

# DESOTO COUNTY BOARD OF SUPERVISORS

## BOARD MEETING MINUTES

### GERALD CLIFTON, PRESIDENT PRESIDING

October 8, 2003

#### A. CALL TO ORDER

The October 8, 2003, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Gerald Clifton, 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 A. Riley -----Sheriff  
David Armstrong----- County Administrator  
Tony Nowak-----Board Attorney

#### B. INVOCATION

Supervisor John Caldwell presented the invocation.

#### C. PLEDGE OF ALLEGIANCE

#### D. PLANNING COMMISSION

The minutes for the portion of the meeting organized by the Planning Commission are presented and made a part of these minutes as Exhibit D.

#### E. BID OPENING – SAP 17(7)M – Red Banks & Center Hill Road

County Consulting Engineer Daniel Murphy and State Aid Engineer Dan Tolar were present to open bids for improvements to Red Banks & Center Hill Roads known as project SAP17(7)M.

Mr. Murphy said two bids were received on the project. One from Lehman Roberts and the other from APAC of TN. Mr. Tolar said the State Aid estimate for the project was \$326,015.

Mr. Murphy and Mr. Tolar opened the bids and read them aloud as follows:

BIDDER	CERTIFICATE OF RESPONSIBILITY	BID BOND	BID
Lehman Roberts	570	Y	\$ 295,934.72
APAC of TN	05219	Y	\$ 309,589.00

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to take the bids under advisement. 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

Later in the meeting Daniel Murphy and Dan Tolar returned to address the Board of Supervisors regarding the bid. Mr. Tolar confirmed that the low bidders bid checked out for accuracy. Therefore, Mr. Tolar said he and Mr. Murphy recommend the low bid of Lehman Roberts on the project.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the low bid of Lehman Roberts for project SAP17(7) M at Red Banks and Center Hill Roads in the amount of \$295,934.72. 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	ABSENT

See Exhibit E.

**F. OLD BUSINESS**

**1. Bids Under Advisement – Church Road CO-17(4) {Pleasant Hill to Getwell}**

County Consulting Engineer Daniel Murphy said the County opened bids on Church Road to widen the road from two lanes to five lanes from Pleasant Hill to Getwell. Ferrell Paving was the low bidder at \$1,468,018.25. Mr. Murphy presented a bid tabulation and said there were seven bids on the job as follows:

BIDDER	BID
Ferrell Paving, Memphis, TN	\$ 1,468,018.25
L & T Construction, Hernando, MS	\$ 1,545,655.68
White Contracting, Inc., Cordova, TN	\$ 1,638,098.11
Chancellor Brothers, LLC, Cordova, TN	\$ 1,661,266.41
Talbot Bros. Contracting Co. Nesbit, MS	\$ 1,695,861.50
Hill Brothers Construction Co., Faulkner, MS	\$ 1,725,229.69
Ronald Terry Construction Co., Memphis, TN	\$ 1,736,322.25

Mr. Murphy said that his engineer’s estimate on the project was \$1,510,000. Mr. Murphy said he recommends the low bid of Ferrell Paving for the award of the project.

Supervisor Eugene Thach asked if Mr. Murphy had worked with Ferrell Paving before? Mr. Murphy said yes.

Supervisor Jessie Medlin asked the term for the contract? Mr. Murphy said 80 working days.

Supervisor John Caldwell asked about right of way acquisition progress west of Getwell. Mr. Murphy said his office is working on that now.

Supervisor Eugene Thach said he talked to Daniel Murphy this morning about where a subdivision is being constructed on this project area. Supervisor Thach said Mr. Murphy has designed that part of the project for curb and gutter. Supervisor Thach asked if we need to coordinate with the city on the curb and gutter? Engineer Ben Smith said he is the engineer on the subdivision project and it is designed with curb and gutter. Mr. Smith said he will get with Daniel Murphy to match the grades that Mr. Murphy has set for the area.

Supervisor Eugene Thach asked if this project is in the budget? County Administrator David Armstrong said yes.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to accept the low bid of Ferrell paving in the amount of \$1,468,018.25 for the widening of Church Road from two to five lanes from Pleasant Hill to Getwell. The motion passed by a unanimous vote.

See Exhibit F.1.

## **2. Claim Held Over from Tax Assessor's Office**

County Administrator David Armstrong said, effective October 1, 2003, Marsha Baughn will be a part time employee in the Tax Assessor's office working 19 ½ hours per week. No motions were made nor votes taken on this issue.

## **B. NEW BUSINESS**

### **1. Brentwood Water Tank Operating Agreement**

Ron Taylor, Attorney, and Tom Elliott, Engineer for the Walls Water Association, appeared before the Board concerning the maintenance agreement for the Brentwood Water Tank.

County Administrator David Armstrong said the tank has been built and completed, but there is no water in the tank at this time. Mr. Armstrong said the County has been talking to Walls Water to establish a contract to operate the tank. Mr. Armstrong said it has been estimated the revenue from the water will be \$8,500 per year. Walls Water estimates that maintenance on the tank will be \$15,000 per year, and they recommend a 50% split on those maintenance charges between the County and Walls Water Association, with the amount being reduced as the revenue increases. When revenue reaches \$15,000, the County portion will be eliminated. This is expected to take about three years.

Mr. Taylor said, as other industries locate in the area, it will diminish the county cost.

Supervisor Eugene Thach said Walls Water will need the tank for fire protection. Mr. Taylor said they have adequate fire protection now, but as the industries and population increase, they will need more capacity. County Administrator David Armstrong said Chris Gouras, who got the grant, has joined the meeting. Mr. Gouras said the grant for the tank was made to the County to provide fire protection and to encourage industries in the area.

Mr. Taylor said they need an interlocal agreement that will bind both boards. Supervisor Eugene Thach asked Tony Nowak if he agrees. Mr. Nowak said it is important to have an agreement on the matter.

Mr. Nowak asked if the Board wants to approve the maintenance cost sharing? Supervisor Jessie Medlin asked for verification of the County's commitment to the agreement. Mr. Armstrong said the County will pay \$7,500 for the next three years or less as revenue increases. Tom Elliot of Elliott & Britt Engineering said the revenue at the industrial park is the revenue we are talking about increasing over the next three years.

Supervisor Medlin asked if the term of the agreement will be for three years or 20 years? Mr. Nowak said as to the maintenance contracts that Walls Water has in place, those are effective for three years. However, the contract that is proposed between the County and Walls Water is for twenty years. Mr. Nowak said the agreement for the County to turn over the water tank to Walls Water is for 20 years in accordance with the grant requirements. Mr. Nowak said this agreement will build money up to repaint the tank in 20 years or whenever it is necessary, rather than having to assess that amount at one time.

Supervisor Thach said \$7,500 will be the maximum cost to the County and verified that, if the revenue goes up, the County's part will be less. Mr. Taylor said that is right.

Supervisor Tommy Lewis asked whether we are not tied to the 5% +/- that is in the Walls Water agreement with ECO. Mr. Taylor said the County is not.

Supervisor Gerald Clifton made the motion and Supervisor Tommy Lewis seconded the motion to approve entering into an interlocal agreement with Walls Water for the County and Walls Water to split the maintenance of the Brentwood water tank for three years at 50% each, subject to the contracts being presented and approved by both Boards. The motion passed by a vote as follows:

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

See Exhibit G.1

## **2. Southaven Towne Center Project – Approval of Amendment**

Chris Gouras said, as the Board is aware, the Board approved the TIF Plan for the Southaven Towne Center project on May 5<sup>th</sup>. On June 17<sup>th</sup> the City of Southaven approved the Alliance Agreement and the County approved it the first part of July. Mr. Gouras said they prepared an application to MDA for them to issue a Certificate of Public Need. That document is required to be submitted to the Attorney General for approval. To do so, Mr. Gouras said, there are two areas that must be clarified to meet the guidelines of the statute.

First, the City Clerk must be designated to disburse funds. Second, the right of way acquisitions must be addressed. Mr. Gouras said those items have been added to the amended agreement and the Board's attorneys have looked at the amendment. Mr. Gouras said the city approved the agreement last night and he is before the Board of Supervisors seeking approval today.

At the recommendation of the Board Attorney, Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to

approve the amendment to the Regional Economic Development Alliance Agreement for the Southaven Towne Center Project, and to authorize the Board President to sign the agreement. The motion passed by a vote as follows:

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

See Exhibit G.2

### **3. County Engineers Monthly Report**

County Administrator Andy Swims presented the County Engineer's report as detailed on Exhibit G.3.

Regarding 1.C, Mr. Swims said his office has been working on the options for a road at the Olive Branch Library.

Regarding 1.E, Mr. Swims said the agreement will be on the October 20<sup>th</sup> agenda for the Board's consideration.

Regarding 3.B, Mr. Swims said his office is going to review the development. Mr. Swims said his office is still having a problem with the developers who proceed too far before the County can inspect the development.

Regarding 4.A, Mr. Swims said he has met with MDOT regarding the railroad at Goodman Road. Mr. Swims said that MDOT is very interested in closing the crossing at Hwy. 178 and Center Hill Roads.

Regarding 4.C, Mr. Swims said he has been looking into detention basin requirements. Mr. Swims said he has talked to other counties who do a fee in lieu of when there is no practical and clear detention requirements. Mr. Swims said this money would go into an account for the Board to use when they approve detention projects in the County. Mr. Swims said, if a developer chooses not to install their drainage they can pay this money. He said there is a committee that will meet on these issues. Mr. Swims said he will be back with some recommendations for the Board later.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to accept the County Engineer's report and make it part of the 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 G.3.

### **4. Grants**

#### **a. Closeout of LLEBG Grant**

At the recommendation of Grant Administrator Joyce Herring, Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to authorize the Board President to sign

the close out documents for the LLEBG Grant. The motion passed by a vote as follows:

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

See Exhibit G.4.a

**b. Accepting JAIBG Grant**

At the recommendation of the Grant Administrator, Joyce Herring, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to accept the JAIBG Grant in the amount of \$33,759. The motion passed by a vote as follows:

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

See Exhibit G.4.b

**5. Jail Inspection**

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

Supervisor Tommy Lewis  
Building & Grounds Director Kenny Evans

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 both of them have examined the DeSoto County Jail regarding its state and condition in regard to its safety, sufficiency and accommodation of the prisoners, and do find the jail to be in compliance and requiring no further action at this time.

Supervisor Tommy Lewis 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 to acknowledge they do find the Jail to be in compliance and requiring no further action at this time. The motion passed by a unanimous vote.

**6. Bids -Authorization to Open Bids for Sale of 2 Surplus Houses**

At the recommendation of the Director of Purchasing, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the County Administrator or his designee to open bids for the sale of two surplus houses west of Hernando Library on October 30<sup>th</sup>, 2003 at 10:00 a.m. The motion passed by a vote as follows:

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

See Exhibit G.6

**7. Metro Narcotics**

**a. Approval to Amend Interlocal Agreement**

At the recommendation of the Board Attorney, County Administrator David Armstrong made the motion and Supervisor Jessie Medlin seconded the motion to carry this item over until October 20<sup>th</sup>. The motion passed by a vote as follows:

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

**b. Approval to Add Forfeited Property to Inventory**

At the recommendation of the Director of Metro Narcotics, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to accept the Declaration of Forfeiture from Donato Gable and add the following item to inventory at Metro Narcotics:

1989	Dodge Ram Truck, Silver	VIN #1B7FE06X0KS148852
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The motion passed by a vote as follows:

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

See Exhibit G.7.b

**8. Update of I-69**

Supervisor Eugene Thach reported to the Board that the I-69 Coalition met at the Peobody on Monday. Supervisor Thach said they never got TEA21 passed. He reported that this is a slow process, and even though it is moving slow, it is moving forward.

**9. GIS – Approval to Seek Proposals for Digital Orthophotos**

At the recommendation of the Director of GIS, Sam Russell, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded

the motion to authorize the Director of GIS to seek proposals for digital orthophotos in the County. The motion passed by a vote as follows:

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

See Exhibit G.9

#### **10. Paving National Guard Parking Lot**

At the request of the Board of Supervisors, Road Manager Russell Dorris presented an estimate of \$24,981 for the resurfacing of the parking lot at the National Guard Armory. Supervisor Tommy Lewis said the parking lot is in great need of asphalt. Supervisor Lewis pointed out that the building is used as a voting precinct.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve paving the parking lot at the National Guard Armory building at a cost in line with the annual bid of \$24,981, unless the Road Manager can find a less expensive option. Also the motion included approval of a budget amendment from the contingency fund to the Road budget for the cost of the project. The motion passed by a vote as follows:

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

#### **11. County Attorney – Approval of Replacement Appointment in Justice Court**

County Administrator David Armstrong said Craig Treadway has a conflict with a case in Justice Court styled State of MS vs. Terry L. King, Cause # S2003-0131. Mr. Treadway recommends the Board appointing Stacey Spriggs to represent the County in this cause.

County Administrator David Armstrong said money is in the budget for court appointed attorneys.

At the recommendation of the County Attorney, Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to appoint Stacey Spriggs to replace County Attorney Craig Treadway in Justice Court for Cause # S2203-0131. The motion passed by a vote as follows:

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

See Exhibit G.11

**H. EXECUTIVE SESSION**

The Executive Session minutes are presented in the portion of the minutes called Exhibit H.

**I. OTHER ISSUES**

**1. Roads – Angie Drive**

Supervisor Tommy Lewis presented a drawing of the land owners on Angie Drive and the amount of right of way they are willing to donate in connection with their prior petition for the County to adopt the road. Supervisor Lewis said there are one or two houses that will violate the set back laws because they are so close to the road already.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to let County Engineer Andy Swims and Assistant County Engineer Scott Young start working on the project to verify the intent to donate the right of ways, and to do preliminary engineering on the project. The motion passed by a vote as follows:

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

See Exhibit I.1

**2. Walls Water Association – Easement Agreement**

Road Manager Russell Dorris said the County has drawn up an easement agreement to satisfy Walls Water’s request on Starlanding and Old Hwy. 61. Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the modified agreement that the Chamberlin Nowak Law Firm drew up to give Walls Water a waterline easement. The motion passed by a vote as follows:

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

See Exhibit I.2

**3. Approval of Tax Roll**

Chancery Clerk Sluggo Davis presented the State Tax Commission’s approval of the Recapitulation of Assessments of Real and Personal Property of DeSoto County. Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to make this approval part of the minutes. The motion passed by a vote as follows:

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

See Exhibit I.3

#### 4. Bridge Inspection

At the recommendation of the County Consulting Engineer, Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to approve the County bridge inspection program. The motion passed by a unanimous vote.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion, to recess this meeting of the DeSoto County Board of Supervisors until October 20, 2003 at 9:00 am. The motion passed by a vote as follows:

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

THIS the 8th day of October, 2003, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Gerald L. Clifton, President  
DeSoto County Board of Supervisors