

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

DISTRICT FOUR LEE CALDWELL, PRESIDING

October 15, 2014

A. CALL TO ORDER

The October 15, 2014 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Lee Caldwell, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff’s Department was present and opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3 Participated by phone
Supervisor Lee Caldwell	District 4
Supervisor Harvey Lee	District 5
Sheriff Bill Rasco	Sheriff
W. E. Sluggo Davis	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

B. INVOCATION

Mr. Rob Long of the DeSoto Times Tribune presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. NEW BUSINESS

1. Drainage Issue Impacting a County Road in Bridgetown Subdivision

Supervisor Lee Caldwell read the signed and notarized Public Notice regarding the DeSoto County Board of Supervisors calling an Emergency meeting as follows:

PUBLIC NOTICE

DeSoto County Board of Supervisors President Lee Caldwell, calls an Emergency meeting on the following matter:

Drainage Issue Impacting a County Road in
Bridgetown Subdivision

The meeting will be held on Wednesday, October 15, 2014 at 8:00 a.m. in the Board of Supervisors meeting room on the 3rd floor of the DeSoto County Administration Building at 365 Loshier Street, in Hernando, MS. No other business will be discussed.

Lee Caldwell, President
DeSoto County Board of Supervisors

County of DeSoto
State of Mississippi

On this ____ day of _____, before me, the undersigned notary, personally appeared Supervisor Lee Caldwell, personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary

Posted on: Tuesday, October 14, 2014

Pursuant to Section 19-3-19 Mississippi Code of 1072, as amended.

Time: 4:00 p.m.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve establishing the Public Notice for calling an Emergency meeting by the Board of Supervisors as part of the formal record and enter into the Board’s minutes.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell and Road Manager Andy Swims joined the Board meeting by phone.

Assistant County Engineer Scott Young said they have been monitoring an issue in Bridgetown Subdivision during the last few rains. Mr. Young said there is a significant problem on the north side of Victoria Drive. On the edge of the road there is a sinkhole on the south side of Victoria next to the pavement. He said they have been filling it with sand trying to minimize the problem. There is a 30 inch pipe that has rusted out and it is fifteen feet deep, and there is a pipe under the road that has separated so it causes soil to sink down and get drawn in from the area around the pipe. Mr. Young said the pipe comes into where the problem is.

Supervisor Jessie Medlin said he drove by the south side on the way to the Board Meeting and noticed that the pipe is old. Mr. Young said it is at least 40 years old. Supervisor Medlin asked if the other pipe is that old. Mr. Young said yes; that pipe is at least as old as the other one. Mr. Young said the pipe should be taking the water to the lake but the water is running under the pipe and not through the pipe. Mr. Young showed pictures and said there is no inlet or junction box. It is so deep they cannot pick up the pipe.

Mr. Young said junction box 2 runs out to the lake about 250 feet. Supervisor Lee Caldwell asked if Mr. Young has told the homeowner that the county cannot put concrete on their driveway. Mr. Young said not yet.

Supervisor Russell asked if that rule would apply in this case. The county is digging up the homeowner’s driveway to remove a pipe that they had nothing to do with and did not even know it was there.

The Board discussed how to start having developers, contractor and homebuilders mark pipes. Supervisor Medlin said if the homeowner or builder of this home knows where this pipe is located, they might be able to relocate the driveway to minimize costs. The Board talked about markings and different verbiage to identify pipes. Mr. Nowak said this project is a good example of the need for pipe markings or locators.

Mr. Young said water cannot flow out to the lake when it rains so it collects and flows over Victoria Drive and rainwater has also flowed into one house.

Supervisor Medlin asked if there is any way to remove the pipe from under the driveway.

Mr. Young showed on the overhead why that cannot be done. If you get too far over and it is 15 feet deep, you would get to another pipe. Mr. Young said he would like to use a camera to get a complete look at everything

Mr. Nowak said the pipe belongs to the Homeowners Association. The Board discussed involving the Homeowners Association to see if they would share some of the cost. Mr. Young said no one has talked to them yet. He said he wanted to inform the Board before talking to anyone else. He said he would like to talk with the Drainage Association as well.

Supervisor Medlin said he read the cost estimate and asked if that is to fill and cover the 15 foot sinkhole. Mr. Young said it is for material and the county doing the work.

Supervisor Mark Gardner said since the pipe belongs to the Homeowners Association, the county should be under no obligation except it is causing water to cover the road causing a public health and safety issue. He asked if the county is still responsible.

Supervisor Medlin said he would like to see what we can do about covering the driveway if we have to tear it up to work on the pipe.

Mr. Nowak said the Board cannot repair the driveway.

Mr. Young said they would put down limestone during the interim.

Supervisor Mark Gardner said he would like for the Board to send the homeowner a letter explaining the issue and the county's options. He doesn't want someone to just show up without notice.

Mr. Nowak said he is going to talk to the homeowner, and if needed, write a letter.

Supervisor Medlin said someone approved the drainage years ago and he feels sorry for the homeowner.

Mr. Young said, also the pipes are not coated as good as they are today. Supervisor Medlin said he would like to look into shifting the pipe.

Supervisor Harvey Lee said he understands if it is a driveway culvert, but we are tearing up a resident's driveway.

Mr. Nowak said it is discretionary with the Board whether or not to do the work.

Supervisor Caldwell asked Mr. Young to keep the Board informed as they go through this process.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion after determining that the conditions on the north and south side of Victoria Drive are causing water to cover the road and that condition adversely affects the health, safety and welfare of the citizens of DeSoto County in accordance with Mississippi code section 19-5-92.1, and to authorize the Road Department and Assistant County Engineer to use a camera to evaluate the damages and to further investigate remedies to the situation; and to an assessment of the issues using safety measures and come back to the Board with a detailed solution and cost; including replacing the drainage pipe which would help prevent future flooding and would protect the road and right of way, and to approve authorizing the Board Attorney, as necessary, to talk to the homeowner and to write a letter to the homeowner advising them of the issue and proposed resolution;

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>

Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

See Exhibit D.1

Supervisor Mark Gardner made the motion to recess the Board meeting until October 27, at 9:00 a.m. The motion was seconded by Supervisor Harvey Lee.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES
Supervisor Mark Gardner, Second District YES
Supervisor Bill Russell, Third District YES
Supervisor Lee Caldwell, Fourth District YES
Supervisor Harvey Lee, Fifth District YES

THIS the 15th day of October, 2014, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Lee Caldwell, President
DeSoto County Board of Supervisors