

MONDAY, OCTOBER 19, 2009

Pursuant to recess the Lauderdale County Board of Supervisors resumed its regular October meeting at 5:00 p.m., Monday, October 19, 2009, at the Raymond P. Davis County Annex Building in Meridian, Mississippi, with the following members present: Mr. Hank Florey, President of the Board and Supervisor of District One, Mr. Wayman Newell, Supervisor of District Two, Mr. Joe Norwood, Supervisor of District Four, and Mr. Ray Boswell, Supervisor of District Five.

Also present were Ms. Carolyn Mooney, Chancery Clerk and Clerk of the Board of Supervisors, Mr. Mike Sumrall, County Administrator, Mr. Neal Carson, County Engineer/Road Manager, and Mr. Rick Barry, Board Attorney.

Mr. Craig Hitt, Supervisor of District Three was not present.

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Board President Hank Florey called the October, 2009 meeting of the Board of Supervisors to order.

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Prayer was offered by Mr. Bill Marcy.

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All persons in attendance recited the Pledge of Allegiance to the Flag of the United States of America.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the "Agenda" for even date, with amendments as follows, was passed unanimously.

BOARD MEETING AGENDA  
LAUDERDALE COUNTY BOARD OF SUPERVISORS  
MONDAY, OCTOBER 19, 2009 – 5PM

1. Meeting called to order by Board President Hank Florey.
2. Prayer given by Mr. Bill Marcy.
3. Pledge of Allegiance to the Flag of the United States of America.
4. Motion to approve Agenda for even date.
5. Resolution: Supporting the Need and Construction of the Proposed Mississippi Power Company Integrated Gasification Combined Cycle Generation Plant Located in Kemper County, Mississippi.  
  
Proclamation: October 23-31 as Red Ribbon Week.
6. Motion to approve minutes dated 10/5/09.
7. Staff Reports:
8. Other matters for general good and welfare.
9. Actions from Supervisors.
10. (If Needed) Need a motion to go into executive session to discuss legal actions pending and to discuss the transaction of business, discussions and negotiations regarding the location of a business or industry and purchase of real property, as well as personnel matters.
11. Motion to recess until Monday, November 2, 2009 at 9:00 a.m.

AMENDMENTS:

BOARD ATTORNEY:

ADD TO LEGAL AGENDA

6a. Hearing On Creation of Regional Railroad Authority For East Mississippi at 5:30 p.m.; and, Hearing On Road Closing – Jiggs Chatham Road Between George Minor Road and Harve Chatham Road.

4a. Acceptance of bid on dirt work for Handy Hardware; and relocation of AT&T fiber optic cable.

(See pages \_\_\_\_\_ through \_\_\_\_\_ of these minutes.)

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Joe Norwood, to approve the RESOLUTION OF THE LAUDERDALE COUNTY BOARD OF SUPERVISORS SUPPORTING THE NEED AND CONSTRUCTION OF THE PROPOSED MISSISSIPPI POWER COMPANY INTEGRATED GASIFICATION COMBINED CYCLE GENERATION PLANT LOCATED IN KEMPER COUNTY, MISSISSIPPI, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to resolve that the Lauderdale County Board of Supervisors do proclaim October 23-31, 2009, as "Red Ribbon Week", in Lauderdale County, Mississippi and encourage all citizens, businesses, public and private agencies, media, religious and educational institution to wear and display red ribbons and participate in drug-free activities throughout the week, joining the rest of the state in promoting the Red Ribbon Celebration and a drug-free America, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve minutes dated October 5, 2009, was passed unanimously.

SO ORDERED, this October 19, 2009.

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Chancery Clerk Carolyn Mooney submitted for inclusion in the minutes the public notice, as posted on the bulletin board on the first floor of the Raymond P. Davis County Annex

Building, advising of the date and time of this meeting, pursuant to Section 25-41-13, Mississippi Code of 1972.

(See page \_\_\_\_\_ of these minutes.)

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the second claims docket for October, 2009; and to authorize the Chancery Clerk to issue warrants therefore, was passed unanimously. Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted aye.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the following Oaths of Office, was passed unanimously.

- A) John David Rutledge, Deputy Justice Court Clerk
- B) Mildred Holsinger, Deputy Justice Court Clerk
- C) Stephanie Huff, Deputy Justice Court Clerk

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Joe Norwood, seconded by Supervisor Wayman Newell, to approve the voids and refunds on ten (10) tax sales in the amount of \$2,288.50, was passed unanimously.

(See pages \_\_\_\_\_ through \_\_\_\_\_ of these minutes.)

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the request of S.W. Calhoun, Records Manager Archives Department, to destroy by burying in the landfill the following records belonging to Lauderdale County Sheriff's Departments. These are duplicate records; the original time sheets are maintained by the Chancery Clerk's Office on a permanent basis. The motion was passed unanimously.

- a. Box #03-004-01 Employee time sheets September 20, 2001 – June 12, 2002
  - b. Box #003-21-01 Employee time sheets June 13, 2002 – April 2, 2003
- SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the FY 2009 Final Amended Budget through September 30, 2009, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve and include in minutes observance of legal holiday:

"Whereas, the legislature has designated the eleventh day of November as the day for the observance of Armistice Day, and under the provisions of Section 3-3-7, Mississippi Code of 1972, is a legal holiday in the State of Mississippi".

The motion was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the attached budget adjustments for 001-151-540, was passed on a vote of three (3) to one (1). Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Ray Boswell voted aye; and Supervisor Joe Norwood voted nay.

(See pages \_\_\_\_\_ through \_\_\_\_\_ of these minutes.)

SO ORDERED, this October 19, 2009.

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County Administrator submitted for inclusion in the minutes quotes for Video Surveillance door lock system at the Juvenile Center; and a motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to accept the bid from ATGix Technology in the amount of \$45,331.00, was passed unanimously.

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|----|---------------------------------|-------------|
| a. | ATGIX Technology                | \$45,331.00 |
| b. | David Young & Associates        | \$47,703.00 |
| c. | TRI State Automatic Doors, Inc. | \$48,893.00 |

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the request for Cathy Lummus to attend Light Weight Truss Training in Jackson, MS at State Fire Academy on November 17 & 18, 2009. Cost will include registration in the amount of \$100.00 and will be paid for out of Permit Department Travel Budget. The motion was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Joe Norwood, seconded by Supervisor Wayman Newell, to approve the request to remove the attached list #101909 of inventory items from inventory (three (3) pages from the Inventory Committee), was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the request by Suzy Johnson, Tourism Director, to advertise for a Director's Assistant with starting pay of \$28,000. This is due to the resignation of Jeremy Campbell. The motion was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Joe Norwood, seconded by Supervisor Wayman Newell, to approve the request for the Tourism Department to accept Audit Agreement with Rea, Shaw, Giffin & Stuart, LLP. Cost will not exceed \$3,500. The motion was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Joe Norwood, seconded by Supervisor Wayman Newell, to approve the request per LEMA Director, David Sharp, to attend training at Lamar County and Philadelphia, MS. The Lamar County is a practice session and no costs should be involved. The trip to Philadelphia is the State-Wide Fall Convention. Registration fee is on Claims Docket. The motion was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Joe Norwood, seconded Supervisor Wayman Newell, to authorize the installation of lighting along the road leading to NEW Corp (CDBG funds), was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Joe Norwood, seconded by Supervisor Wayman Newell, to approve the request by AT&T to place a buried copper telecommunications cable along and across Collinsville Road at Lake Ross Collins in Lauderdale County (AT&T project no. 97M00490N), was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Joe Norwood, to approve the following transfers and new hire, was passed unanimously.

**Transfers:**

Charles Carlisle	Move to Sanitation	\$8.00/hr.
Jimmy Culpepper	Move to Sanitation	\$8.00/hr.

**New Hire:**

Katrina Ruffin	Clean-up Crew	\$7.50/hr.
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SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the request by County Engineer/Road Manager Neal Carson, to remodel the building at Satellite A (known as the E.B. Crawford Satellite Building) to make it more usable for the work crew. The cost of the remodel will be under \$10,000.00. The motion was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to approve the request from Clarence Butler, VFD Coordinator, to attend training on the Light Weight Truss November 17 & 18, 2009 in Jackson, MS at the State Fire Academy. Registration will be \$100 and travel will be in a county vehicle. The motion was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Hank Florey, to approve the request for Clarence Butler and Alan Dover to attend the Mississippi Fire Chief's Conference in Meridian, MS December 2-4, 2009, at a cost of \$40.00 each, was passed unanimously.

SO ORDERED, this October 19, 2009.

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Sheriff Billy Sollie submitted the following personnel/payroll changes for inclusion in the minutes:

- 1) Effective October 19, 2009, Louis A. Hatcher has been hired as a Deputy Sheriff. His starting rate of pay is \$17.29 per hour.

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Chief Deputy Ward Calhoun submitted for inclusion the minutes, per diem in the amount of \$820.00 for Deputy Andy Matuszeskwi to attend K-9 Handler's Training in Kaplan,

LA on October 19, 2009 through November 13, 2009. The cost of this training will be paid for out of seized funds.

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Chief Deputy Ward Calhoun submitted for inclusion in the minutes, for Lt. Ruston Russell to attend Firearms Instructor School in Pearl, Ms November 2-5, 2009 at a cost of \$525.00 for training and per diem in the amount of \$155.00. This cost will be paid out of the budget.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Hank Florey, to convene a hearing to consider a RESOLUTION FOR CREATION OF THE REGIONAL RAILROAD AUTHORITY OF EAST MISSISSIPPI, was passed unanimously.

SO ORDERED, this October 19, 2009.

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Honorable Bill Mendenhall of Jackson, MS, Attorney for the Regional Railroad Authority, Mr. Jeffery Clark, Executive Director of the Regional Authority, and Mr. Tom Davis, Secretary for the Regional Authority, each spoke concerning running a rail line from Meridian, MS to Waynesboro, MS on to Pascagoula, MS and Mobile, Al. The authority has applied for a TIGER Grant from the Federal Stimulus Program in order to construct the rail line. This rail line is essential to the well-being of all of East Mississippi, including Lauderdale County. Mr. John Rounsaville, with Waggoner Engineering, also spoke to the Board concerning the positive aspects of the rail line. The creation of a regional railroad authority for East Mississippi will support existing industry and job retention and create additional opportunities for industry growth and job creation.

The taxpayers of Lauderdale County will be protected in the Regional Railroad Authority Agreement as well as the Charter, allowing the Board of Supervisors to have veto power over a tax levy to support this project.

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A motion by Supervisor Joe Norwood, seconded by Supervisor Wayman Newell, to close the Public Hearing addressing the creation of a Regional Railroad Authority for East Mississippi, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Ray Boswell, seconded by Supervisor Wayman Newell, to open a Public Hearing on a RESOLUTION AUTHORIZING ABANDONMENT OF A COUNTY ROAD KNOWN AS "JIGGS CHATHAM ROAD BETWEEN GEORGE MINOR ROAD AND HARVE CHATHAM ROAD", was passed unanimously.

SO ORDERED, this October 19, 2009.

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The Board of Supervisors has found:

- (a) That said section does not primary access to occupied property;
- (b) Traffic on this section has, for at least ten (10) consecutive years, been non-existent and that no substantial public purpose is being served by it.
- (c) That the Board of Supervisors has, for a period of at least five (5) consecutive years, not maintained said section as part of the County Road System.
- (d) That the public interest or convenience does not require the section to remain open to the public and it's in the best interest and convenience to close, vacate, and/or abandon said section.

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Mr. Kelvin McRae, Bus Driver, spoke before the Board of Supervisors not to close the Jiggs Chatham Road. A motion by Supervisor Ray Boswell, seconded by Supervisor Joe Norwood, to take under advisement the closing of the Jiggs Chatham Road until a future date, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Ray Boswell, seconded by Supervisor Joe Norwood, to close the Public Hearing on the closing of the Jiggs Chatham Road, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to adopt ORDER SETTING FEE WITHIN LAUDERDALE COUNTY, MISSISSIPPI TO COLLECT OR DEFRAY COSTS OF SERVICES AS TO GARBAGE COLLECTION AND/OR DISPOSAL SYSTEM, at a rate of \$100 per year, which fee will be assessed annually being for calendar year January 1, 2010 and will be collected by the Lauderdale County Tax Collector, was passed on a vote of three (3) to one (1). Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Ray Boswell voted aye; and Supervisor Joe Norwood voted nay.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Ray Boswell, seconded by Supervisor Wayman Newell, to adopt RESOLUTION FOR CREATION OF THE REGIONAL RAILROAD AUTHORITY OF EAST MISSISSIPPI, in cooperation with Clarke, George, Greene, Jackson, and Wayne

Counties; five (5) residents of Lauderdale County will be appointed by the Board to be County Commissioners of the Authority, and shall serve a designated term from one (1) to five (5) years, was passed unanimously. Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted aye.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Hank Florey, to conduct a public hearing on December 7, 2009 at 9:45 a.m., to determine whether Lauderdale County Parcel No. 09305000000000500 (also known as 2321 Russell Mt. Gilead Road) is in such state of uncleanliness as to constitute a menace to the public health and safety of the community, and to give the property owner the required statutory notice of public hearing, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Ray Boswell, to award the site preparation for Handy Hardware to low bidder Joe Magee Construction in the amount of \$1,295,960.02, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Hank Florey, to approve an ORDER AUTHORIZING AN AGREEMENT WITH AT&T FOR THE RELOCATION OF A FIBER OPTIC CABLE AND THE ABANDONMENT OF AN EASEMENT WHICH WILL ADVERSELY IMPACT PROPERTY BEING DEVELOPED TO SUPPORT THE HANDY HARDWARE CORPORATION (funds will come out of the CDBG), was passed by a vote of

three (3) to one (1). Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted nay.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Joe Norwood, to **recess as the Board of Supervisors and convene as the Economic Development Authority**, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Trustee Joe Norwood, seconded by Trustee Wayman Newell, to award the site preparation for Handy Hardware to low bidder Joe Magee Construction in the amount of \$1,295,960.02, was passed unanimously.

SO ORDERED, this October 19, 2009.

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A motion by Trustee Wayman Newell, seconded by Trustee Hank Florey, to approve an ORDER AUTHORIZING AN AGREEMENT WITH AT&T FOR THE RELOCATION OF A FIBER OPTIC CABLE AND THE ABANDONMENT OF AN EASEMENT WHICH WILL ADVERSELY IMPACT PROPERTY BEING DEVELOPED TO SUPPORT THE HANDY HARDWARE CORPORATION (funds will come out of the CDBG), was passed by a vote of three (3) to one (1). Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted nay.

SO ORDERED, this October 19, 2009.

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A motion by Trustee Joe Norwood, seconded by Trustee Wayman Newell, to recess as the **Economic Development Authority and reconvene as the Board of Supervisors**, was passed unanimously.

SO ORDERED, this October 19, 2009.

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Mr. Raymond Huffmaster spoke to the Board on matters for general good and welfare.

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The Board of Supervisors immediately thereafter, with no business intervening, considered the necessity for an executive session for discussion of legal actions pending and anticipated litigation, and a motion by Supervisor Wayman Newell, seconded by Supervisor Hank Florey, to go into executive session was passed by the following vote: Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted aye. WHILE THE BOARD WAS IN EXECUTIVE SESSION ALL PERSONS LEFT THE BOARD ROOM WITH THE EXCEPTION OF SUPERVISORS HANK FLOREY, WAYMAN NEWELL, JOE NORWOOD, RAY BOSWELL, AND RICK BARRY, BOARD ATTORNEY.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Joe Norwood, seconded by Supervisor Wayman Newell, to go out of executive session, was passed unanimously.

SO ORDERED, this October 19, 2009.

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The Board then went back into open meeting. Mr. Rick Barry, Board Attorney, announced that the Board went into executive session to discuss legal actions pending and anticipated litigation.

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A motion by Supervisor Joe Norwood, seconded by Supervisor Hank Florey, for authority to employ Engineering Plus to do some surveying at Dunn's Falls site to talk about the exchange in property at the site. The motion passed on a vote of two (2) to one (1) with Mr. Wayman Newell abstaining from the vote. Supervisor Hank Florey voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted nay.

SO ORDERED, this October 19, 2009.

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A motion by Supervisor Wayman Newell, seconded by Supervisor Hank Florey, to adjourn until November 2, 2009 at 9:00 a.m., was passed unanimously.

SO ORDERED, this October 19, 2009.

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Hank Florey, President