

**DESOTO COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING MINUTES**

**TOMMY LEWIS, PRESIDENT 2005 PRESIDING**

**February 22, 2005**

**A. CALL TO ORDER**

The February 22, 2005, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, 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  
Michael Garriga-----County Administrator  
Tony Nowak-----Board Attorney

**B. INVOCATION**

Supervisor Eugene Thach presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

- 1. Safety Officers Report – Central Maintenance**
- 2. Accounting**
  - a. Interfund Transfer – Metro Narcotics**
  - b. Travel Advance – Sheriff's Department**
- 3. Inventory Disposition –**
  - a. Sheriff's Department – Preliminary (2)**
  - b. Central Maintenance - Final**
  - c. Sheriff's Department – Final**
  - d. Planning Commission – Final**

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve the following consent agenda items:

- 1. Safety Officers Report – Central Maintenance
- 2. Accounting
  - a. Interfund Transfer – Metro Narcotics

- b. Travel Advance – Sheriff’s Department
- 3. Inventory Disposition –
  - a. Sheriff’s Department – Preliminary (2)
  - b. Central Maintenance - Final
  - c. Sheriff’s Department – Final
  - d. Planning Commission – Final

The motion passed by a unanimous vote.

See Exhibit E

**E. OLD BUSINESS**

**1. Solid Waste Proposals**

Butch Lambert and Jim McNaughton of Butch Lambert and Associates appeared before the Board of Supervisors with the final draft of the RFPs for disposal and collection of solid waste.

Mr. McNaughton presented the solid waste collection and disposal RFP tabulations for review as follows:

**DESOTO COUNTY RFP ANALYSIS - SOLID COLLECTION SERVICES -  
DECEMBER 16, 2004**

Prepared by Butch Lambert & Associates, LLC - February 22, 2005

**1. A. Base Proposal - Current Level of Service (Contractor Bills Residents)**

**Per Residential Unit per month:**

	Potential Disposal Sites		
	BFI South Shelby Landfill	Cook McBride Landfill	WMI Tunica Landfill
BFI Waste Services	\$ 6.97	\$ 12.35	\$ 12.95
Inland Service Corp.	\$ 8.06	\$ 8.06	\$ 9.22

**Estimated Annual Cost based on 10,225 paying units:**

BFI Waste Systems	\$ 855,219.00	\$ 1,515,345.00	\$ 1,588,965.00
Inland Services	\$ 988,962.00	\$ 988,962.00	\$ 1,131,294.00

Mr. Lambert said they looked at three different disposal sites.

**1. B. Alternate Proposal - Alternate Level of Service (County Bills Residents)**

**Base Rate shown below per Residential Unit per month.**

	Potential Disposal Sites		
	BFI South Shelby Landfill	Cook McBride Landfill	WMI Tunica Landfill
BFI Waste Services	\$ 6.27	\$ 11.98	\$ 12.58
Inland Service Corp.	\$ 7.84	\$ 7.84	\$ 9.00

Mr. Lambert said they don’t see enough savings for the County to bill the customers. He said they recommend staying with the subscription type service.

**1. C. Emergency Operations**

**Rate shown below per hour.**

	Rear Loader with 3 man crew	Knuckle Boom with Operator	Shuttle Trailer or Roll-off Truck	Two-man crew
BFI Waste Services	\$ 99.79	\$ 87.79	\$ 59.97	69.97
Inland Service Corp.	\$ 65.00	\$ 100.00	\$ 50.00	\$ 75.00

Mr. Lambert said this would be used when the County needed help in an emergency situation.

**1. D. Optional Recycling Services**

**Base Rate shown below per Residential Unit per month.**

	Mandatory Collection		Subscription Collection*	
	Once Per Week Collection	Every Other Week Collection	Once Per Week	Every Other Week
BFI Waste Services	N/A	N/A	\$ 3.14	\$ 2.43
Inland Service Corp.	\$ 2.08	\$ 1.19	N/A	\$ 2.50

\* Subscription service based on 4,100 homes participating.

Jim McNaughton said that the subscription service for recycling is based on 4,100 homes participating. Mr. McNaughton said that regarding the rate total per month, Inland Service cannot provide this service at this time. He said that for the rubbish landfill operation, Inland Service offered two rates based on them getting all or nothing.

Supervisor Bill Russell said he feels this is a very important part of the proposal.

**2. County Facility Collection Services**

**Rate shown below is total per month.**

BFI Waste Services	\$ 740.00
Inland Service Corp.	No bid

**3. Rubbish Landfill Operation**

	Disposal Service Fee per Cubic Yard	Estimated Annual Cost**	Cost for Closure
BFI Waste Services	\$ 1.75	\$ 349,251.00	\$ 0.00
Inland Service Corp.*	\$ 1.50	\$ 228,000.00	\$ 0.00

\* Inland offered an alternate flat rate of \$19,000 per month.

\*\* BFI based on an average of 16,631 cubic yards per month and Inland \$19,000 per month.

Mr. Lambert said Inland was much lower, but theirs is conditional on them getting all of the bid.

Mr. McNaughton read the summary of solid waste collection and rubbish pit operation as follows:

**Summary of Solid Waste Collection and Rubbish Pit Operation RFP**

Prepared by Butch Lambert & Associates, LLC - February 22, 2005

	<u>BFI</u>	<u>Inland Services</u>
<b><u>Collection RFP Summary</u></b>		
Estimated Residential Collection Annual Cost*	\$ 855,219.00	\$ 988,962.00
 Estimated Rubbish Pit Annual Cost	 \$ 349,251.00	 \$ 228,000.00
 Total Estimated Annual Cost for Collection RFP	 \$ 1,204,470.00	 \$ 1,216,962.00
Difference per Year	\$ 12,492.00	

\* Based on disposal at BFI South Shelby Landfill

Mr. McNaughton presented the estimated savings to the County.

**Summary of Solid Waste Collection and Short-Term Disposal RFP  
Potential Savings**

Prepared by Butch Lambert & Associates, LLC - February 22, 2005

	<u>Current BFI Contract</u>	<u>BFI Proposal</u>	<u>Savings</u>
<b>MSW Disposal at BFI Landfill</b>			
Disposal Cost Per Ton	\$ 24.74	\$ 17.00	\$ 7.74
Annual Disposal Cost	\$ 1,342,145.00	\$ 922,250.00	\$ 419,895.00
<b>Solid Waste Collection</b>			
Monthly Collection Cost Per House	\$ 7.60	\$ 6.97	\$ 0.63
Annual Collection Cost Based on 10,225 Houses	\$ 932,520.00	\$ 855,219.00	\$ 77,301.00
<b>Rubbish Landfill Operation</b>			
Disposal Cost Per Cubic Yard	\$ 2.09	\$ 2.00	\$ 0.09
Annual Disposal Cost Based on 16,631 Cubic Yards	\$ 417,105.48	\$ 399,144.00	\$ 17,961.48
Total Annual Costs	\$ 2,691,770.48	\$ 2,176,613.00	\$ 515,157.48
 <b>Potential Savings Over Six (6) Year Term</b>			 <b>\$ 3,090,944.88</b>

Mr. Lambert said this compares the current contract and potential savings.

## Disposal Proposals

DESOTO COUNTY RFP ANALYSIS - DISPOSAL SERVICES - SEPTEMBER 16, 2004  
 Prepared by Butch Lambert & Associates, LLC - February 22, 2005

	<b>Proposals (\$)</b>		
<u>Short - Term Agreement</u>	<u>BFI</u>	<u>WMI</u>	<u>Cook/McBride</u>
County Waste	17.00	17.20	N/A
Acceptable Waste	32.71	17.20	N/A
Sludge	17.99	17.20	N/A
City Waste	17.00	17.20	N/A
<u>Long - Term Agreement</u>			
County Waste	17.00	17.20	19.00
Acceptable Waste	32.71	17.20	20.00
Sludge	16.21	17.20	20.00
City Waste	17.00	17.20	19.00
<u>Host Fees</u>			
Initial Host Fee Lump Sum	0.00	0.00	1,000,000.00
0 - 200 Tons Per Day (TPD) In County	0.00	0.00	0.50
200 + TPD In County	0.00	0.00	1.00
0 - 200 Tons Per Day (TPD) Out of County	0.00	0.00	1.00
200 + TPD Out of County	0.00	0.00	1.50
Free Rubbish Disposal	Yes		
Other (estimated)**	200,000.00		

Unless otherwise stated all figures (dollars) shown above are per ton and include all current state fees.  
 \* Calculated on 54,250 tons per year (estimated total tons for 2004).

\*\* BFI offered Host Benefits in the form of free rubbish disposal for residents and payment of some costs on behalf of the County. See attached "Exceptions: Long Term Rubbish Capacity" from BFI.  
Cook/McBride Landfill - Estimated Host Fees

DESOTO COUNTY RFP ANALYSIS - DISPOSAL SERVICES - SEPTEMBER 16, 2004  
 Prepared by Butch Lambert & Associates, LLC - February 22, 2005

Year	In County Tons/Day	In County Host Fee/Day	Out of Cnty. Tons/Day	Out of County Host Fee/Day	Total Tons/Day	Total Host Fee/Day	Total Host Fee/Year	
1	300	\$ 300.00	400	\$ 600.00	700	\$ 900.00	\$257,400.00	
2	350	\$ 350.00	450	\$ 675.00	800	\$ 1,025.00	\$293,150.00	
3	375	\$ 375.00	475	\$ 712.50	850	\$ 1,087.50	\$311,025.00	
4	375	\$ 375.00	550	\$ 825.00	925	\$ 1,200.00	\$343,200.00	
5	375	\$ 375.00	575	\$ 862.50	950	\$ 1,237.50	\$353,925.00	
6	375	\$ 375.00	600	\$ 900.00	975	\$ 1,275.00	\$364,650.00	
7	375	\$ 375.00	650	\$ 975.00	1,025	\$ 1,350.00	\$386,100.00	
8	400	\$ 400.00	700	\$ 1,050.00	1,100	\$ 1,450.00	\$414,700.00	
9	400	\$ 400.00	725	\$ 1,087.50	1,125	\$ 1,487.50	\$425,425.00	
10	400	\$ 400.00	750	\$ 1,125.00	1,150	\$ 1,525.00	\$436,150.00	
11	400	\$ 400.00	800	\$ 1,200.00	1,200	\$ 1,600.00	\$457,600.00	
12	400	\$ 400.00	850	\$ 1,275.00	1,250	\$ 1,675.00	\$479,050.00	
13	400	\$ 400.00	900	\$ 1,350.00	1,300	\$ 1,750.00	\$500,500.00	
14	425	\$ 425.00	925	\$ 1,387.50	1,350	\$ 1,812.50	\$518,375.00	
15	450	\$ 450.00	1,000	\$ 1,500.00	1,450	\$ 1,950.00	\$557,700.00	
16	450	\$ 450.00	1,025	\$ 1,537.50	1,475	\$ 1,987.50	\$568,425.00	
17	450	\$ 450.00	1,025	\$ 1,537.50	1,475	\$ 1,987.50	\$568,425.00	
18	450	\$ 450.00	1,050	\$ 1,575.00	1,500	\$ 2,025.00	\$579,150.00	
19	450	\$ 450.00	1,050	\$ 1,575.00	1,500	\$ 2,025.00	\$579,150.00	
20	450	\$ 450.00	1,050	\$ 1,575.00	1,500	\$ 2,025.00	\$579,150.00	
Total							\$8,973,250.00	
							Up Front Host Fee	\$1,000,000.00
							Total Host Fees over 20 years	\$9,973,250.00

Supervisor Bill Russell asked if the host fees are guaranteed. Mr. McNaughton said, so far, they are not guaranteed.

Mr. McNaughton presented the estimated host fees, long-term disposal RFPs and the RFP Analysis as follows:

**Summary of Solid Waste Long-Term Disposal RFPs**

Prepared by Butch Lambert & Associates, LLC - February 22, 2005

<u>Disposal RFP Summary</u>	Disposal Rate / Ton	<u>Tons / Year</u>	<u>Proposal Calculations (in \$)</u>		
			<u>BFI</u>	<u>Cook/McBride</u>	<u>WMI</u>
			17.00	19.00	17.20
<b>Estimated Annual Disposal Cost based on</b>	Cities	34,000	578,000	646,000	584,800
<b>Proposed Rate and Average Tons Per Year</b>	County	20,250	344,250	384,750	348,300
Annual Disposal Cost Paid By DeSoto County Total			922,250	1,030,750	933,100
Estimated Projected Cost Paid By DeSoto County Over 20 years			18,445,000	20,615,000	18,662,000
<b>Collection RFP Summary</b>					
Estimated Residential Collection Annual Cost:	BFI Waste Sytems Inland Services		855,219	988,962	1,131,294
Estimated Projected Cost to DeSoto County over 20 years			17,104,380	19,779,240	22,625,880
<b>Projected Collection and MSW Disposal Cost</b>					
Estimated Residential Collection Annual Cost:	BFI Waste Sytems Inland Services		1,777,469	2,019,712	2,064,394
Estimated Projected Cost to DeSoto County Over 20 years			35,549,380	40,394,240	41,287,880
<b>Host Fees and Other Benefits</b>					
Potential Host Fees or Other Payments Over 20 years			200,000	9,973,250	0
Other In Kind Benefits Over 20 years			Free Rubbish Disp.		
Estimated Cost to County for Infrastructure Improvements			0	3,500,000	0
Net Host Benefit Dollars			200,000	6,473,250	0
<b>Projected MSW Disposal NET Cost Over 20 Years After Host Fees</b>			18,245,000	14,141,750	18,662,000
<b>Projected Collection and MSW Disposal NET Cost Over 20 Years</b>					
20 Year Cost Minus Host Benefits (C - D)			35,349,380	33,920,990	41,287,880
<b>Potential Savings Over Current Cost</b>					
Current Collection and Disposal Cost 20 Year Estimate (G - F)			45,493,300	45,493,300	45,493,300
Potential Savings Over 20 Years			10,143,920	11,572,310	4,205,420

**DESOTO COUNTY RFP ANALYSIS - DISPOSAL SERVICES  
SEPTEMBER 16, 2004**

Prepared by Butch Lambert & Associates, LLC - February 22, 2005

Distance for Cities of DeSoto County to Proposed MSW Landfills

**Estimated Distance to Proposed Landfills (one-way):**

<u>City</u>	<u>BFI Distance (miles)</u>	<u>Cook/McBride Distance (miles)</u>	<u>WMI Distance (miles)</u>
Hernando	17	22	16
Horn Lake	16	10	20
Olive Branch	4	18	28
Southhaven	7	11	21
Walls	23	3	13

Supervisor Tommy Lewis asked if there was any room for negotiations. Mr. Lambert said that March 14<sup>th</sup> was the deadline to award the contract. Supervisor Lewis asked if BFI was high on acceptable waste. Mr. McNaughton said that BFI was firm on their numbers. Mr. Lambert offered to continue negotiations if the County insisted. Supervisor Latimer asked if there is any chance to talk to BFI about their acceptable waste.

Gerry Burke with BFI addressed the Board and said that commercial business has numerous factors that have an impact and the numbers should not have an affect on the contract. He said those costs are wrapped up in the other costs.

Supervisor Allen Latimer asked if the old rate for BFI of \$8.00 or 7% higher is more than they bid due to the competition. Mr. McNaughton said yes. Mr. Burke said that the expansion of the South Shelby landfill and the potential for a long term agreement impacts the bid.

Supervisor Latimer asked how long the last contract was termed. Supervisor Medlin explained that the last contract was termed to get the disposal and collection on the same

schedule. He said he thinks it was 6 years.

Supervisor Bill Russell asked if there is any reason we should do a 20 year agreement for disposal. Mr. Lambert said the market collection is above bids. He said BFI has offered a 20 year capacity to the County. Cook McBride has good rates, but there are risks associated with building a landfill. He said the long term disposal rates are due to the possibility of a disposal landfill in the County. Supervisor Russell said the County got these rates because of competition.

Supervisor Bill Russell asked if the County will still have an opportunity for a landfill in six years. Supervisor Latimer asked if Cook McBride can come back in 6 years. Mr. Lambert said yes, but questioned if the County would have as good of a proposal. He said the Cities volume is not guaranteed. He said the County runs a risk going back to the market. Supervisor Latimer said the best option is for the County to have its own landfill. Mr. McNaughton said that the longest timeframe for a landfill by law is 30 years on 300 acres. Supervisor Medlin said fuel and labor are going up every day. Supervisor Jessie Medlin said that a six year contract is an injustice to the tax payers. Supervisor Russell said, since collection can only be contracted for six years, should we take the disposal for six years too.

Mr. Lambert said he is seeing the market above the bids the County received. He said he thinks the costs that have been presented are based on the 20 year time period. Mr. Lambert said Cook/McBride offers good rates, but they also offer some risks. He said the County has a short term option, but he thinks the County got long term disposal rates because of the competition. He said bids across the State are higher than you see here.

Supervisor Russell said it appears there could be more competition for a landfill soon. He said he doesn't see a need to tie up the contract if there is no benefit.

Mr. Lambert said to approve a 20 year contract, you don't preclude anyone else from getting a landfill approved in the County.

Supervisor Tommy Lewis asked for any bidder's comments.

Mr. McBride told the Board that without Cook McBride in the picture asking to put a landfill in DeSoto County, the County would not have gotten competitive prices. Mr. McBride said that the County can amend the Solid Waste Plan to include a County landfill. He said if the County doesn't have a good landfill to compete, the County will lose the benefit and so will their children and grandchildren. He said they simply want to establish a landfill in the County.

Mr. Burke said that the County is dealing with BFI as a solid company, financially stable, offers every piece of the package and will still have a disposal in 20 years.

Supervisor Lewis asked if any of the public wanted to address the Board. He explained this is not a formal public hearing, but the Board always welcomes the public at all meetings.

Robert Denton said that there are risks with approving a County landfill in the western area of the County. He said there are only certain businesses that want to be near a landfill. He said a landfill limits the ability of the landowners and of farmers. He said that it impacts the type of industry around it. Mr. Denton said that now this area is an excellent crop producer. He said, from an ecological standpoint, they do not want a landfill. Mr. Denton asked the Board to consider the personal impact to the land and the value of the land as it passes from generation to generation. Mr. Denton said if property values go up, landowners will have to pay more taxes. Mr. Brown said he is not excited about the landfill being built within a mile from his house.

Norman Brown said the numbers are helpful. He said the host fees from Cook McBride are not guaranteed. He said if you take a 10% growth factor for the next eight years, in 9-20 years the County will save more with the BFI contract. He said using static numbers is not in

the County's best interest.

Betty Black said that she is concerned with seepage because twenty feet down is the water supply. She said she knows they will have liners, but they are not guaranteed not to leak.

Butch Lambert said that it is a win/win situation for DeSoto County. He said that he has known Cook McBride personally for 30 years and he had the utmost confidence in them. The County would still have to negotiate a contract so both proposals should remain in place. Mr. Lambert said that he recommends BFI due to the security they provide for DeSoto County. He said if BFI does not negotiate this way, they will be back.

Supervisor Allen Latimer said that he does not want to be locked in without a landfill in the County. Mr. Lambert said that the County would still have that option.

Supervisor Bill Russell asked if they would have to have a contract by March 14<sup>th</sup>. Board Attorney Tony Nowak said that the bid must be awarded by March 14<sup>th</sup>. Mr. Lambert said that the bid bonds are open until that date, but negotiations should begin by that date.

Supervisor Jessie Medlin said that at any time anyone can ask to amend the Solid Waste Plan. Jim McNaughton asked if the attorney agrees we have until March 14<sup>th</sup>. Mr. McNaughton said yes, the County doesn't have to enter into the contract, but they should award the proposal.

Supervisor Tommy Lewis said that there is a Council of Governments meeting on Friday and suggested that Butch Lambert speak to the group because all the cities will be represented. Butch Lambert said the cities will have the opportunity to carry their garbage at County rates.

Based on the recommendation from Butch Lambert & Associates, Supervisor Jessie Medlin made the motion to award the collection contract for solid waste to BFI at a rate of \$6.97 per month for three years with three one-year extensions and disposal for 20 years, with options for two five-year extensions and to authorize the County representatives to negotiate with BFI. The motion includes the BFI current contracts to be amended to begin the new rates on July 1, 2005 for DeSoto County residents and to award operations of the rubbish pit to BFI. Supervisor Eugene Thach seconded the motion. The motion passed by a vote as follows:

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

Supervisor Bill Russell asked if the County should do a six year disposal contract. Supervisor Allen Latimer said that he agreed because it would keep competition alive. Mr. Lambert said there are three contracts: collection, operation of a rubbish pit and disposal.

See Exhibit E.1

**2. Building & Grounds – Juvenile Detention Center Architect Contract**

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to hold this item over until March 7, 2005. The motion passed by a unanimous vote.

See Exhibit E.2

**3. Appointments – Board of Adjustments – District 4**

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the

motion to hold this item over until March 7, 2005. The motion passed by a unanimous vote.

#### **4. Planning Commission**

**a. Minor Lot Subdivisions – District 5 Wright, Kevin (6330) – Application is for one lot of 0.97 acres. Subject property is located on the south side of Slocum Road and west of McIngvale Road, zoned Agricultural, Section 32, Township 3, Range 7**

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to uphold the Planning Commission recommendation including Health Department approval and subject to ROW. The motion passed by a unanimous vote.

**b. Forrest Hill Subdivision, Phase 6 – Scrivener’s Error**

Chancery Clerk Sluggo Davis said that a new plat will be filed as a first revision. No motion was made or votes taken on this issue.

**c. Authority to Determine Who is an Affected Party in a Plat Revision**

Director of Planning Merritt Powell and Deputy Director Jim McDougal addressed the Board regarding the question on authority to determine who is an affected party in a plat revision.

Board Attorney Tony Nowak said that he received a response from the AG that states those who are affected are the adversely affected and directly interested when it comes to changing a plat. He added that the State has no authority on a strict definition. Mr. Nowak said that the law says that anyone directly interested and adversely affected and some say that means everyone in a platted subdivision or individual lots. He said that the AG leaves that definition up to the Board of Supervisors. Mr. Nowak said that the Board can set guidelines on this statement, make the decision every time or let the Planning Commission make the decision.

Mr. Powell said that the Planning Commission considers this to include people within 160 feet of the affected area. Supervisor Bill Russell asked if this refers to a plat revision. Mr. Powell said yes. He explained it refers to changing a plat in Sluggo’s office. Mr. Powell said, if the Planning Commission is going to make that decision, they need some guidelines of what the Board of Supervisors wants to consider.

Supervisor Tommy Lewis asked what happens if a drainage easement is put on a plat wrong. Mr. Powell said that could happen in the case of someone putting in a pond.

Supervisor Eugene Thach said if a person disagrees, there is an appeal process. Supervisor Russell said that the appeal deadline may pass before you know you are adversely affected. He said that to notify everyone in a subdivision can be time consuming. Mr. Powell said yes and you don’t know all the landowners if it is a new subdivision. Mr. Powell said you would also need every mortgage company to sign off on it. Board Attorney Tony Nowak said you have the mortgage companies sign off if there is a change in the area because they could have less interest in the property.

Mr. Powell said the Planning Commission would bring revisions back to the Board of Supervisors.

The Board discussed the efficiency and need to notify affected parties and how to determine directly interested parties. Mr. Powell said, in a case downstairs, every landowner has signed the change and now we find it necessary to have every mortgage company sign.

Supervisor Medlin asked if the Planning Commission would bring it back to the Board in a different situation. Mr. Powell said yes.

Supervisor Medlin said couldn't we let the other property owners know even though they don't have to sign. The Board of Supervisors agreed that would be a good idea for everyone in that affected phase.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to authorize the Planning Commission to decide who is adversely affected or directly interested, to look at 160 feet from the affected property, any decision would be brought back to the Board of Supervisors for final approval. The motion included to include all property a minimum of 160 feet from the property in question, as outlined in the July 26<sup>th</sup> letter DeSoto County placed to the Attorney General. The motion passed by a unanimous vote.

See Exhibit E.4

## **5. Public Hearing – Requirements for Pipes in County Projects**

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to open the Public Hearing for requirements for pipes in County projects. The motion passed by a unanimous vote.

Supervisor Tommy Lewis said, that as part of the committee, he is not ready for a recommendation on requirements for pipes.

Mitch King with Handcore, Inc., a Stormwater solutions company who manufactures polyethylene pipe, said the areas of major concern are quality, the cost of the product and the competition. Mr. King said that there are two design techniques - rigid and flexible pipe and concrete is rigid. Mr. King said, from a quality standpoint, concrete is good, but what is above the road must follow ASD installation. Mr. King said if the County is concerned about a flexible pipe failure under a road you may need to look at the testing of pipes with a density gage. He said all flexible pipe has installation guidelines. He said if the County has had problems with flexible pipe, maybe his company should test some. He said the testing by an inspector is cost effective to the Board of Supervisors. He said the cost of rigid pipe is higher. If only one type of pipe is used, the competitive advantage is removed and why would the price be maintained by the manufacturers.

Supervisor Tommy Lewis asked the life of high density polyethylene (HDPE) and what percentage of failures is due to improper bedding. Mr. King said 50-100 years is the life of HDPE. He said, in his experience, 85-90% of flexible pipe failure is from an installation standpoint. He said the weight of HDPE is lighter and it is less expensive if required to install.

Supervisor Bill Russell asked the installation concern. He said it sounds like, in order to do HDPE properly, it would have to be installed half way and then be inspected. Mr. King said that all pipes have certain installation standards. HDPE will have failures before the developers and engineers are out of the picture, usually within 3-6 months and the developer's engineers could inspect the pipe. Supervisor Russell asked the difference. Mr. King said that the backfill method is different, but the same kind of material can be used. Supervisor Russell asked if it was a significant enough difference in the cost and if the installation is comparatively the same. Supervisor Russell said the difference in the preparation of the soil for the flexible pipe makes the cost about even. Mr. King said it depends on the size of the pipe. He said it also depends on the application. Mr. King said, from a weight stand point, the concern is the roads above the pipe. He said some installation works better for certain products, some products fit all installation.

James Hintley with Advanced Drainage Systems said that cost is a factor and with the Board

of Education school projects the contractor has a choice on the type of pipes. He said the bid for plastic pipe is less, but the joint integrity for plastic is higher. He said he has done some cost studies in the area. He said on one application the price came in at \$80,000 for plastic and \$102,000 for metal. Mr. Hintley said there is a cost difference. He agreed joint integrity is better with concrete pipe.

Supervisor Allen Latimer asked if 50-100 years the life expectancy of pipe. Mr. Hintley said that it depends on the project. Some designs are looked at for a 50 year life and others a 100 year life, but he does agree.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to close this session of the Public Hearing and to continue the Public Hearing on March 21, 2005. The motion passed by a unanimous vote.

## **F. NEW BUSINESS**

### **1. Sheriff's Department – Approval to Declare Equipment Surplus**

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to declare as surplus a helicopter airframe, OH6 N126BC, S/N 680573, Inventory #19056, in order to advertise the frame to be sold and the proceeds deposited in the aviation budget. The motion passed by a unanimous vote.

See Exhibit F.1

### **2. Hernando Civic Center**

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to hold over the request for funding from the Hernando Civic Center. The motion passed by a unanimous vote.

### **3. I-69 Contribution**

Supervisor Eugene Thach said that the I-69 Coalition is asking for a contribution of \$8,000 from DeSoto County. Supervisor Thach said that the City of Walls does not participate in this coalition.

Supervisor Russell asked if the County is going to approach Walls for a contribution. Vanessa Lynchard said yes, if the Board instructs her to do so.

Supervisor Tommy Lewis asked last year's contribution. Ms. Lynchard said \$7,000 total with the cities paying \$500.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the \$8,000 contribution to the I-69 Coalition from Advertising County Resources and to ask the City of Walls and other cities for a contribution toward this effort to promote DeSoto County. The motion passed by a unanimous vote.

See Exhibit F.3

### **4. Insurance Fund Contribution**

County Administrator Michael Garriga presented information on the insurance fund contribution to the Board of Supervisors. Mr. Garriga said that between March 1 and September 30 is a total of seven months savings. Mr. Garriga said that the County puts \$675 per employee per month into a pool to pay claims. He said there is \$2,015,637 in the pool today. He said for six months, which is required, would be approximately \$1.5

million.

Supervisor Jessie Medlin said that \$155,000 is a portion of the funds that the County can use.

Supervisor Allen Latimer asked how much in the pool is a stop loss if it goes from \$50,000 to \$75,000. Mr. Garriga said that it affects the reinsurance amount.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to reduce the insurance contribution by \$50.00 per employee a month or to \$625 per employee per month. The motion passed by a unanimous vote.

See Exhibit F.4

## **5. Accounting –**

### **a. Supplemental Claims Docket**

Comptroller Tom Arnold and Stephanie Hanks of the Accounting Department presented the Claims Docket showing claims to be paid for various departments as of February 22, 2005. In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code, Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a unanimous vote.

### **b. Transfer and Refund of Seized Funds – Metro Narcotics**

At the recommendation of Comptroller Tom Arnold, Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach 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 from Metro Narcotics Seized to Metro Narcotics Forfeitures as follows:

Transfer From	123-900-951	Metro Narcotics Seized	\$1,119.50
Transfer To	120-000-387	Metro Narcotics Forfeitures	\$1,119.50

The motion includes a \$700 refund to the defendant on case #04-0064 and a \$619.50 refund to the defendant on case #04-0067. The motion passed by a unanimous vote.

See Exhibit F.5.b

The motion passed by a unanimous vote.

## **6. County Engineer**

### **a. Estates of Centerhill**

County Engineer Andy Swims advised the Board of Supervisors that there is an agreement with the developers on items halting the completion of the Estates of Centerhill under Health and Safety and Zoning/Ordinance. Mr. Swims said the developer want the building permits released on the Estates of Centerhill. He said the ditches and drainage need to be addressed. Mr. Swims said that some issues have been addressed and rip/rap and seeding was added to the large ditch.

Mr. Swims said they paved the road and extended from Green Pasture extended to Burton and the ROW is ready to be signed.

Merritt Powell said that there are two lots where they want building permits. He said they have asphalted the road, but the road will have to be maintained. Mr. Powell said they have done what they can on the checklist. Mr. Powell said Lee Catt and Carol Johnson are here about building permits being released. Mr. Powell said there are problems with drainage and there are standing water issues.

Supervisor Eugene Thach asked Merritt Powell's recommendation on releasing the building permits. Merritt Powell said they have done everything we have asked them to do. Mr. Powell said the road is washing slightly, but they just need to maintain it.

Supervisor Jessie Medlin asked Lee Catt and Carol Johnson if pipe can be placed on the headwall and extended to get closer to the ditch. Lee Catt said it will wash out more if it is extended. Supervisor Medlin said that something will have to be done on the large ditch by checking the fall. He said something needs to be done about the beaver dam. Supervisor Medlin said, at least the people have another way out now. Mr. Catt said they don't have a problem fixing the headwall if we tell him how. Supervisor Medlin said the headwall sticking out looks dangerous. He said something will have to be done to the big ditch to keep it from eroding. He said we need to shoot a grade and let some water out of that ditch.

Supervisor Medlin asked the bond amount. Mr. Powell said \$53,000. Supervisor Medlin asked how many lots are in this area. Mr. Powell said 11 lots. Supervisor Medlin asked if that includes the ones you cannot build on. Mr. Powell said no. Supervisor Medlin said to keep enough bond so we can work on it if we have to.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to release the restrictions of building permits on all sections except G, H, I, J and K; to set aside and not to build on the eleven lots; to include the extension of the culvert, but to have Mr. Ivy see if anything else can be done; and, in no way, alter the agreement previously in place. The motion is contingent on having the developer sign for ROW dedication extending Green Pasture. The motion passed by a unanimous vote.

#### **b. Starlanding Underpass Update**

County Engineer Andy Swims and Bob Bailey of Engineering Associates said the Starlanding Underpass plan was reviewed with State Aid on February 18<sup>th</sup>. Bob Bailey said they have made revisions to the plans based on the meeting. He said MDOT will review those and will likely ask for additional revisions. He said two more reviews are scheduled. He said they are trying to have conversations with involved parties as we go along.

Mr. Bailey said that there are three stages on the project. He said the environmental assessment originally was categorical exclusion due to no significant impact. Mr. Bailey said that they met with MDOT on an assessment of I-55 out to Hwy 61, approximately 8 miles in December, where they talked about having us do an environmental assessment. Mr. Bailey said often they had explained the project, MDOT said to do a categorical exclusion. Mr. Swims said the County cannot do ROW acquisitions until State Aid tells us to. Mr. Swims said the railroad is 10 feet higher and going further to the west.

Supervisor Jessie Medlin asked the curb and gutter regulations. Mr. Swims said the regulations will limit the amount of ROW needed with five lanes. Mr. Bailey said they hope to bid the project in July. Mr. Swims said the County cannot do any ROW acquisitions until State Aid signs off. He said it will be a nice looking development. He said it will be 10 feet to 15 feet higher than it is now.

Mr. Swims said it will be necessary to close Starlanding Road, But they will keep it at a minimum.

Supervisor Jessie Medlin made the motion to hire the Nowak Law Firm to work on ROW and appraisals with Engineering Associates furnishing plats and legal descriptions. The motion includes getting an AG opinion on the mobility of resident that is on a breathing machine. Supervisor Eugene Thach seconded the motion. The motion passed by a unanimous vote.

Mr. Swims said that relocating the utilities will be the County's responsibility. He said they thought it would be good to go on to do that. Supervisor Tommy Lewis asked if there is enough money to do that.

**7. Central Maintenance –**

**a. Board of Education – Request for Maintenance of School Bus Turnarounds**

The DeSoto County Board of Supervisors received a letter dated February 3, 2005, from the DeSoto County Superintendent of Education Milton Kuydendall requesting the County to maintain the properties which are used as school bus turnarounds. In accordance with Section 19-3-42, Mississippi Code of 1972 as amended, stating that the school bus turnarounds will be maintained and improved, Supervisor Tommy Lewis made the motion to maintain, and improve the properties in the Superintendent's letter dated February 3, 2005, and to direct the Road Manager to carry out the maintenance as requested. Supervisor Eugene Thach seconded the motion for the following list:

Vanessa White	280 Old Highway 51	Hernando	Bus 35
Barbara Sides	3295 Hunter Rd. N.	Nesbit	Bus 235
Linnie Wilkerson	580 Getwell Rd. S.	Hernando	Bus 298
Tracy Helton	7848 Misty Meadows Payne Lane	Hernando Olive Branch	Bus 267 Bus 283 & 189

The motion passed by a vote as follows:

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

See Exhibit F.6.a

**b. Equipment Surplus**

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to declare as surplus the following list of equipment to be included in the Crenshaw Auction on April 9, 2005:

Prop#	Unit#	Description	Serial#	Mileage/Hrs-Condition
30200	621	Reynolds Dirt Pan 17 cu yds	2-18-1999 30162	
30302	627	New Holland 9482 Tractor 4X4	5-26-1999 D108048	760 Hrs

The motion included the following surplus items to be included in the Crenshaw Auction on April 9, 2005:

Prop #	Unit #	Description	Serial #	Mileage/Hrs – Condition
22045	44	93 Ford ¾ Ton	1FTEF25N2PLA46460	155,235 Poor
20200	47	92 Chevy ¾ Ton	1GFC24H7NZ225323	212,000(O Broken) Poor
20135	123	80 Ford F700 Dump	JA6164	39,412 Poor
16166	125	97 Ford F800 Dump 8cy	1FDYF80E5VVA40575	189,882 Average
16169	128	97 Ford F800 Dump 8cy	1FDYF80E0VVA40578	150,000(Est.) Average
16170	129	97 Ford F800 Dump 8cy	1FDYF80E9VVA40871	132,983 Average

16171	130	97 Ford F800 Dump 8cy	1FDYF80E0VVA40872	160,129	Average
30270	132	99 Int'l SA Boom Truck	IHTSCAARXXH671306	98,500	Poor
12281	408	36' Nabors Flat Bed Trailer	SX352770T	N/A	Average
12046	562	Rosco 1 Ton Patch Roller	5010	N/A	Poor
20158	591	John Deere 4840 Tractor	001394R	N/A	Disabled
16053	593	Reynolds 8 cy Scraper/dirt pan	17968	N/A	Average
30191	624	Bushog ATH720 Finish mower	12-07360	N/A	Average
30485	628	Alamo Versa 60" mower for a 4253 Massey Ferguson Tractor	05161	N/A	Average
30637	633	Alamo Ditching Head & extra set of blades	04444	N/A	Average

Miscellaneous Items:

- Fifth wheel off Scrape truck frame
- 500 gallon(estimated) plastic tank (From Old Bus Barn)
- 2 ditching buckets (will not fit anything we have)
- 3 tires/wheels 18.4-30/15-3 Dual Rear tractor tires and wheels (take-offs)
- 2 tires 18.4-38 Rear tractor tires (take-offs)

The motion passed by a unanimous vote.

See Exhibit F.6.b

**c. Discussion on Road Bond - Barton-DeSoto Road**

Road Manager Russell Dorris advised the Board of Supervisors that the road bond posted by Browning Construction Company, Inc. on Barton-DeSoto Road will expire March 2, 2005. Mr. Dorris said that the road was damaged and repaired. Mr. Dorris said there are several failed places to be repaired and a complete lift of asphalt to be installed on the entire 1100-foot section that was damaged before the bond can be released. Mr. Dorris notified the Board that the bond will be called on March 2, 2005 if the repairs are not made before the bond expires.

No motion was made or votes taken on this item. The Board agreed the Road Manager has authority to issue the bond.

See Exhibit F.6.c

**d. Approval to Amend Road Register List**

Supervisor Tommy Lewis made the motion and Supervisor Allen Latimer seconded the motion to advertise for a Public Hearing on April 6, 2005 for an amendment to the County Road Register to add Magnolia Drive from the southern limits of Hernando to the box culvert over Mussacuna Creek for approximately 1600 feet and Old Highway 51 from Mussacuna Creek southward southward to the dead end at the intersection of U.S. 51 for a distance of approximately 2100 feet. The motion passed by a unanimous vote.

**8. Authority to Permit Structures in Road Right of Ways**

Board Attorney Tony Nowak provided the Attorney General opinion regarding permitting structures to be built within Road Right of Ways. Mr. Nowak said the AG states that the County may permit structures to be constructed within County road right of ways; it is the landowner's obligation to remove the structure at their cost, if the County owns the ROW. The person constructing or maintaining a structure in a road ROW is the party likely to be liable. He said, in his opinion, structures in the road ROW do not expose the County to any liability unless they are aware of a dangerous condition and allow it to persist. He said the AG does not give opinions on tort liability.

No motion was made or votes taken on this item. The Board discussed the clear zone.

See Exhibit F.8

## **9. Chancery Clerk - Approval of Chancery Clerk Allowance**

On behalf of the Chancery Court Clerk, W. E. Davis, an order of Allowances was presented to the Board of Supervisors for the February 2005, term in the amount of \$810.00. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve these payments of \$810.00, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a unanimous vote.

See Exhibit F.8

## **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. Hernando Library Expansion**

Board Attorney Tony Nowak said that during the Hernando Library expansion the Board of Supervisors gave access to a house from Commerce Street to the driveway. Mr. Nowak had a letter from Kenny Stockton, attorney for the buyer of that property, requesting the Board grant an easement. Mr. Nowak said the Board of Supervisors previously entered into a letter agreement with Ms. Gartrell.

### **2. License Commission – District 2**

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to appoint Samuel McMinn, 7085 Country Oaks Drive, Southaven, MS, 662-349-6283, as the District 2 License Commission. The motion passed by a unanimous vote.

### **3. Insurance Claims**

County Administrator Michael Garriga requested authority from the Board of Supervisors to enter into a contract with Health Cost Solutions to pay run out claims. Mr. Garriga said that he will have Board Attorney Tony Nowak review the contract.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to contract with Health Cost Solutions to pay run out claims after March 1, 2005. The motion passed by a unanimous vote.

### **4. Property Sale – Hwy 61 & Nail Road**

Supervisor Bill Russell said there is property at Hwy 61 and Nail and Starlanding located behind the corner lot. Board Attorney Tony Nowak said that this lot has been declared as surplus property. Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to get an appraisal on the 1.1 acre lot. The motion passed by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to adjourn the meeting until March 7, 2005. The motion passed by a unanimous vote.

THIS the 22<sup>nd</sup> day of February 2005, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Tommy Lewis, President  
DeSoto County Board of Supervisors