

MONDAY, APRIL 19, 2010

Pursuant to recess the Lauderdale County Board of Supervisors resumed its regular April meeting at 5:00 p.m., Monday, April 19, 2010, at the Raymond P. Davis County Annex Building in Meridian, Mississippi, with the following members present: Mr. Wayman Newell, President of the Board and Supervisor of District Two, Mr. Hank Florey, Supervisor of District One, Mr. Craig Hitt, Supervisor of District Three, 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. Lee Thaggard, Board Attorney.

Board President Wayman Newell called the April 2010 meeting of the Board of Supervisors to order.

Prayer was offered by Supervisor Craig Hitt.

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

A motion by Supervisor Hank Florey, 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, APRIL 19, 2010 – 5:00 P.M.

1. Meeting called to order by President Wayman Newell.
2. Prayer given by Supervisor Craig Hitt.
3. Approval of Agenda for even date.
4. Approval of minutes dated April 5 and 8, 2010.
5. Proclamation: Lauderdale County Tourism Week May 12, 2010.
6. Jimmy Slay, Tax Assessor
 - A) Petitions for reductions and/or change of assessment.
7. Sheriff Billy Sollie (agenda attached)
8. Staff Reports
9. 5:30 p.m. Need a motion to open Public Hearing on Valley Road
 - a. Hear anyone who wishes to speak concerning Valley Road.
 - b. Need a motion to close Public Hearing on Valley Road.
10. 6:00 p.m. Need a motion to open Public Hearing on 256 Crescent Lane (Parcel #032040511000202100)
 - a. Hear comments concerning this matter.
 - b. Need a motion to close Public Hearing on 256 Crescent Lane.
11. Other matters for general good and welfare.
12. Actions from Supervisors.
13. Need 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.
14. Recess until Monday, May 3, 2010 at 9:00 A.M.
(See pages _____ through _____ of these minutes.)

SO ORDERED, this April 19, 2010.

A motion by Supervisor Hank Florey, seconded by Supervisor Craig Hitt, to approve the minutes dated April 5 and April 8, 2010, was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Hank Florey, seconded by Supervisor Craig Hitt, to proclaim Lauderdale County Tourism Week beginning May 12, 2010, was passed unanimously.

SO ORDERED, this April 19, 2010.

Upon recommendation of Jimmy Slay, Lauderdale County Tax Assessor, a motion by Supervisor Joe Norwood, seconded by Supervisor Hank Florey, to adopt the attached petitions for reduction and/or change of assessment and notices to increase the assessment of real/personal property, for the reasons set forth and as further described on attachments hereto, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this April 19, 2010.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to approve the annual Okatibbee Lake Contract for 2010 between the Lauderdale County Sheriff's Department, the Lauderdale County Board of Supervisors and the U.S. Army Corps of Engineers to provide additional security for the Okatibbee Reservoir during the summer months, was passed unanimously.

SO ORDERED, this April 19, 2010.

Sheriff Billy Sollie submitted for inclusion in the minutes that Investigator Gypsi Ward will be attending the Domestic Violence, Sexual Assault, Stalking in Our Communities Conference in Philadelphia, MS on May 19-21, 2010. Lodging will be at Pearl River Resort at the cost of \$149.80. Per diem will be \$93.00. The cost of this training will be paid for out of the budget.

Upon recommendation of Sheriff Billy Sollie, a motion by Supervisor Hank Florey, seconded by Supervisor Craig Hitt, to cancel the security contract with the Meridian Airport Authority, was passed on a vote of four (4) to one (1). Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Craig Hitt voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted nay.

SO ORDERED, this April 19, 2010.

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.)

A motion by Supervisor Ray Boswell, seconded by Supervisor Hank Florey, to approve the second claims docket for April, 2010; and to authorize the Chancery Clerk to issue warrants therefore, was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Ray Boswell, seconded by Supervisor Hank Florey, to approve the following Oath of Office, was passed unanimously.

A) Lois Dale Jones, Detention Officer

SO ORDERED, this April 19, 2010.

A motion by Supervisor Ray Boswell, seconded by Supervisor Hank Florey, to approve the request of a \$5,000.00 flat fee for rental of the Agri-Center facility for the "King Crawdad Festival" on May 22, 2010. This is per the recommendation of the Agri-Center Board. The motion was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Hank Florey, seconded by Supervisor Ray Boswell, to approve the request of Suzy Johnson, Tourism Director, to travel to Diamondhead for the MTA Board of Directors retreat June 7-9, 2010. Cost will include hotel (Money is in the Budget). The motion was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Ray Boswell, seconded by Supervisor Hank Florey, to approve the request of Judge Vel Young for herself, Doncella Milton, and Eric P. O'Neil to attend the Mississippi Drug Court Professionals. Cost will include registration \$270.00; Lodging \$496.00 and per diem of \$246.00 (\$82.00 each). Money is in the Drug Court Travel Budget. The motion was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Hank Florey, seconded by Supervisor Craig Hitt, to approve the request by Rob Seal, Agri-Center Director, to travel in County vehicle to Murfreesboro, TN to attend the 2010 Quarter-fest Show April 29, 30, May 1, 2, 3, 2010. Cost will be per diem in the amount of \$155.00 (\$31.00 per day). The motion was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Ray Boswell, seconded by Supervisor Hank Florey, to approve the request of Election Commissioner's Wallace Heggie, Rod Amos, and Jeff Tate to attend the 2010 Mississippi Secretary of State's Office "Party Executive Committee Train the Trainer" May 4, 2010 at the Lake Terrance Convention Center in Hattiesburg, MS. Cost will be per diem, meals and travel expenses upon returning. The motion was passed unanimously.

SO ORDERED, this April 19, 2010.

Upon recommendation of County Administrator Mike Sumrall, a motion by Supervisor Hank Florey, seconded by Supervisor Ray Boswell, to approve the attached budget adjustments which were discussed in the work session held on Thursday, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this April 19, 2010.

A motion by Supervisor Hank Florey, seconded by Supervisor Wayman Newell, to approve the request to apply for an energy audit at no cost to the County; and for the Board President to sign application, was passed unanimously.

SO ORDERED, this April 19, 2010.

Per Neal Carson, County Engineer/Road Manager, and Terrell Temple the following bids received on Thursday, April 15, 2010 for Contract I – I 20/59 Industrial Park Roadway improvements were submitted for inclusion in the minutes:

		<u>Bid</u>	<u>Alternate</u>
1.	Joe McGee Construction	\$832,730.68	\$319,874.10
2.	Walters Construction	913,466.37	731,239.38
3.	DHC General Contractors	933,500.59	723,201.21
4.	Birdsong Construction	951,729.18	729,308.18
5.	CaMar Construction	1,053,501.44	665,635.88
6.	Dunn Roadbuilders	1,084,310.15	835,903.84

Contract II – I 20/59 Industrial Park Water and Sanitary Sewer Line:

1.	Nordan Contracting Company Inc.	\$257,356.60
2.	Birdsong Construction	268,385.10
3.	Delta Constructors, Inc.	279,996.00
4.	Greenbriar	284,788.00
5.	Myers Underground Utilities	289,712.40
6.	Southern Civil Contracting	303,111.77
7.	CaMar Construction Company, Inc.	309,397.01
8.	Utility Constructors	310,245.20
9.	CB Developers	338,314.43
10.	Bush Construction Company, Inc.	321,617.60
11.	Goldman Contractors	346,720.00

12.	Cornerstone Civil Contractors, LLC	348,592.00
13.	DRM Utilities	396,540.00
14.	4-D Construction, Inc.	397,894.00
15.	Onyx, Inc.	401,660.00
16	Perma Corporation	417,309.00

A motion by Supervisor Hank Florey, seconded by Supervisor Ray Boswell, to accept the low bidders – Nordan Contracting Company and Joe McGee Construction, was passed unanimously.

SO ORDERED, this April 19, 2010.

Clarence Butler, VFD Coordinator submitted for inclusion in the minutes for inventory purposes 19 walkie talkies for the Toomsaba VFD which were purchased from grant money.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to approve the purchase of 50 pagers for volunteer fire departments in the amount of \$22,360.00 (money is in the budget), was passed unanimously.

SO ORDERED, this April 19, 2010.

Neal Carson, County Engineer/Road Manager submitted for inclusion in the minutes two bids for sanitation pick up for sites located within the City limits – for one day per week: Waste Management - \$76.21 and Southern Waste Disposal - \$72.74. A motion by

Supervisor Hank Florey, seconded by Supervisor Craig Hitt, to go with the low bidder Southern Waste Disposal, with Supervisor Hitt adding that each agency be limited to once a week pick up until other boxes are requested, was passed on a vote of four (4) to one (1). Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Craig Hitt voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted nay.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to limit number of boxes per attached list (21 boxes) for once a week pick up until an agency comes before the Board to request an additional box, was passed on a vote of four (4) to one (1). Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Craig Hitt voted aye; Supervisor Joe Norwood voted aye; and Supervisor Ray Boswell voted nay.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this April 19, 2010.

Upon recommendation of Neal Carson, a motion by Supervisor _____, seconded by Supervisor _____ (no official motion was made), to approve Lease Agreement between Arrow and Lauderdale County for lease of Sanitation Site for \$500.00 per month and not to exceed \$50.00 on water bill (County to furnish water and electricity), was passed on a vote of three (3) to two (2). Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Craig Hitt voted aye; Supervisor Joe Norwood voted nay; and Supervisor Ray Boswell voted nay.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to open Public Hearing on Valley Road, was passed unanimously.

SO ORDERED, this April 19, 2010.

Board Attorney Lee Thaggard opened the Public Hearing by explaining that the role of the Board Attorney as moderators and the Board of Supervisors is to serve similar to a jury in making the decision concerning whether to leave Valley Road open or to close the road; with the issue under Mississippi Code 65-7-121 whether the public interest or convenience is such to require a section of Valley Road to remain open to the public or in the public interest or convenience to close, vacate or abandon a section of Valley Road. Attorney Thaggard proposed that the proponents of closing Valley Road would speak for 45 minutes to state their position and the attorney for the Valley Road Action Committee (Robert Logan) and his group 45 minutes to respond; other opponents not in the group who signed a list requesting to speak will be allowed three (3) minutes each to voice their concerns. A motion by Supervisor Hank Florey, seconded by Supervisor Craig Hitt, to approve the recommendation of Board Attorney Lee Thaggard, was passed unanimously.

SO ORDERED, this April 19, 2010.

Proponents of closing Valley Road who addressed the Board were:

Roger Myrick – Atlas Roofing

Mark Bailey – Engineer, Neel Schaffer Engineering

M. L. Waters – EMBDC

Michael Sims – Chairman for Local 443 Union

Reasons provided for closure of a segment of Valley Road included safety to Atlas personnel and equipment due to high traffic volumes through the plant; excessive speed of vehicle through the Atlas plant area, potential expansion of Atlas plant jeopardized by safety concerns with traffic on Valley Road, potential closure of Atlas plant and accompanying loss of hundreds

of local jobs; the availability of an alternate and better route in the form of 31st Avenue; that the closure of the segment of Valley Road would not adversely affect the adjacent interstate and interchange roadway system to include the recommendation of Neel Schaffer engineers for closure of Valley Road; and that public interest and convenience did not require the segment of Valley Road to remain open.

The opponents for not closing Valley Road who addressed the Board were:

Robert Logan – Attorney representing Valley Road Action Committee

Andy Smith – Owner of Three Oaks Farms

Sam Thompson

Charles Whitlock – resident

Randy Gutterly – VFD

Bob Gray

Jan Gray

Frank Buckley

Cathy Moulds

Marty McCann

Harvey Speed

Rev. Milton Johnson – NAACP Branch President

Reasons provided in opposition to closure included: inconvenience to citizenry using Valley Road; that Valley Road pre-dated Atlas Roofing; that businesses located south of Atlas Roofing could be adversely affected; a perception that the James Chaney Historic Site would be less accessible to the public; that safety concerns expressed by Atlas and its personnel were exaggerated or unsubstantiated; that time for emergency vehicles to respond to calls for assistance could be increased; that 31st Avenue was not a desirable alternate route and involved increased distance to desired locations; and that public interest and convenience did required the segment of Valley Road to remain open.

Upon request by the moderator, the County's State Aid Engineer, Mr. Temple, provided a legal description for the only segment of Valley Road which the Board should consider closing if it desired to close any part of Valley Road. Mr. Temple also confirmed that since Valley Road was a state aid road, then if a segment is closed, then an amount of money to be determined by the State Aid Office in conjunction with the Mississippi Attorney General would have to be paid to the State Aid office, but that such money would be placed into Lauderdale County's state aid account to be used for state aid roads in Lauderdale County. On behalf of Atlas Roofing, Mr. Myrick stated that Atlas would be agreeable to paying some portion of that amount, but that he could not provide a precise number.

A motion by Supervisor Hank Florey, seconded by Supervisor Ray Boswell, to include in the minutes the following documentation, was passed unanimously.

- 1) Neel-Schaffer Traffic Study with PowerPoint slides;
- 2) Notice of Publication pertaining to the Public Hearing
- 3) PowerPoint Slides provided by Mr. Andy Smith
- 4) Photos provided by Reverend Thompson
- 5) List of supporters on the Valley Road Action Committee from Attorney Robert Logan
- 6) Property description from Mr. Terrell Temple for section of Valley Road under consideration for closure

SO ORDERED, this April 19, 2010.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to close the Public Hearing on Valley Road, was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Ray Boswell, seconded by Supervisor Hank Florey, to recess the Board for five (5) minutes, was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Joe Norwood, seconded by Supervisor Hank Florey, to postpone public hearing on 256 Crescent Lane (Parcel #032040511000202100) until Monday, June 21, 2010 at 5:30 P.M.; and to authorize a certified letter be sent to the property owners advising the new property owners of m of the rest public hearing, was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to approve RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF A COUNTY ROAD KNOWN AS "VALLEY ROAD", which segment description is attached and was defined by Terrell Temple in his presentation, was passed on a vote of three (3) to two (2). Supervisor Hank Florey voted aye; Supervisor Craig Hitt voted aye; Supervisor Joe Norwood voted aye; Supervisor Wayman Newell voted nay; and Supervisor Ray Boswell voted nay.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this April 19, 2010.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to accept Tax Exemption Petition of St. Peter A.M.E. Zion Church (PPIN #8995), was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to accept Tax Exemption request of Miller Park, Inc. (PPIN #49033), was passed unanimously.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Ray Boswell, seconded by Supervisor Hank Florey, to accept and approve easement from New Salem Baptist Church for the Alamucha Whynot Road Project, was passed unanimously.

SO ORDERED, this April 19, 2010.

Ms. Adele Whitlock spoke to the Board on various matters of good and welfare.

A motion by Supervisor Joe Norwood, seconded by Supervisor Craig Hitt, to approve the request by Supervisor Norwood to attend the National Organization of Black County Officials in New Orleans, LA May 13-16, 2010, was passed on a vote of three (3) to two (2). Supervisor Hank Florey voted aye; Supervisor Craig Hitt voted aye; Supervisor Joe Norwood voted aye; Supervisor Wayman Newell voted nay; and Supervisor Ray Boswell voted nay.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Ray Boswell, seconded by Supervisor Hank Florey, that the New Salem Baptist Church be compensated for the previously approved easement, in the amount of \$1,500.00, was passed unanimously.

SO ORDERED, this April 19, 2010.

The Board of Supervisor immediately thereafter, with no business intervening, considered the necessity for an executive session for discussion of a personnel matter, and a briefing on legal action involving the Juvenile Center and a motion by Supervisor Craig Hitt, seconded by Supervisor Wayman Newell, to go into executive session was passed on the following vote: Supervisor Hank Florey voted aye; Supervisor Wayman Newell voted aye; Supervisor Craig Hitt 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, CRAIG HITT, JOE NORWOOD, RAY BOSWELL, COUNTY ADMINISTRATOR MIKE SUMRALL, AND BOARD ATTORNEY LEE THAGGARD.

SO ORDERED, this April 19, 2010.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to go out of executive session, was passed unanimously.

SO ORDERED, this April 19, 2010.

The Board went back into open meeting. Mr. Lee Thaggard, Board Attorney, announced that the Board went into executive session to discuss a personnel matter and a briefing regarding litigation pertaining to the Juvenile Center. No action was taken at this time.

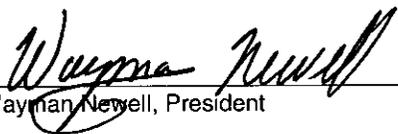
A motion by Supervisor Hank Florey, seconded by Supervisor Craig Hitt, authorizing the approval of proposed monitoring agreement with Disability Rights Mississippi regarding the Lauderdale County Juvenile Center, was passed unanimously.

SO ORDERED, this April 19, 2010.

Board Attorney Lee Thaggard asked the Board to consider a motion rejecting the request of the Animal Control Director to withdraw his resignation which failed due to the lack of a motion.

A motion by Supervisor Craig Hitt, seconded by Supervisor Hank Florey, to adjourn until Monday, May 3, 2010 at 9:00 A.M., was passed unanimously.

SO ORDERED, this April 19, 2010.


Wayman Newell, President