

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**JOHN M. M. CALDWELL, PRESIDENT, PRESIDING**

**February 24, 1997**

**A. CALL TO ORDER**

The February 24, 1997, meeting of the DeSoto County Board of Supervisors was called to order by John M. M. Caldwell, Sr., Board President.

Chief Ronnie Clayton, of the DeSoto County Sheriff's office 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:

- Jessie Medlin-----District 1
- Eugene C. Thach-----District 2
- James D. Pearson-----District 3
- John Caldwell-----District 4
- Tommy Lewis-----District 5
- W. E. "Sluggo" Davis-----Chancery Clerk
- James Albert Riley-----Sheriff
- Clovis Reed-----County Administrator
- William H. Austin, Jr.-----Board Attorney

**B. INVOCATION**

The invocation was presented by Supervisor John Caldwell.

**C. TRIP WELLS, MARVIN JOHNSON, ED SPENCER, AND MARGARET STEVENS, RE: JUSTICE COURT RENOVATIONS**

Ed Spencer, Director of Operations and Maintenance, and Marvin Johnson, Architect for the Justice Court Renovation, appeared before the Board of Supervisors to update the Board on the status of the Justice Court Renovation. Ed Spencer explained that the job started out with trustees from the DeSoto County Jail doing work at the jobsite. Material was bought and work progressed for 2 ½ weeks using the trustee workers. Building imperfections mandated that a wall be added to the building, therefore, increasing labor time and material costs. During the duration of work, the trustee worker count has dwindled from eight to as little as two, causing a slow down in the job. Wells Construction has agreed to take up work on the job at this point for an additional \$17,000.00 to their contract price.

Marvin Johnson, Architect for the job, agreed that for the first two weeks, work at the jobsite went well, but slowed dramatically as the number of laborers decreased. Mr. Johnson said the only other alternatives would be to hire qualified workers to do the work, to sub-contract the work, or to allow Wells Construction to take up the work.

**Item C., Continued,**

Supervisor Eugene Thach asked why the County would not be given credit for the work done. Trip Wells, of Wells Construction, answered that a lot of the work was done incorrectly. For example, studs are not spaced properly, etc., and consequently, a lot of work will have to be corrected or redone. Mr. Wells said that "take over" work is more costly. Supervisor Eugene Thach said that he has gone by the building and seen the trustees working and cleaning, and feels the trustees have accomplished a substantial amount of work. Supervisor Thach asked why the County would not get credit for this work. Trip Wells said that cleaning was never a part of their bid on the job. Supervisor Thach said that it was the original intent of the Board to save money for the County by using inmate labor and asked Marvin Johnson how these mistakes happened when the County is paying him to oversee the job. Mr. Johnson said he thought the county trustees could fix the studs, but the manpower is not available, therefore, he recommends using the contractor. Trip Wells said he had looked into other alternatives to fix the job, but could not come up with any less costly alternative. Supervisor Thach asked Ed Spencer if the County could hire someone independently to do the job. Mr. Spencer said he had tried, but had trouble finding someone to do the work.

Supervisor James Pearson asked Marvin Johnson for his comments on the situation. Mr. Johnson said that as scheduled at the beginning of the job, a meeting was held last Thursday to appraise the status of the job. The group found the job to be running behind due to lost laborers, additional job requirements, and unskilled workers, and the group felt the appropriate measure would be to let the contractor do the work.

Supervisor John Caldwell asked Trip Wells why materials purchased by the County would not be credited to the job. Trip Wells said he had contacted the low bidders and submitted the change orders based on those bids. Also, Mr. Wells explained that the labor to fix mistakes was more costly. Supervisor Caldwell commented that, in his opinion, the cost difference is not reasonable since the County has done a substantial amount of work and purchased the material. Supervisor Caldwell said that even if the County has to pay the \$17,000.00, he cannot understand the six week time difference. Trip Wells said that he can have crews on the job tomorrow, if the change order is signed today.

Supervisor James Pearson made the motion and Supervisor Eugene Thach seconded the motion to use Wells Construction to do the additional work necessary on the Justice Court Renovation job for a \$17,000.00 additional fee to their original quote, with the job completion date at June 7, 1997. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----No  
 Supervisor Eugene Thach-----Yes  
 Supervisor James Pearson-----Yes  
 Supervisor John Caldwell-----Yes  
 Supervisor Tommy Lewis-----No

**1. Other Issues**

**a. Requests for Changes in the Justice Court Renovation**

Marvin Johnson, Architect for the Justice Court Renovation, presented a list of changes that have been requested for work at the Justice Court Building. Exhibit D.2 lists requests for windows, doors, partition wall changes, prisoners holding area changes, courtroom modifications, keypad entry capabilities, and security issues that need to be addressed. Supervisor John Caldwell said he feels change orders should go through Ed Spencer, Director of Operations and Maintenance. Supervisor Eugene Thach asked if additional costs were involved.

**Item C.1.a., Continued,**

Marvin Johnson said that additional costs are involved.

Supervisor Jessie Medlin questioned spending in excess of \$250,000.00 on the job and not listening to the requests of those using the building for changes at a nominal cost. The Board of Supervisors asked if Ed Spencer could look at the requests today. Mr. Spencer said that he could review the requests. **SEE EXHIBIT C.1.a.**

Supervisor John Caldwell made the motion and Supervisor James Pearson seconded the motion to disregard the request for the change orders and stipulate that these and all future requests be given to Ed Spencer, Director of Operations and Maintenance, to recommend to the Board of Supervisors. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	No
Supervisor Eugene Thach-----	Yes
Supervisor James Pearson-----	Yes
Supervisor John Caldwell-----	Yes
Supervisor Tommy Lewis-----	No

**b. Quotes for Materials for Smoking Rooms**

Ed Spencer, Director of Operations and Maintenance reported to the Board of Supervisors that he is in the process of getting quotes for necessary materials to modify the smoking rooms.

**c. Roofing of Courthouse**

Ed Spencer, Director of Operations and Maintenance, notified the Board of Supervisors that he has a bill from TAM Construction for the Courthouse roofing job. Mr. Spencer recommends withholding ten percent of the contract price for damages caused by the roofers. Supervisor John Caldwell asked if ten percent will cover the cost of the damages. Mr. Spencer said he has not gotten responses for quotes for all costs, but he estimates ten percent will cover the damages. Supervisor Tommy Lewis asked about the time it took for the roofing job to be completed. Mr. Spencer said that he has records of all workable days since the start of the job. The Board of Supervisors deferred a motion on this issue to allow Ed Spencer to obtain all quotes for damage replacement caused by TAM Construction to see if ten percent will cover all the charges.

**D. JUDGES ANN DOWNEN, KEN ADAMS, JOHN MCCORMACK, RE: JUSTICE COURT REFORM**

Justice Court Judge Ann Downen and Justice Court Judge John McCormack appeared before the Board of Supervisors to discuss the proposed Justice Court Reform presented by Justice Court Judge John McCormack on February 18, 1997. Judge Downen thanked the Board of Supervisors for asking her opinion on this matter. Judge Downen said she could not understand how the terminology "it is obvious" and "it is apparant to the Board of Supervisors" could be true, since the Board of Supervisors do not work in Justice Court. Judge Downen said it would be the year 2004 before a new judge would be added and she could not see how anyone could see the County's situation at that time. Also, she does not think Judge McCormack could know the full scope of the job after one year, since the first year is a training year, and by design, a first year Justice Court Judge does not carry a full load.

**Item D., Continued,**

Supervisor Tommy Lewis read the letter from Justice Court Judge Ken Adams, indicating he has not seen Judge McCormack's reform, but knows the legislature will do what is best for the State of Mississippi. Judge McCormack said he agrees that the legislature will do what is best if the matter is brought before them.

Supervisor Eugene Thach said State Representative Greg Davis has said the deadline is past to receive such documentation. Representative Davis notified Supervisor Thach that the House of Representatives has sent a bill on the matter to the Senate already delegating the decision on the number of Justice Court Judges in a county to the Board of Supervisors. Supervisor Thach said he also disagrees with the terminology, "it is obvious...apparent to the Board of Supervisors." Supervisor Thach said he also cannot agree with the part of the reform dealing with other counties as he cannot say what other counties need, and, if approved, he would like to strike that paragraph from the document. Supervisor Eugene Thach asked if the Board Attorney had looked at the bill.

Judge McCormack said he too had talked with Representative Greg Davis and that is one reason the issue was addressed in the House of Representatives. Judge McCormack said he feels the issue should be addressed now in anticipation of the 2004 implementation, to have a chance to succeed with the reform. Further, Judge McCormack said he appreciated having the time to train, and after six months in office there was a meeting where the Justice Court Clerk was instructed to divide the caseload equally.

Supervisor John Caldwell asked if Judge McCormack agreed with the House of Representatives bill. Judge McCormack said yes, but he still wants to push this reform in case that bill is defeated.

Supervisor Tommy Lewis asked for Linda Aldridge's opinion in the matter. Ms. Aldridge said an increased population will increase their workload, but she does not want to comment on the Judges' decisions. Judge McCormack said if the caseload increases, the start time of court could be changed from 9:00 to 8:00 a.m.

Supervisor James Pearson made the motion and Supervisor John Caldwell seconded the motion to pass a resolution in favor of the Justice Court Reform as presented by Justice Court Judge John McCormack without the fifth paragraph and include a statement "in addition, we request that the State Senate support the State House of Representatives Bill # 1406." The motion passed by a vote as follows:

Supervisor Jessie Medlin-----No  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Yes  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**E. OLD BUSINESS**

**1. Appointments - Including Appointment to Summershill Fire Protection District**

This item was held over. **SEE EXHIBIT E.1.**

**2. Report From Committee to Review Phillips Road**

This item was held over.

**Item E., Continued,**

**3. Road Inspection Report**

The Road Manager, Kenny Gunn presented a working copy of the Four Year Road Plan for 1997 and 1998, and a working copy of the Road Condition Report. Supervisor John Caldwell said the district divisions in the report will have to be removed. Kenny Gunn said this is a working copy that is used to indicate the section in which the work is located, but he will make that distinction on the final report. Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to take the Road Condition Report under advisement. The motion passed by a unanimous vote. **SEE EXHIBIT E.3.**

#### **4. EMS Personnel**

This item was held over until March 3, 1997.

#### **5. Use of Junk Cars for Auto Education Class**

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to declare the cars listed on the Inventory Control Disposition sheet presented by Bobby Storey, Eudora EMS Director, as junk. The motion passed by a unanimous vote. **SEE EXHIBIT E.5.**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the use of these cars declared as junk and listed in Exhibit E.5 for use in EMS training purposes. The motion passed by a unanimous vote. **SEE EXHIBIT E.5.**

Bobby Storey, Eudora EMS Director, relayed to the Board of Supervisors that a substantial amount of his time had been spent working on the fire in Hernando's City Hall. Mr. Storey commended the Fire Investigators who worked this scene for the fine job they did and their excellent quality of work.

#### **6. Request for Additional Fund for Lewisburg Ambulance/Fire Building**

This item was held over until March 3, 1997.

#### **7. Approval to Pay Bill for Circuit Court Clerk**

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to pay the bill for monthly adjustment from the Circuit Court Clerk in the amount of \$2,969.00. The motion passed by a unanimous vote.

### **F. NEW BUSINESS**

#### **1. Approval of Emergency Purchase for Repair of Ambulance**

Supervisor Tommy Lewis made the motion and Supervisor James Pearson seconded the motion to approve payment of the bill for \$60.20 from Country Ford for the emergency repair of an ambulance as presented by the Director of Purchasing/Personnel. The motion passed by a unanimous vote.

**SEE EXHIBIT F.1.**

**Item F., Continued,**

#### **2. Approve Payment of Right of Way on Ranch Raod**

Supervisor Tommy Lewis made the motion and Supervisor James Pearson

seconded the motion to pay up to \$4,000.00 for a right of way on Ranch Road according to the appraisal. The motion passed by a unanimous vote.

**3. Walls Health Department/Library**

The County Administrator, Clovis Reed, read a letter he had received from Hal Crenshaw regarding his gift of land to the county for a public library, indicating he is ready to deed the land and would like the Board of Supervisors to consider naming the Library after Supervisor James Pearson. Mr. Reed also read a letter from

Jim Anderson representing the Library Board, saying they support and approve this project. Supervisor Jessie Medlin asked the Board Attorney if the process was legal. William Austin, the Board Attorney, stated that there is a statute explaining state requirements for the process, but it is legal to authorize such a request.

Supervisor Eugene Thach said he questioned the legalities of naming a building after a sitting governing official, and the fact that Hal Crenshaw is donating this land with a stipulation, when he deals with the Board of Supervisors on a regular basis. Supervisor Thach would also like input from people in the area. However, Supervisor Thach said he will support and vote for the process if it is legal. **SEE EXHIBIT F.3.**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion the accept the donation of land and name the library after James Pearson. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----No  
Supervisor James Pearson-----Abstain  
Supervisor John Caldwell-----Abstain  
Supervisor Tommy Lewis-----Yes

**4. Authorization to Bid for Phone System for Human Services**

Supervisor Tommy Lewis made the motion to advertise for a replacement phone system for the Department of Human Services, to be paid for from their budget, same having already been approved by the State. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**5. Authorize President to Sign Deed to Nesbit Fire Department**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to sign a deed as approved by this Board of Supervisors on February 5, 1997, to the Nesbit Volunteer Fire Department. The motion passed by a vote as follows:

**Item F.5., Continued,**

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes

Supervisor Tommy Lewis-----Yes

**6. Approval of Interlocal Agreement With Southaven for E911**

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept the interlocal agreement between the DeSoto County E911 and the City of Southaven, and the DeSoto County Board of Supervisors as presented. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**SEE EXHIBIT F.6.**

**7. Approval of Schoolbus Turnaround**

The DeSoto County Board of Supervisors received a letter dated February 20, 1997, from the DeSoto County Superintendent of Education requesting the county to maintain the properties listed in his letter which are used as school bus turnarounds. A copy of this request is attached and made a part of these minutes by attachment of Exhibit F.7. **SEE EXHIBIT F.7.**

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 Tommy Lewis made the motion to build, maintain, and improve the properties listed in the Superintendent's letter dated February 20, 1997, and to direct the County Road Manager to carry out this order of this Board forthwith. Supervisor Jessie Medlin seconded the motion. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**G. JOHNNY CARTER, RE: BEAVER CONTROL REPORT**

Johnny Carter appeared before the Board of Supervisors to report on the beaver control project. Johnny Carter said he has worked several areas in DeSoto County in the last quarter and just recently he has torn out eight dams and trapped 26 beavers. Mr. Carter explained that activity is low in the summer, so he saved time until cold weather to work in DeSoto County, when the beavers are more active.. Mr. Carter feels the hours he has saved will carry him through the rest of the season. Johnny Carter reported that his boss has asked if the Board of Supervisors would like to give up some

**Item G., Continued,**

hours on the B Cap time to private time. Supervisor Jessie Medlin said he feels the County still has plenty of work under the current time allotment. Mr. Carter said he will be back in June to get the Board of Supervisors votes to allow him to stay in the program. Johnny Carter asked if there were any problems with his work, so he can correct them before June.

Supervisor James Pearson made the motion and Supervisor Jessie Medlin seconded the motion to accept the Mississippi Beaver Control Assistance Control Quarterly Report for DeSoto County as presented. The motion passed by a unanimous vote.  
**SEE EXHIBIT G.1.**

**H. OTHER ISSUES**

**1. Helicopter Bid Authorization**

Supervisor Eugene Thach said he had been contacted about the helicopter being included in the surplus sale. The Board of Supervisors directed Deputy Chancery Clerk Vanessa Lynchard to correct the February 18, 1997, draft of the Board minutes that indicate, in error, that the helicopter will be included in the County's surplus equipment sale.

**2. Sacred Heart CBDG Grant**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the request from Sacred Heart to remove DeSoto County from the loop in signing off on every document exchange by authorizing Sacred Heart to sign for DeSoto County on all matters concerning the CBDG Grant to Sacred Heart, if the process is legal. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----Absent  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes

**3. Right of Way on Stateline Road**

Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to pay \$1,134.00 for the Williford right of way on Stateline Road. The motion passed by a unanimous vote.

**4. Assistant Purchasing Clerk**

It has been discussed by the Board of Supervisors to reorganize the Purchasing/Personnel Department. Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to advertise for an Assistant Purchase Clerk at a salary range of \$14,000.00 to \$19,000.00 based on experience. The motion passed by a vote as follows:

**Item H.4., Continued,**

Supervisor Jessie Medlin-----Yes  
Supervisor Eugene Thach-----Yes  
Supervisor James Pearson-----No  
Supervisor John Caldwell-----Yes  
Supervisor Tommy Lewis-----Yes



## 5. Request to Go Out For Bids for Trucks

The Road Manager Kenny Gunn explained to the Board of Supervisors that the time has come to replace four of the trucks in Central Maintenance. State contract requirements were discussed. Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to authorize the Road Manager to go out for bids for four new pick-up trucks to be used in Central Maintenance. The motion passed by a unanimous vote.

## 6. Litter Ordinance

Supervisor John Caldwell presented a copy of a proposed litter ordinance for the Board of Supervisor's approval. This item was held over to allow the Board of Supervisors time to review the ordinance.

### I. EXECUTIVE SESSION

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to adjourn until Monday, March 3, 1997, at 9:00. The **motion passed** by a unanimous vote.

THIS the 24th of February 1997, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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JOHN M. M. CALDWELL, President  
DeSoto County Board of Supervisors