request – Demery Grubbs**

Demery Grubbs and Steve Pittman, Financial Consultants, appeared before the Board of Supervisors to discuss a draw request from the State Development Bank Pool. Mr. Grubbs presented a list of projects paid from the \$18 million bond issue and State Development Bank funds, some which have been done, some under construction and some future projects. He said if all projects are completed as planned, the County would be short \$221,904.86. Mr. Grubbs said the list is just a guide to indicate how much money is needed.

After discussion of the County's Capitol Improvements Program, Mr. Grubbs said the County can wait until January 2003 to make the State Development Bank draw.

Supervisor Jessie Medlin asked if there will be more fees to lock in the \$18 million bond. Mr. Grubbs said yes, but not a lot. David Armstrong asked Demery Grubbs how he feels about locking in a rate! Demery Grubbs said right now it is under 2%, but the Board may want to consider waiting a while longer. Supervisor Medlin said he would want to know what it would cost to pay the money back.

Mr. Grubbs said the Board of Supervisor must make a decision on the \$1.6 million draw. Supervisor John Caldwell said he thought the Board could use the contingency fund for the \$1.6 million wastewater commitment. David Armstrong asked Mr. Grubbs if the County could draw bond money to go into the general fund. Mr. Grubbs said no.

Comptroller Joyce Riales indicated previously that she needed for the Board to authorize a State Development Bank draw for ½ million now to go into the accounts. Mr. Grubbs said funds balances are such now that the Board could draw down ½ million now or wait until January 2003, to combine with the requirements for the DCRUA. Mr. Grubbs said the County has money in various funds to utilize now. Ms. Riales agreed.

Supervisor Jessie Medlin said this Board is depending on the Comptroller and the Financial Consultant to tell the Board when to draw funds from the State Development

**ITEM F.15, CONTINUED,**

Bank Pool.

Supervisor John Caldwell asked the Comptroller Joyce Riales to furnish him the cash reserve balances for the Road Department, overlay and general fund. Supervisor Caldwell said he would like for Ms. Riales to supply the Board with this information.

No motion was made on this item. **\*\*See Exhibit F.15\*\***

**16. Capitol Improvements Program – Demery Grubbs**

County Administrator David Armstrong said he had met with Daniel Murphy, Joyce Riales, Andy Swims, Russell Dorris, Jim Bearden and Brigitte Herring to discuss projects in the works, to show what has been spent as of December 13, 2002 and where the money came from. David Armstrong said that Demery Grubbs and Steve Pittman, Financial Consultants for the County, were present today to discuss the County’s Capitol Improvements Program. David Armstrong provided the Board with copies of the spreadsheet with the following information:

Recap of \$18,000,000 G/O Bond Construction

Revenues totals FY '01, '02, & '03	\$19,151,282.08
Transfer in (excess from DHS)	<u>210,000.00</u>
Total Revenues	\$19,361,282.08

Expenditures	Original Cost Estimate	Totals FY '01 '02 & '03	Amt. To Complete
G/O Bond Costs	486,757	486,756.04	0
Church Road W.	2,644,378	2,525,407.73	0
Church Road E.	4,913,498	2,662,112.02	1,650,000
New DHS Bldg.	1,275,000	1,206,500.00	0
Jail Renovation & Expansion	5,000,000	4,421,030.43	50,000
Brentwood Orig.	625,000	625,176.04	0
Equestrian Center	21,000	21,000.00	35,000
Nail Road	750,000		750,000
Starlanding Overpass	750,000	4,000.00	2,600,000
Overlay Contract	1,756,399	1,756,398.58	0
Aviation/Search & Rescue Bldg.	500,000	3,450.00	650,000
Juvenile Detention Center	116,000	89,661.74	0
McIngvale Rd.	<u>46,694</u>	<u>46,694.00</u>	<u>0</u>
Total Expenditures	18,884,726	13,848,186.94	5,735,000
Revenues less Expenditures Total			5,513,095.14
This is amount available for construction projects			
Amount needed for construction projects			5,735,000.00
Shortage			( 221,904.86)

David Armstrong said that the construction on McIngvale Road was estimated at \$850,000 to complete. He only put into the capitol improvement project list what everyone above agreed could be done this fiscal year.

Supervisor Jessie Medlin asked if the expense was the original cost of the bid received  
**ITEM F.16, CONTINUED,**

or if it was an estimate. David Armstrong said the cost expense is estimated.

Supervisor Medlin suggested using the actual expense on Church Road if we know what the total is. David Armstrong said he wanted to show what he had budgeted for the projects.

Recap of State Development Bank

Total Revenues FY '01, '02, & '03	\$10,836,317.01
Future Revenues (loan proceeds, library grant & EPA wastewater reimbursement)	<u>13,176,430.87</u>
Total Revenues	\$24,012,747.88

Expenditures	Original Cost Estimate	Totals FY '01 '02 & '03	Amt. To Complete
Civic Center	3,851,094	3,851,093.29	0
Wastewater	2,757,966	5,175,413.10	1,600,000.00
Library Improvement	3,500,000	1,263,704.67	1,848,101.00
Airways N.	700,000	700,000.00	0
Craft Road (College/Church)	975,000	218.75	970,000.00
McIngvale Rd.	100,000	96,293.08	52,000.00
Church Road (Getwell/Pleasant Hill)	1,700,000		1,750,000.00
Getwell Road (Bolin/Cleveland)	325,000	152,950.80	209,000.00
Airways S.	205,000		200,000.00
Balance on Jail Expan.			127,000.00
Balance needed for \$18,000,000 fund 382			<u>221,904.86</u>
Total Expenditures	14,114,060	11,239,673.89	6,978,005.86

Amount of Revenues less Expenditures	\$12,773,073.99
Amount needed to complete projects	<u>6,978,005.86</u>
Amount available for other construction projects	\$ 5,795,068.13

David Armstrong said he has listed the other projects the Board has discussed.

<u>Recap of Other Projects</u>	<u>Projected Cost</u>
Animal Shelter	750,000
Starlanding Road Bridge	145,000
Tulane Road Bridge	140,000
McIngvale (Green T/Pleasant Hill)	850,000
DeSoto Rd.(Polk Lane, Centerhill)	
Library Parking Lot	150,000
Signalization at Church Rd./Hwy 305	<u>70,000</u>
Total needed for Projects	2,105,000

**ITEM F.16, CONTINUED,**

Recap of Jail Expansion

Revenues FY '01, '02, & '03		350,495.21	
Expenditures	Original Cost	Totals FY '01	Amt. To
	Estimate	'02 & '03	Complete
Juvenile Detention	2,248,256	11,992,20	0
Jail Expansion	385,000	25,498.71	313,004
Total Expenditures	2,633,256	37,490.91	313,004
Amount available for construction		313,004	

Demery Grubbs said that the Board could see there is not enough money to do the projects they feel need to be done. Mr. Grubbs said that if the Board decided not to do the Starlanding Road project at the railroad they would only need \$2,378,000 to do the balance of construction projects out of the G/O Bond. Supervisor Tommy Lewis said the Starlanding road is an underpass at the railroad that needs to be done.

David Armstrong said that Steve Pittman was checking to see if the County could use the money from the State Development Bank for the overlay project, but they don't think that this could be done.

Mr. Grubbs said this report shows the Board where they are with the existing bond money. The State Development Pool Loan Program for a total of \$20 million has a remaining balance of \$12,497,253.

Mr. Grubbs said the County has committed \$1.6 million for the wastewater project and from this only \$10,000 has been set up as a preliminary match. Mr. Grubbs said after taking a closer look at the project it might come in at only \$1.4 million, but he would discuss this with Bill Austin to establish the best structure for how the money would be necessary. The way it looks now, it will be February 2003 before any more money would be drawn for the wastewater project.

David Armstrong said the grant money for the library in Olive Branch would have to be drawn down by November 29, 2003. Jim Bearden said that in his discussion with Jim Anderson, he thought Jim Anderson had gotten an extension on this November date to extend the grant on the whole project for the Olive Branch Library.

Mr. Grubbs said the balance of \$313,004 from the Courthouse Renovation could be used for the jail expansion, but the County is short \$127,000 to complete this project. The overall capitol needed by the County to complete projects in progress or committed to, is \$6,978,005.86, plus the list of other items still needing allocation of money is \$2,105,000. This makes a total requirement of \$9,083,006; therefore, the County would need to draw down the remaining \$10 million from the State Development Pool Loan to complete these commitments.

Mr. Grubbs said he has been working with the Board's submitted list of capitol projects and that he would present this combination of 125 projects to the Board by the first of the year for them to start their prioritization. Supervisor Tommy Lewis said he had not turned his list in yet, because he had been adding to it. Mr. Grubbs said he would like to tie down the list and do a five-year plan. Mr. Grubbs said once the Board begins to discuss the projects, the direction of the five-year plan may change.

Supervisor Jessie Medlin said the section of Airways between Church Road and

**ITEM F.16, CONTINUED,**

Goodman was not on this list of projects.

Mr. Grubbs said the way the County stands at this time, the G/ O \$18 million bond has a balance of \$2 million and the County has \$13 million in the State Development Pool available to be drawn for the projects.

Supervisor John Caldwell stated that if the County requires the Cities to pay a percentage of projects within the City, this would give the County money.

Mr. Grubbs said that when the Board begins to prioritize the capitol projects list, it would be done in an ABC order. A being the most important, B being next and then C being the less important. This is for the Board to make the decision.

Supervisor Jessie Medlin asked if the County locked in the bonds, would there be any fees for this to be done. Mr. Grubbs said yes.

Supervisor Eugene Thach said he understands that the County has committed to a lot of projects and that we can't start others until what we have committed to has been finished. Supervisor Tommy Lewis said somewhere down the line the County is going to have to spend money to build roads or it would cost the County down the road.

Supervisor John Caldwell said the sewer project is going to take \$100 million to build and would require money from the Fees, Cities and the County to build.

Mr. Grubbs said that if they restructure a present loan, there would be a fee to be paid. David Armstrong asked where are we on a lock in. Mr. Grubbs said they were waiting until the first of the year to look into doing the lock in. Chancery Clerk Sluggo Davis asked how long the lock in would be? Mr. Grubbs said he recommended a five (5) year lock in. Mr. Grubbs said when the Board begins the discussion on the capitol projects, this would be the time to discuss a lock in on bonds. Supervisor Medlin said he would wants to know what it would cost to lock in. Supervisor John Caldwell asked if the County paid more on the bond, could more be drawn. Mr. Grubbs said the original \$98 million pool that was established is maxed out and nothing is available.

Supervisor Jessie Medlin asked if the balance of the \$13 million was drawn, at today's tax rate, could the County borrow and pay back with no tax increase. Mr. Grubbs said no. Supervisor Caldwell asked when the County budgets to borrow the money, how did we assume to pay back. David Armstrong said the budget included paying back \$7.5 million plus the \$5 million this year.

No motions were made on this item. **\*\* See Exhibit F.16\*\***

## **17. Justice Court Automatic Bursting System Lease**

County Administrator David Armstrong said the Justice Court has the money in the budget to lease the Automatic Bursting System, but the Board Attorney had been looking over the lease agreement. Board Attorney Bobby Chamberlin said they have contacted First Continental Leasing regarding this agreement and they have agreed to the County's terms in the contract.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to approve the lease with First Continental Leasing in the amount of \$215 for 60 months on the Automatic Bursting System, based on the request from Justice Court

## **ITEM F.17, CONTINUED,**

Clerk Linda Aldridge. **\*\*See Exhibit F.17\*\***

Supervisor Tommy Lewis asked what the cost to buy the equipment would be due to the amount of interest on the lease rate. Vanessa Lynchard said that Justice Court Clerk Linda Aldridge had been talking with the company.

Supervisor Gerald Clifton and Supervisor Jessie Medlin withdrew their motion and second on the Automatic Bursting System.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to carry this item over for clarification with Justice Court Clerk Linda Aldridge. 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. Parks**

Mayor Mike Thomas of Horn Lake appeared before the Board of Supervisors requesting approval by the Board to transfer ownership of the parks in the new annexed section of Horn Lake from the County to the City of Horn Lake. Board Attorney Bobby Chamberlin said he had written and asked for an Attorney General's Opinion and, according to that opinion, the park areas must be maintained as parks. County Administrator David Armstrong said the County has an interlocal agreement with the City of Horn Lake and he would check the interlocal to make sure that parks were covered by the agreement.

Mayor Thomas said the City of Horn Lake has applied for a grant for the construction of the new park and they are required to have ownership of all the parks. Bobby Chamberlin asked if the grant acceptance is based on owning the land where the parks are located. Mayor Thomas said yes. Bobby Chamberlin stated that all existing parks must be maintained as parks.

In accordance with Section 19-7-3 of the Mississippi Code Annotated, the Board of Supervisors determined that this county-owned property is no longer needed for County or related purposes and is not to be used in the operation of the County; that the sale of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the County; and, that the use of the County property for the purpose for which it is to be sold, conveyed or leased will promote and foster the development and improvement of the community in which it is located, as well as the civic, social, educational, cultural, moral, economic, or industrial welfare thereof. Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to declare all the County parks in the new annexed section of the City of Horn Lake as surplus property, and to approve deeding the park property to the City of Horn Lake. The motion passed by a unanimous vote.

**ITEM H, CONTINUED,**

**2. I-69 Washington Trip**

Supervisor Eugene Thach requested approval from the Board to travel to Washington D. C. on February 10-12, 2003 for the I-69 Coalition meeting.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to approve travel expenses for Supervisor Thach on February 10-12, 2003 to Washington, D. C. for the I-69 Coalition meeting. The motion passed by a unanimous vote.

**3. Food Pantry Lease**

Board Attorney Bobby Chamberlin said the Food Pantry Lease has been signed by all parties and needs to be made a part of the minutes for the Board.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve making the Food Pantry Lease a part of the Board minutes. The motion passed by a unanimous vote. **\*\*See Exhibit H.3\*\***

**4. Central Maintenance – Holiday Closings**

Road Manager Russell Dorris appeared before the Board of Supervisors to advise them of the working schedule for the Central Maintenance crew. Mr. Dorris said there would be a skeleton crew at Central Maintenance from December 23, 2002 to January 2, 2003. Mr. Dorris said the personnel at Central Maintenance will be subject to being on call, if necessary. There were no motions on this item.

**5. Tax Refund – Texas Gas Lines**

Tax Collector Joey Treadway appeared before the Board of Supervisors to discuss the tax refund request from Texas Gas Lines. Mr. Treadway said the total refund would be \$78,396. Mr. Treadway said they had received a breakdown on the 2001 taxes from the Lawyer for Texas Gas Lines and they were in the process of verifying the figures, but they look to be close.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the refund check to Texas Gas Lines for the overpayment of the 2001 taxes, instead of taking them out of the 2002 taxes. The motion passed by a unanimous vote. **\*\*See Exhibit H.5\*\***

**6. Land - Northwest Junior College**

Chancery Clerk Sluggo Davis said when the County sold the land for the Northwest Mississippi Junior College, earnest money in the amount of \$5,000 was given to the County. This money is still on the County books. Mr. Davis said research needs to be done to confirm this money needs to be refunded.

Supervisor Eugene Thach asked if this would be option money that would have been applied to the loan. Mr. Davis suggested having the County Administrator contact Ken Murphy or Bill Austin, who worked for the County when this transaction took place. The Board agreed to carry this item over until December 23, 2002 Board meeting.

**ITEM H, CONTINUED,**

**7. Court Ordered Quick Take Appraisal Bills – Bill Sexton**

Board Attorney Bobby Chamberlin said he had received the bill from Bill Sexton on the Court ordered appraisals for the quick take deeds on the Hack Cross Road property. Bobby Chamberlin said there were 5 pieces of property at a charge of \$375 each. The Board needs to authorize payment of these invoices.

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to authorize payment to Bill Sexton for the five appraisals for the Court ordered quick take appraisals on Hacks Cross Road, and to authorize the clerk to write the check. The motion passed by a unanimous vote.

**8. Appraisal Bills – Gene Norwood**

Board Attorney Bobby Chamberlin said the Board needs to authorize payment of the bill from Gene Norwood for \$2,000 for the appraisals done on the Carolyn Mattox and S. D. Williams properties on Craft Road, the M. C. Mangum property on Starlanding Road and the Virginia Gartrell property for the library.

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to authorize payment to Gene Norwood for the appraisals done for the County on the Carolyn Mattox and S. D. Williams properties on Craft Road, the M. C. Mangum property on Starlanding Road and the Virginia Gartrell property for the library, and to authorize the clerk to write the check. The motion passed by a unanimous vote.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until Monday, December 23, 2002, at 9:00 am. The motion passed by a unanimous vote.

THIS the 16<sup>th</sup> day of December 2002, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Jessie Medlin, President  
DeSoto County Board of Supervisors