

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

EUGENE THACH, PRESIDENT 2004 PRESIDING

August 2, 2004

A. CALL TO ORDER

The August 2, 2004, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Eugene Thach, 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 Bill Russell-----District 3
- Supervisor Allen Latimer-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Bobby Chamberlin-----Board Attorney
- David Armstrong-----County Administrator
- Sheriff James Albert Riley-----DeSoto County Sheriff ‘s

Department

B. INVOCATION

County Administrator David Armstrong presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF JULY MINUTES

The official minutes of the Board of Supervisors were read for the month of July 2004, pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the minutes of the Board of Supervisors, with clarifications made by the Supervisors, for the month of July 2004. The motion passed by unanimous vote.

E. PUBLIC HEARING – 2004 TAX ROLLS

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing for the Protest Period for the 2004 Tax Rolls after having duly published in a legal publication the opening of the Rolls by the Board of Supervisors in order to hear from the public. The motion passed by a unanimous vote.

1. Associated Wholesale Grocers, Inc.

- a. 1085-2201.0-00031.00
- b. 1085-2201.0-00031.99
- c. 1085-2201.1-00034.00
- d. 1085-2202.0-00056.00
- e. 1085-2202.0-00057.00
- f. 1085-2202.0-00058.00

Mr. Tom Otto and Kent Twist representing Associated Wholesale Grocers appeared before the Board of Supervisors to discuss their tax assessment.

Supervisor Eugene Thach asked the Tax Assessor's Office representatives if they have met with Associated Wholesale Grocers about their tax assessment. DeSoto County Appraiser Bill Bryant said everyone has at least discussed their protest with the Tax Assessor's Office either with the person or by phone. Mr. Bryant explained that they are still awaiting certain information from Associated Wholesale Grocers in order to fully consider their protest.

Mr. Otto said he has some of the requested documentation regarding their assessment. Mr. Otto said Associated Wholesale Grocers is asking that the value be set at the sale price that the property was purchased for recently. Mr. Otto said he was asked to disclose the relationship between Associated Wholesale Grocers and the sellers of the property. Mr. Otto said he has information to satisfy that there is no relationship between Associated Wholesale Grocers and the sellers of the property.

Mr. Otto said he also has a settlement statement showing the purchase price of the property. Mr. Otto said the settlement statement shows the legal description of the property.

Mr. Otto explained that Associated Wholesale Grocers has a total of six parcels in DeSoto County as follows:

- 1085-2201.0-00031.00
- 1085-2201.0-00031.99
- 1085-2201.0-00034.00
- 1085-2202.0-00056.00
- 1085-2202.0-00057.00
- 1085-2202.0-00058.00

Mr. Otto said they are only protesting three of the parcels, which are:

- 1085-2201.0-00031.00
- 1085-2201.0-00031.99
- 1085-2201.0-00034.00

Mr. Otto said that he has a letter from Associated Wholesale Grocers from a representative to help negotiate the transaction. Mr. Otto said the letter will verify the purchase price of the property to be \$23.8 million. Mr. Otto reminded the Board of Supervisors that Associated Wholesale Grocers was built with bond money. Mr. Otto said the property ownership has gone from Malone & Hyde to Fleming and since Fleming has sold a couple more times and Associated Wholesale Grocers purchased the property recently.

Supervisor Bill Russell asked the significance of proving this was an arms length transaction. Mr. Otto said Associated Wholesale Grocers does not consider this to be an arms length transaction. Also, the property was not bought at a fire sale. Mr. Otto explained that an arms length transaction or fire sale would indicate that less than fair market value was paid for the property when that is not the case. Mr. Otto reminded the Board that they are only asking for a change in assessed value on three of the lots.

DeSoto County Appraiser Bill Bryant asked for additional information that he has previously requested from Associated Wholesale Grocers, such as how much the building is insured for. Mr. Bryant said he knows there has been a recent appraisal done on the property. Mr. Otto said Associated Wholesale Grocers did not do an appraisal when they

purchased the property. Mr. Otto said that insurance value would indicate what it would cost to replace the property at today's values. Mr. Bryant said Mississippi State Law said the Board of Supervisors has authority to ask for the insured value.

Supervisor Eugene Thach asked when Associated Wholesale Grocers bought the property. Mr. Otto said August of 2003.

Mr. Bryant said the Tax Assessor's Office deals with mass appraisals. He said they appraised in this way and are legally allowed to be within 20% of the true value of the property. Mr. Bryant said the Tax Assessor's Office tries to appraise properties at no more than \$10.00 per parcel. However, they still try to keep their percentages closer than 20%.

Mr. Otto told the Board of Supervisors that he could get the requested information to the Tax Assessor's Office later today or by tomorrow morning.

Mr. Bryant reminded the Board of Supervisors that they have already granted Associated Wholesale Grocers a Freeport Tax Exemption on the property which saves them a tremendous amount of taxes when the disputed value of the property does not amount to a great deal of money. Supervisor Eugene Thach asked if Associated Wholesale Grocers can come in to ask for an ad valorem tax exemption. Mr. Bryant said they could, but they have already exceeded the two year time limit to do so.

Supervisor Thach ask Associated Wholesale Grocers to try to get the requested information to the Tax Assessor's Office as soon as possible and the Board of Supervisors determined it to be in the best interest of the County to hold this item over until August 16, 2004.

Supervisor Tommy Lewis made the motion to hold the Public Hearing over until 11:00 a.m. After discussion and advice from the Board Attorney, Supervisor Lewis withdrew his motion.

Chancery Clerk Sluggo Davis said a representative of Oakridge & Pineridge Apartments called and ask for a continuance until August 16, 2004. Mr. Bryant said he has talked to the Oakridge & Pineridge representative this morning and she indicated that the protest may be withdrawn.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to continue the Public Hearing until 11:00 a.m. The motion passed by a unanimous vote.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to reconvene the Public Hearing for the Tax Protest Period. The motion passed by a unanimous vote.

Board Attorney Bobby Chamberlin suggested going into Executive Session for Park Development for the matter of litigation concerning Park Development's 2003 taxes. The Board Attorney advised that the outcome of that discussion may have a bearing on Park Development's protest of the 2004 taxes.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to recess the Public Hearing until later in the meeting. The motion passed by a unanimous vote.

Later in the meeting and after Executive Session, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to reconvene the Public Hearing. The motion passed by a unanimous vote. Mr. Bryant explained to the Board of Supervisors that it is the tax payers responsibility to prove to the Board of Supervisors why their tax assessment is unfair. The Board of Supervisors ask if anyone else was present to come before the Board regarding the tax protests. No one came forward. The Board acknowledge that list of everybody who was on the list that they did not carry over and did not appear before the Board of Supervisors regarding their tax protest, even though they had filed to do

so.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve holding over the tax protests for Park Development, Oakridge and Pineridge Apartments, and Associated Wholesale Grocers until August 16, 2004. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to recess the Public Hearing for tax protests until August 16, 2004, at 9:00 a.m. The motion passed by a unanimous vote.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to deny the tax appeal and uphold the Tax Assessor’s Office of the properties:

Mark & Rebecca Parmley 3088 2703.0-00079.00

Mark Parmley & Ken Eckel 3074 1300.2-00021.00

Westwind Duplexes

1087-3511.0-00049.00	1087-3511.0-00048.00	1087-3511.0-00051.00	1087-3511.0-00050.00
1087-3511.0-00053.00	1087-3511.0-00052.00	1087-3511.0-00055.00	1087-3511.0-00054.00
1087-3511.0-00057.00	1087-3511.0-00056.00	1087-3511.0-00059.00	1087-3511.0-00058.00
1087-3511.0-00061.00	1087-3511.0-00060.00	1087-3511.0-00063.00	1087-3511.0-00062.00
1087-3511.0-00065.00	1087-3511.0-00064.00	1087-3511.0-00067.00	1087-3511.0-00066.00
1087-3511.0-00069.00	1087-3511.0-00068.00	1087-3511.0-00071.00	1087-3511.0-00070.00
1087-3511.0-00073.00	1087-3511.0-00072.00	1087-3511.0-00075.00	1087-3511.0-00074.00
1087-3511.0-00077.00	1087-3511.0-00076.00	1087-3511.0-00079.00	1087-3511.0-00078.00
1087-3511.0-00081.00	1087-3511.0-00080.00	1087-3511.0-00083.00	1087-3511.0-00082.00
1087-3511.0-00085.00	1087-3511.0-00084.00	1087-3511.0-00087.00	1087-3511.0-00086.00
1087-3511.0-00089.00	1087-3511.0-00088.00	1087-3511.0-00091.00	1087-3511.0-00090.00
1087-3511.0-00093.00	1087-3511.0-00092.00	1087-3511.0-00095.00	1087-3511.0-00094.00
1087-3511.0-00096.00	1087-3511.0-00097.00	1087-3511.0-00099.00	1087-3511.0-00098.00
1087-3511.0-00101.00	1087-3511.0-00100.00	1087-3511.0-00103.00	1087-3511.0-00102.00
1087-3511.0-00105.00	1087-3511.0-00104.00	1087-3511.0-00107.00	1087-3511.0-00106.00
1087-3511.0-00109.00	1087-3511.0-00108.00	1087-3511.0-00111.00	1087-3511.0-00110.00
1087-3511.0-00113.00	1087-3511.0-00112.00	1087-3511.0-00115.00	1087-3511.0-00114.00
1087-3511.0-00117.00	1087-3511.0-00116.00	1087-3511.0-00119.00	1087-3511.0-00118.00
1087-3511.0-00121.00	1087-3511.0-00120.00	1087-3511.0-00123.00	1087-3511.0-00122.00
1087-3511.0-00125.00	1087-3511.0-00124.00	1087-3511.0-00128.00	1087-3511.0-00127.00
1087-3511.0-00130.00	1087-3511.0-00129.00	1087-3511.0-00132.00	1087-3511.0-00131.00

1087-3511.0-00134.00	1087-3511.0-00133.00	1087-3511.0-00136.00	1087-3511.0-00135.00
1087-3511.0-00138.00	1087-3511.0-00137.00	1087-3511.0-00140.00	1087-3511.0-00139.00
1087-3511.0-00142.00	1087-3511.0-00141.00	1087-3511.0-00144.00	1087-3511.0-00143.00
1087-3511.0-00146.00	1087-3511.0-00145.00	1087-3511.0-00148.00	1087-3511.0-00147.00
1087-3511.0-00150.00	1087-3511.0-00149.00	1087-3511.0-00152.00	1087-3511.0-00151.00
1087-3511.0-00154.00	1087-3511.0-00153.00	1087-3511.0-00156.00	1087-3511.0-00155.00
1087-3511.0-00158.00	1087-3511.0-00157.00	1087-3511.0-00160.00	1087-3511.0-00159.00
1087-3511.0-00162.00	1087-3511.0-00161.00	1087-3511.0-00164.00	1087-3511.0-00163.00
1087-3511.0-00166.00	1087-3511.0-00165.00	1087-3511.0-00168.00	1087-3511.0-00167.00
1087-3511.0-00170.00	1087-3511.0-00169.00	1087-3511.0-00172.00	1087-3511.0-00171.00
1087-3511.0-00174.00	1087-3511.0-00173.00	1087-3511.0-00176.00	1087-3511.0-00175.00
1087-3511.0-00179.00	1087-3511.0-00177.00	1087-3511.0-00181.00	1087-3511.0-00180.00
1087-3511.0-00183.00	1087-3511.0-00182.00	1087-3511.0-00185.00	1087-3511.0-00184.00
1087-3511.0-00186.00			

Dollar General, Olive Branch 1067 2618.0-00014.00

Oakridge & Pineridge Apartments

1087-2612.0-00001.00	1087-2612.0-00002.00	1087-2611.0-00001.00	1087-2611.0-00002.00	1087-2611.0-00003.00	1087-2611.0-00004.00	1087-2611.0-00005.00	1087-2611.0-00006.00
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

Jeffery Bush

10672618.0-00014.00

The motion passed by a unanimous vote.

See Exhibit F.1

D. OLD BUSINESS

1. Appointment - Port Commission – District 1

In accordance with Section with Section 59-7-451, - 453, and – 455 of the Mississippi Code annotated, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to reappoint Jimmy Carson 11534 Miller Road, Olive Branch, Mississippi, as the District 1 Representative to the Port Commission for a term set to expire July 1, 2009. The motion passed by a unanimous vote.

2. EMS – Authority to Refurbish Future Ambulances

Board Attorney Bobby Chamberlin said the County specified in the bid package for refurbishes of ambulances one or more ambulances, but listed seven ambulances to be refurbished. Mr. Chamberlin said the Board of Supervisors asked Chamberlin Nowak if the County had authority to send more ambulances to be refurbished under the original bid. Mr. Chamberlin cautioned the Board that the County is limited to the seven ambulances specified in the bid, but those seven can be sent to be refurbished.

Supervisor Tommy Lewis said that if more than the original seven ambulances needed to be refurbished, EMS should come back before the Board of Supervisors to seek authority to bid out the refurbishment.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to allow three additional ambulances to be sent to the vendor to be refurbished if the money is in the budget as specified in bid file # 03-240-001. The motion passed by a unanimous vote.

See Exhibit F.2

E. NEW BUSINESS

1. Approval of Tax Roll

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to hold over the approval of the DeSoto County Tax Roll for 2004 until August 16, 2004. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit G.1

2. National Guard Request

Tom Pittman appeared before the Board of Supervisors on behalf of the Community Foundation of North Mississippi. Mr. Pittman said the National Guard is leaving for training on August 21st. Mr. Pittman said the Community Foundation plans to honor the National Guard on August 19, 2004. Mr. Pittman said the Community Foundation is developing a fund for the people going overseas. Mr. Pittman said the Community Foundation put \$1,000 into the fund and have collected an additional \$1500 from individuals. Mr. Pittman explained that the fund is being set up to show how much we appreciate the National Guard troops for putting themselves in a position to protect America.

Mr. Pittman explained that the money will be used to buy phone cards for the troops to use to call home from over seas. Mr. Pittman said because of a deal they have worked out \$1,000 will allow the Community Foundation to provide each soldier with one minute of phone time a month to call home. Mr. Pittman said he would ask the Board to make a contribution of \$2,000 to promote DeSoto County in this effort to help the troops.

At the approval of the Board Attorney, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize a donation of \$2,000 to advertise County resources to the Community Foundation for support of the National Guard troops who have been called over seas. In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors did make a determination that the above request would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County. The motion passed by a unanimous vote.

3. Assignment of Lease to Pinnacle Towers

Board Attorney Bobby Chamberlin said years ago the Board entered into a lease agreement with Communication Towers. Mr. Chamberlin explained that the terms of lease agreement allow Communication Towers to assign the lease and they have submitted a request to do that. Mr. Chamberlin presented an Estoppel Agreement regarding the assignment of the lease. Mr. Chamberlin said the Board of Supervisors does not have to give approval of this

Estoppel Certificate. Mr. Chamberlin explained that when he first received the agreement, his Law Firm identified several items that the County cannot agree to and Pinnacle Towers deleted those items from the Estoppel Agreement. Mr. Chamberlin said the agreement, as it is written, says that the Board of Supervisors confirms that the leasee is not in default. Supervisor Mr. Chamberlin said the agreement adds another person to put on notice if the County chooses to exercise their option to cancel the lease.

Mr. Chamberlin ask if the Board of Supervisors wants to approve the Estoppel Certificate. Supervisor Tommy Lewis asked why the Board should approve it. Mr. Chamberlin said that there is no reason that the Board should approve the agreement.

Supervisor Eugene Thach ask what the Board Attorney recommends the Board do regarding the agreement. Mr. Chamberlin said the Board of Supervisors has authority to approve the agreement, but it is not a real benefit to the County to do so. Mr. Chamberlin said the Board of Supervisors can either accept or decline the agreement.

Supervisor Allen Latimer ask if the tower company carries the liability insurance on the tower. Mr. Chamberlin said he is almost sure they do, he will verify that this is the case.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to deny approval of the Estoppel Certificate between Pinnacle Towers and DeSoto County. The motion passed by a unanimous vote.

See Exhibit G.3

4. Accounting

a. Claims Docket

Comptroller Tom Arnold and Stephanie Hanks of the Accounting Department presented the claims docket to the Board of Supervisors. Ms. Hanks read the docket and told the Board of Supervisors that their copy of the docket has an error that has been corrected, involving a typographical error on an account number. Ms. Hanks said the error has been corrected and the claims docket is not affected in the bottom line for expenditures. Ms. Hanks continued to read the docket to the Board of Supervisors.

Supervisor Tommy Lewis ask where the County is in expenditures compared to the approved budget. County Administrator David Armstrong said he will verify that number and report back to the Board of Supervisors.

Supervisor Bill Russell asked about the cell phone bill. Ms. Hanks explained that one of the bill looks high, but it is because of a billing issue with Cingular Wireless.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Eugene Thach made the motion and Supervisor Bill Russell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

b. Interfund Transfer – Metro Narcotics

At the recommendation of Comptroller Tom Arnold, Supervisor Jessie Medlin made the

motion and Supervisor Bill Russell seconded the motion to authorize and instruct the Chancery Clerk, pursuant to Section 41-29-185 of the Mississippi Code of 1972, as amended, to transfer the following forfeited funds that were seized by Metro Narcotics:

<u>Case Number</u>	<u>Date Seized</u>	<u>County Receipt</u>	<u>Amount</u>	<u>Date Forfeited</u>
DC-04-0042	06/03/04	16005	\$864.00	07/21/04
DC-04-0043	06/04/04	16020	\$122.00	07/21/04
DC-04-0045	06/09/04	16019	\$152.00	07/21/04

Transfer From	123-900-951	Metro Narcotics Seized	\$1,138.00
Transfer To	120-000-387	Metro Narcotics Forfeitures	\$1,138.00

The motion passed by a unanimous vote.

See Exhibit G.4.b

c. Ratify Bond Payment

Verified loan repayment documents for DeSoto County Account 05648-049, Mississippi Development Bank Promissory Note were presented by copy to each Supervisor. Payment was made to Hancock Bank against the following accounts as follows:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
001-801-800	Principal	\$ 31,250.00
001-801-802	Interest	\$ 12,738.68
		\$ 43,988.68

Verified loan repayment documents for the \$18,000,000 MS Development Bank Special Obligation Bonds, were presented by copy to each Supervisor.

Payment for principal and interest to be made through Trustmark Bank for check #003814 issued 7/29/04 against the following account:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
215-800-802	Interest	\$ 17,150.07

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to ratify the bond payments as described above. The motion passed by a unanimous vote.

See Exhibit G.4.d

d. Ratify Insurance Payment

Comptroller Tom Arnold presented the recap for insurance expenditures for the month of July. Mr. Arnold explained the report to the Board of Supervisors.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to ratify the insurance payments for the month of July 2004 as listed on Exhibit G.4.d. The motion passed by a unanimous vote.

See Exhibit G.4.d

e. Late Bill – Constable

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the late bill for the Constables fees and authorize the Clerk to write the check as follows:

CONSTABLE	CRIMINAL	CIVIL	TOTAL
Chris Sing	\$50	\$2,740	\$2,790
Floyd Medlin	\$ 50	\$ 1,655	\$ 1,705
Lee Hodge	\$ 150	\$ 100	\$ 750
Joe Holmes	\$ 244.55	\$ 2,105.00	\$ 2,349.55

The motion passed by a unanimous vote.

See Exhibit G.4.e

5. Planning Commission - Code Violation, Myrtis Allison

Planning Commission Director Merritt Powell and Code Enforcement Officer Steve Powell addressed the Board of Supervisors regarding a code enforcement violation at the home of Myrtis Allison, 6140 Nail Road, Walls, Mississippi, 38680.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to open the Public Hearing as advertised for the code violation at this property. The motion passed by a unanimous vote.

Merritt Powell said the landowners have made no effort to clean the property. Steve Powell showed pictures of the property, which indicated that no progress had been made toward cleaning the property.

Steve Powell, Code Enforcement Officer, said he talked to Ms. Allison. Mr. Powell confirmed that the landowners have not done anything to help the properties condition. Mr. Powell said he has an affidavit out for the Allisons, but the Constable has been unable to catch them at home to serve them with the affidavit.

Supervisor Bill Russell asked what the next step is. Merritt Powell said the next step is for the County to clean the property. Mr. Powell said the County has been unsuccessful in getting the case in Justice Court because the Constable unable to find the Allisons to serve them.

Supervisor Bill Russell ask what Justice Court will do. Steve Powell said that the Justice Court can order the landowner to clean the property and, if they do not, they would go back to Court.

Board Attorney Bobby Chamberlin explained to the Board of Supervisors that they have two options to get the property cleaned. One is Justice Court, but the people have not been served. The other is to send a certified letter to the property owners that the County will clean the property and charge the cost back to their tax bill.

Supervisor Bill Russell suggested taking the junk from the property and charging the landowners with the cost to store the things taken from the property at a storage facility. Merritt Powell said if the County goes this route, then should the Planning Commission have a Deputy with them in cleaning the property.

Supervisor Jessie Medlin said the certified letter refers to the Public Hearing. Merritt Powell agreed. Supervisor Medlin ask if the County can go to a higher Court to get a ruling. Board Attorney Bobby Chamberlin said to do that, the County will have to get the people served. Supervisor Medlin ask if a higher Court would give them a time limit to clean the property.

Supervisor Bill Russell said he wants to clean the property, but this is agricultural land. Supervisor Russell said maybe the best thing to do is go to Court.

Board Attorney Bobby Chamberlin suggested letting the process continue in Justice Court. Supervisor Eugene Thach asked who is the Judge in Justice Court. Merritt Powell said a Judge has not been assigned.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to postpone this effort until August 16, 2004, to allow a concerted effort to serve the Allisons. The motion passed by a unanimous vote.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to close the Public Hearing on the code violation on the properties belonging to Myrtis Allison. The motion passed by a unanimous vote.

See Exhibit G.5

6. Grants – Acceptance of JAIBG Grant

At the recommendation of Grant Administrator Joyce Herring, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to accept and authorize the Board President to sign the Juvenile Accountability Incentive Block Grant for project 2JB1171 accepting the grant in the amount of \$42,163.00. The motion passed by a unanimous vote.

See Exhibit G.6

7. Inventory Control Disp. – Board of Sup.-Prel. & Final

Joyce Herring explained to the Board of Supervisors that Supervisor Bill Russell had sent his palm pilot to be repaired and the company replaced the palm pilot and kept the old unit; therefore, the original palm pilot needs to be removed from inventory.

At the recommendation of the Inventory Clerk, Joyce Herring, Supervisor Tommy Lewis made the motion and Supervisor Allen Latimer seconded the motion to approve the preliminary and final inventory dispositions for the Board of Supervisors as follows:

ASSET #	DESCRIPTION	SERIAL #	REASON
33793	Palm Pilot	00V3V22458Q	Broken, Return to Vendor

The motion passed by a unanimous vote.

See Exhibit G.7

8. Central Maintenance

a. Road Report and Work Schedule

Pursuant to Section 65-17-7 of the Mississippi Code of 1972, Annotated, Road Manager Russell Dorris presented the Road Report for June 26, 2004 thru June 25, 2004 and the Work Schedule for the month of August 2004.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Road Report and Work Schedule. The motion passed by a unanimous vote.

See Exhibit G.8.a

b. Road Bond Report

Road Manager Russell Dorris pointed out that the road bond for James Subdivision

expires August 1, 2004. Chancery Clerk Sluggo Davis said since August 1st was on a Sunday, the bond actually expires today. Mr. Davis said he contacted the bank to let them know we were calling the letter of credit and will either require a new letter of credit or a check this afternoon.

Supervisor Bill Russell asked if the County wants the developer to finish the road. Supervisor Tommy Lewis said the developer cannot finish the road if he does not have 60% of the houses built in the subdivision. Supervisor Russell asked if 60% of houses have been built. Supervisor Medlin said no.

Supervisor Medlin said the County would be better off if the County fixed the road.

Supervisor Russell suggested determining what it would cost to fix the road and giving the developer 30 days to do that. The Board of Supervisors discussed the procedure for calling the bond and said the procedure allows the bond to be called if the road has not been fixed after 60% of the houses have been built or within a time limit. Supervisor Tommy Lewis asked if this bond deadline is in response to the 60% or the time limit. County Engineer Andy Swims said it is in response to the time limit and he thinks the time limit is five years. Supervisor Jessie Medlin said he recalls the time limit is four years and ask the County Engineer to double check.

Supervisor Bill Russell ask about the other bonds that are coming due this week. Mr. Dorris said the developers have until their deadline to make other arrangements.

Supervisor Russell ask if the Board of Supervisors needs to take action on the bond for James Subdivision. Supervisor Russell said whether the County calls the bond and fixes the road or whether they get a new letter of credit, it seems that the Board of Supervisors should approve doing so because the deadline allowed by the County Ordinance has expired.

Supervisor Tommy Lewis said the County does have a problem in this respect. Supervisor Lewis said the County needs to determine how much time is the developer allowed to address the road after the time limit or the 60% has expired. County Engineer Andy Swims reported that the second lift of asphalt can't be put down until one year after the first lift and it must be put down in no more than four years or when 60% of the houses have been built according to the Ordinance.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the Road Bond Report as presented. The motion passed by a unanimous vote.

The Board of Supervisors discussed the proper way to call Road Bonds and they discussed how convoluted the process of calling bonds can be. No motions were made or vote taken on this issue.

See Exhibit G.8.b

c. Tchulahoma Road off Byhalia Rd.

Road Manager Russell Dorris said there was a controversy on making this road one – way. Mr. Dorris said by making the street one-way a site distance problem has been created. Mr. Dorris said they discussed modifications to the pavement in both places to help with the site distance problem, but determined that would cause a big curve in the road. Mr. Dorris said they determined it may be better to go two ways on the road and put the center line in and slow the speed down. Mr. Dorris said this may work better than coming out on Byhalia and having to make a U-turn. Supervisor Tommy Lewis agreed with stripping the road and putting the two way traffic back would be best.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the

motion to stripe Tchulahoma Road and make it a two way street. The motion passed by a unanimous vote.

d. Starlanding Corridor – Request for Statement of Qualifications (RFP) Discussion

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to hold this item over. The motion passed by a unanimous vote.

e. Looney Road – Approval to Accept as a County Road When Built

Architect Brenda Sollomito and William Haggerman of Dunavant Enterprises appeared before the Board of Supervisors regarding Looney Road. Supervisor Jessie Medlin explained that Looney Road does not go to the end of the property line. Supervisor Medlin said the developers want to complete the road to the end of the property line. They want to build a road to County specs and have the County accept the road at the end of construction.

Mr. Haggerman said the road will go 220 feet and will go to their 300 acre site for a future development. Mr. Haggerman said this request is necessary to satisfy the bankers on their line of credit. Mr. Haggerman said right now they do not have public access to the back of the property. Mr. Haggerman said, therefore, they want to build the road to connect to the property line.

Ms. Sollomitto said that Central Estates is the property in question.

Supervisor Bill Russell ask the County Engineer is there was anything the County could do to consider regarding this request. Mr. Swims said everything he has seen looks fine. Mr. Swims said that the owners have not donated ROW yet, but they plan to do so.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to extend Looney Road to a 24 foot paved road with the developer putting two lifts of asphalt down one time and building shoulders to the road and putting a Maintenance Bond for at least one year. The motion passed by a unanimous vote.

See Exhibit G.8.e

9. Bailiff Pay Approval

Pursuant to Section 25-7-27, Section 1, paragraph (e), which allows for Constables working as Bailiffs to be paid as provided under Section 25-3-69, Mississippi Code of 1973, Annotated, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to pay Joe Holmes the amount of \$120.00 for the month of July 2004; to pay Lee Hodge the amount of \$160.00 for the month of July 2004; to pay Chris Sing the amount of \$120.00 for the month of July 2004; to pay Floyd Medlin the amount of \$120.00 for the month of July 2004 for their services as Bailiffs for DeSoto County Justice Court. The motion passed by a unanimous vote.

See Exhibit G.9

10. Justice Court

a. Justice Court Report

Justice Court Clerk Linda Aldridge appeared before the Board of Supervisors to present the Justice Court Report for the month of July 2004.

Supervisor Allen Latimer asked Supervisor Medlin about his comment to the Board that

the Constables are not reimbursed every time they serve a warrant. Supervisor Medlin said if the Judges do not find the person guilty, the Constables do not get anything.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Justice Court Report for the month of July 2004 attached as Exhibit G.10. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit G.10.a

b. Approval to Remove and Add a Receiving Clerk

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to remove Carlandria Anise Jamison from the list of receiving clerks and to add Pamela Johnson and Charlene Tully to the list of receiving clerks. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit G.10.b

11. DCAOP Lease Agreement Extension

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Lease Extension Agreement between DeSoto County and ABCO Realtors at \$550 per month through July 31, 2005, under the terms set forth in Exhibit G.11. The motion passed by a unanimous vote.

See Exhibit G.11

12. Travel Approval

In accordance with Section 25-3-41 Mississippi Code of 1972, as amended, any official or employee of DeSoto County, Mississippi is hereby authorized to travel during the period of August 2, 2004, to September 7, 2004, as necessary, and incur travel expenses in the performance of their official duties for DeSoto County; that all such travel is hereby authorized contingent on funds being available in the departmental budget of the individual traveling.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize DeSoto County employees to travel during the period of August 2, 2004 to September 7, 2004, as necessary, and incur travel expenses in the performance of their official duties for DeSoto County. The motion passed by a unanimous vote.

13. Publication of Board Proceedings Approval

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion

to approve the publication of Board Proceedings in accordance with Section 19-3-33 of the Mississippi Code, which states that the Board of Supervisors may have its proceedings published in some newspaper published in the county, and cause the same to be paid for out of the County treasury. The motion passed by a unanimous vote.

14. Sheriff's Employee Report

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to acknowledge receipt of the Sheriff's Department Employee Report for the month of July 2004. The report is attached and made a part of the minutes in Exhibit E.17. The motion passed by a unanimous vote.

See Exhibit G.14

15. Animal Shelter – Plans for Grand Opening

Animal Services Director Larry Houston appeared before the Board of Supervisors regarding the Grand Opening of the DeSoto County Animal Shelter on Saturday, August 14, 2004, from 11:00 a.m. to 4:00 p.m.

Supervisor Bill Russell asked the Animal Shelter to contact TV stations about promoting the Animal Shelter. Mr. Houston said he has already talked to the newspapers about coverage for the Animal Shelter. Mr. Houston requested approval to expend \$250 to advertise County resources to fund the Grand Opening. He also requested that free adoptions be given on Grand Opening Day. Mr. Houston said that it would be necessary for the adoptees to provide rabies certificates.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Grand Opening of the DeSoto County Animal Shelter on Saturday, August 14, 2004, from 11:00 a.m. to 4:00 p.m.; and to authorize spending \$250 from Advertising County Resources to fund the Grand Opening and to approve free adoptions on Grand Opening Day at the Animal Shelter. The motion passed by a unanimous vote.

See Exhibit G.15

16. Request to Use Board Room for U. S. Bankruptcy Office

County Administrator David Armstrong presented a request from the U. S. Trustee of the United States Justice Department to use a County office two days per month for bankruptcy hearings under the same terms and conditions previously approved for Locke Barkley and Mr. Armstrong said they would pay the County \$150 per day for use of the facility.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the U.S. Trustee for the U. S. Department of Justice to use a County office for bankruptcy hearings at \$150 per day approximately two days per month. The motion passed by a unanimous vote.

See Exhibit G.16

17. Bids – Authority to Open Bids

a. Appraisal Services – August 30, 2004 10:00 a.m.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the County Administrator or his designee to open bids on August 30,

2004, for appraisal services in DeSoto County. The motion passed by a unanimous vote.

See Exhibit G.17.a

b. RFP for Disposal Service – September 16, 2004 11:00 a.m.

Supervisor Bill Russell said he has read the RFP for disposals and he cannot find where it says the successful bidder is to identify and select a site for a landfill for the Board of Supervisors approval. County Administrator David Armstrong said that would be in our agreement with Butch Lambert. Supervisor Russell clarified that the bidders will identify where the site will be. Mr. Armstrong said yes, Butch Lambert will make a recommendation.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the County Administrator or his designee to open bids on September 16, 2004, for disposal service in DeSoto County. The motion passed by a unanimous vote.

See Exhibit G.17.b

18. DeSoto Health & Wellness Center Lease Extension

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to extend the Lease Agreement to the DeSoto Health and Wellness Center through July 1, 2005, to coincide with State Statute 17-25-3 of the Mississippi Code, which allows such activity. The details of the Lease Agreement are outlined in Exhibit G.18, but basically provide for a Health and Wellness Center to provide non-profit medical health care in DeSoto County to persons who do not have available to them Medicare or Medicaid or other insurance. The motion passed by a unanimous vote.

See Exhibit G.18

19. Chancery Clerk Allowance

On this date, the County Administrator, David Armstrong presented on behalf of the Chancery Court Clerk, W. E. Davis, an order of Allowances to the Board of Supervisors for the July 2004 term in the amount of \$960.00. Supervisor Tommy Lewis made the motion and Supervisor Allen Latimer seconded the motion to approve this payment, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a unanimous vote.

See Exhibit G.19

20. Request for Assistance at Olive Branch Elementary School

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize the Road Department to deliver a load of dirt to Olive Branch Elementary School to fix some places where the edge of the concrete has been exposed due to erosion, in order to ensure the safety of the children provided the County provide the equipment and the School Board pay for the materials. The motion passed by a unanimous vote.

See Exhibit G.20

G. EXECUTIVE SESSION

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

H. OTHER ISSUES

1. Welcome

Supervisor Eugene Thach welcomed Wayne Risher to the Board meeting. Supervisor Thach explained that Mr. Risher has been assigned by the DeSoto Appeal to cover County government. The Board members greeted Mr. Risher and said they look forward to working with him.

2. Budget FY05

County Administrator David Armstrong said he should have the budget to the Board of Supervisors by August 10th. He suggested getting together with Supervisor Latimer and Supervisor Russell and the Comptroller prior to the first Budget Hearing to familiarize the Supervisors with the budget process. Supervisor Russell ask to get together on August 10th at 9:00 a.m. and Supervisor Latimer said he would get with the County Administrator before the Budget Hearing.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until August 4, 2004 at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 2nd day of August 2004, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Eugene Thach, President
DeSoto County Board of Supervisors