

TUESDAY, FEBRUARY 16, 2016

Pursuant to recess the Lauderdale County Board of Supervisors resumed its regular February 2016 meeting at 9:00 a.m., February 16, 2016, at the Raymond P. Davis County Annex Building in Meridian, Mississippi, with the following members present: Mr. Joe Norwood, President of the Board and Supervisor of District Four, Mr. Jonathan Wells, Supervisor of District One, Mr. Wayman Newell, Supervisor of District Two, Mr. Josh Todd, Supervisor of District Three, and Mr. Kyle Rutledge, Supervisor of District Five.

Also present were Ms. Carolyn Mooney, Chancery Clerk and Clerk of the Board of Supervisors, Ms. Cheryl Polk, Interim County Administrator, Mr. Greer Goldman, Road Manager, and Mr. Lee Thaggard, Board Attorney.

The recessed meeting was called to order by Board President Joe Norwood.

Prayer was offered by Supervisor Kyle Rutledge.

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

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to approve the "Agenda" for even date, with amendments as follows, was passed unanimously.

BOARD MEETING AGENDA
LAUDERDALE COUNTY BOARD OF SUPERVISORS
TUESDAY, FEBRUARY 16, 2016 – 9:00 A.M.

1. Meeting called to order by Board President Joe Norwood.
2. Prayer given by Supervisor Kyle Rutledge.
3. Pledge of Allegiance to the Flag of the United States of America.
4. Approval of Agenda for even date.
5. Approval of minutes dated February 1, 2016, February 4, 2016, and February 11, 2016.
6. Sheriff Billy Sollie (agenda attached).
7. James Rainey, Tax Assessor (agenda attached).
8. PUBLIC HEARING 9:30 A.M. – Arrow Lake Cutoff Road.
9. Dede Mogollon, Executive Director of Tourism
 - A) Need approval for Steve Martin and Dede Mogollon to complete sales calls in Jackson with our Meet in Meridian partners. Dates for this trip to be determined but will be completed prior to mid-March. Expenses to include hotel for one (1) night, two (2) days per diem, and travel in a county vehicle for each person. Travel has been approved by the Tourism Commission and is in the budget.
 - B) Need approval for Steve Martin and Dede Mogollon to attend Mississippi Tourism Association Spring Conference March 1-2, 2016 in Columbus, MS with Dede Mogollon attending the February 29th Board of Directors meeting. Expenses for Dede to include hotel for two (2) nights, three (3) days per diem, and travel in a private vehicle. Expenses for Steve to include hotel for one (1) night, two (2) days per diem and travel in a county vehicle. Travel has been approved by the Tourism Commission and is in the budget.
10. Greer Goldman, Road Manager (agenda attached).
11. Staff Reports: Carolyn Mooney, Cheryl Polk, and Lee Thaggard.
12. Other matters for general good and welfare.
13. Actions from Supervisors
14. Motion to adjourn until Monday, March 7, 2016 at 9:00 a.m.

AMENDMENTS:

Interim County Administrator – Remove Item 5 from Agenda.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Wayman Newell, seconded by Supervisor Kyle Rutledge, to approve minutes for February 1, 2016, February 4, 2016, and February 11, 2016, was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Wayman Newell, seconded by Supervisor Josh Todd, to approve the request for Deputy Allen Wyman to attend the Glock Armorer Course in Oxford, MS on April 26, 2016. The cost of this training is \$250.00 and will be paid for out of the budget. The motion was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Jonathan Wells, to approve the request for Investigator Everett McShepard and Agent Joe Mercado to attend Handgun/Shotgun Instructor Development Course in Meridian, MS February 29-March 4, 2016. The cost of this training is \$1,000.00 and will be paid for out of the budget. The motion was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Jonathan Wells, seconded by Supervisor Josh Todd, to approve the request for Lt. Marissa Combs and Sgt. Chris Swanner to attend Glock Armorer Course in Laurel, MS March 22, 2016. The cost of this training is \$500.00 and will be paid for out of the budget. The motion was passed unanimously.

SO ORDERED, this February 16, 2016.

Upon recommendation of James Rainey, Lauderdale County Tax Assessor, a motion by Supervisor Wayman Newell, seconded by Supervisor Josh Todd, 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 February 16, 2016.

The Tax Assessor's Office will be open again on Saturday, February 27, 2016 and March 26, 2016 from 8-12 to better assist the residents of Lauderdale County in signing up for Homestead Exemption.

A motion by Supervisor Josh Todd, seconded by Supervisor Jonathan Wells, to approve the request for Steve Martin and Dede Mogollon to complete sales calls in Jackson with our Meet in Meridian partners. Dates for this trip to be determined but will be completed prior to mid-March. Expenses to include hotel for one (1) night, two (2) days per diem, and travel in a county vehicle for each person. Travel has been approved by the Tourism Commission and is in the budget. The motion was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Jonathan Wells, to approve the request for Steve Martin and Dede Mogollon to attend Mississippi Tourism Association Spring Conference March 1-2, 2016 in Columbus, MS with Dede Mogollon attending the February 29th Board of Director's Meeting. Expenses for Dede to include hotel for two (2) nights, three (3) days per diem and travel in a private vehicle. Expenses for Steve to include hotel for one (1) night, two (2) days per diem and travel in a county vehicle. Travel has been approved by the Tourism Commission and is in the budget. The motion was passed unanimously.

SO ORDERED, this February 16, 2016.

Road Manager Greer Goldman requested that the following three (3) contracts be awarded to the low bidders establishing a project fund for each utilizing LSBP Funds. And, to authorize the Board President to execute documents prepared by the State Aid Division of the Mississippi Department of Transportation.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to award Project Number LSBP-38(29) to J & M, Inc. at the bid price of \$75,095.00, was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to award Project Number LSBP-38(30) to Magco, Inc. at the bid price of \$239,763.36, was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to award Project Number LSBP-38 (31) to Joe McGee Construction, Inc. at the bid price of \$335,738.00, was passed unanimously.

SO ORDERED, this February 16, 2016.

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 Kyle Rutledge, seconded by Supervisor Josh Todd, to approve the second claims docket for the month of February 2016; and to authorize the Chancery Clerk to issue the warrants therefore, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Kyle Rutledge, seconded by Supervisor Josh Todd, to approve the following Oaths of Office, was passed unanimously.

- A) Kristen Felton
- B) Roger Carlisle
- C) Bruce Pope
- D) Matthew Carter
- E) Joshua Bartlett

SO ORDERED, this February 16, 2016.

A motion by Supervisor Wayman Newell, seconded by Supervisor Jonathan Wells, to include in the minutes certification from Sheriff Billy Sollie that 24,144 meals were served in the Lauderdale County Detention Facility during the month of January, 2016; and to authorize the Board President to sign the necessary paperwork, was passed unanimously.

(See page _____ of these minutes.)

SO ORDERED, this February 16, 2016.

Cheryl Polk, Interim County Administrator, submitted for inclusion in the minutes that the County's financial statements for fiscal year 2015 will reflect uncollectible rates pertaining to the solid waste account receivable. The current system is 17.42% uncollectible. The old system is 100% uncollectible. For fiscal year 2014, the rates were 16.93% and 100%, respectively.

A motion by Supervisor Josh Todd, seconded by Supervisor Jonathan Wells, to observe Good Friday on March 25, 2016 as a holiday instead of Confederate Memorial Day on April 25, 2016, was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Jonathan Wells, seconded by Supervisor Josh Todd, to approve the request for Chris Ornelas to attend the PTS Users Conference in Biloxi, MS April 5-7, 2016. Travel will include registration, hotel, per diem, and travel in a county vehicle. Travel expenses are in the budget. The motion was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Jonathan Wells, seconded by Supervisor Wayman Newell, to approve request to purchase a court reporter writer for the Circuit Court from Stenograph, LLC. A sole source letter is attached. The motion was passed unanimously.

(See page _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Kyle Rutledge, seconded by Supervisor Josh Todd, to accept the lowest quote of ITConsultantsPR, Inc. for the AS400 system in the amount of \$45,542.30 and paying Premise, Inc. \$2,500.00 to install for a total price of \$48,042.30, was passed unanimously.

Two quotes were received for an AS400 system. They were:

- 1) ITConsultantsPR, Inc. in the amount of \$45,542.30
- 2) Butram System Engineering in the amount of \$54,641.00

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to approve the transfer of \$601.66 from Fund 310 Bond to Fund 068 Q.V. Sykes Walking Trail

Grant to reimburse engineering fees that should have been paid out of the bond fund as part of the County's match for the grant, was passed unanimously.

SO ORDERED, this February 16, 2016.

The following items have been recommended for the Splash Pad at Highland Park by the design committee consisting of City and County Officials and the County Engineer:

A motion by Supervisor Josh Todd, seconded by Supervisor Jonathan Wells, to accept low bid of Great Southern Recreation, LLC including additive alternate 1 for permanent decorative fence and additive alternate 2 for shade structures for a lump sum bid of \$264,348.00, was passed on a vote of four (4) to one (1). Supervisor Jonathan Wells voted aye; Supervisor Wayman Newell voted aye; Supervisor Josh Todd voted aye; Supervisor Joe Norwood voted aye; and Supervisor Kyle Rutledge voted nay.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Joe Norwood, to accept the carousel horse as the theme of the park, was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Joe Norwood, to authorize the Board President to execute a change order including revisions as follows, was passed unanimously.

1. Add a 9-foot "Water-Brella" to the site.
2. To add two (2) arched water wickets to the design.
3. To add an interactive water feature to the design.

4. To reduce the size of the wetted area by 586 square feet.
5. To increase the proposed project cost by \$9,900.00

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to ratify and approve the Board President's Declaration of Emergency *nunc pro tunc* to February 2, 2016 (Emergency Declaration provided). The motion was passed unanimously.

(See page _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to **recess as the Lauderdale County Board of Supervisors and convene as the Board of Trustees of the Lauderdale County Economic Development District**, was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Trustee Kyle Rutledge, seconded by Trustee Josh Todd, to approve ORDER OF THE ECONOMIC DEVELOPMENT DISTRICT GRANTING VARIANCE TO PIONEER, INC., *NUNC PRO TUNC* TO AUGUST 2, 2010, was passed unanimously.

(See page _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Trustee Jonathan Wells, seconded by Trustee Josh Todd, **to recess as the Board of Trustees of the Lauderdale County Economic Development District and reconvene as the Lauderdale County Board of Supervisors**, was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to approve RESOLUTION AUTHORIZING AND DIRECTING THE COUNTY ADMINISTRATOR AND PURCHASE CLERK TO WORK WITH THE COUNTY ENGINEER AS NECESSARY TO FORMULATE AND OBTAIN REQUEST FOR PROPOSALS FOR THE DEMOLITION WITH THE ROSS SERVICE STATION TO INCLUDE ANY ADVERTISING AS NECESSARY TO OBTAIN SUCH PROPOSALS, AND TO OBTAIN REQUEST FOR PROPOSALS FOR THE PROPER REMOVAL OF ANY UNDERGROUND STORAGE TANKS ASSOCIATED WITH THE ROSS SERVICE STATION TO INCLUDE ANY ADVERTISING AS NECESSARY TO OBTAIN SUCH PROPOSALS, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Jonathan Wells, seconded by Supervisor Kyle Rutledge, to approve Public Defender Agreement with John C. Helmert, Jr. as requested by the Lauderdale County Circuit Judges, and authorizing the Board President to execute same, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Jonathan Wells, seconded by Supervisor Kyle Rutledge, to approve Public Defender Agreement with Amanda Glover Evans as requested by Lauderdale County Circuit Judges, and authorizing the Board President to execute same, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Jonathan Wells, to approve RESOLUTION OF THE BOARD OF SUPERVISORS, THE GOVERNING BODY ("THE BOARD") OF LAUDERDALE COUNTY, MISSISSIPPI (THE "LESSEE"), FINDING IT NECESSARY TO ACQUIRE EQUIPMENT FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH EQUIPMENT UNDER THE TERMS OF A LEASE PURCHASE AGREEMENT: FINDING THAT THE HANCOCK BANK, GULFPORT, MISSISSIPPI , (THE "LESSOR") HAS OFFERED TO ACQUIRE SUCH EQUIPMENT, OR TO ACQUIRE FROM AND REIMBURSE THE LESSEE FOR THE COST OF SUCH EQUIPMENT IN THE EVENT THE EQUIPMENT HAS ALREADY BEEN PURCHASED BY THE LESSEE, AND TO LEASE SUCH EQUIPMENT TO LESSEE: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE LESSEE AND AUTHORIZING AND DIRECTING THE AUTHORIZED OFFICERS (AS HEREINAFTER DEFINED) TO EXECUTE A LEASE PURCHASE AGREEMENT AND SUPPORTING SCHEDULES AND ATTACHMENTS INCLUDING, BUT NOT LIMITED TO, ASSIGNMENTS OF TITLE TO THE EQUIPMENT TO HANCOCK BANK TO THE END THAT THE EQUIPMENT SHALL BE ACQUIRED BY SUCH BANK AND LEASED TO THE LESSEE ON THE TERMS AND CONDITIONS EXPRESSED IN SUCH LEASE, for the three (3) new vehicles (LEMA, E-911, and District One Supervisor), was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to amend the Legal Agenda to add 6A containing the same wording as previously recited in Item 6, for the eight (8) new vehicles for the Sheriff's Department, was passed unanimously.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to approve RESOLUTION OF THE BOARD OF SUPERVISORS, THE GOVERNING BODY ("THE BOARD") OF LAUDERDALE COUNTY, MISSISSIPPI (THE "LESSEE"), FINDING IT NECESSARY TO ACQUIRE EQUIPMENT FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH EQUIPMENT UNDER THE TERMS OF A LEASE PURCHASE AGREEMENT: FINDING THAT THE HANCOCK BANK, GULFPORT, MISSISSIPPI , (THE "LESSOR") HAS OFFERED TO ACQUIRE SUCH EQUIPMENT, OR TO ACQUIRE FROM AND REIMBURSE THE LESSEE FOR THE COST OF SUCH EQUIPMENT IN THE EVENT THE EQUIPMENT HAS ALREADY BEEN PURCHASED BY THE LESSEE, AND TO LEASE SUCH EQUIPMENT TO LESSEE: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE LESSEE AND AUTHORIZING AND DIRECTING THE AUTHORIZED OFFICERS (AS HEREINAFTER DEFINED) TO EXECUTE A LEASE PURCHASE AGREEMENT AND SUPPORTING SCHEDULES AND ATTACHMENTS INCLUDING, BUT NOT LIMITED TO, ASSIGNMENTS OF TITLE TO THE EQUIPMENT TO HANCOCK BANK TO THE END THAT THE EQUIPMENT SHALL BE ACQUIRED BY SUCH BANK AND LEASED TO THE LESSEE ON THE TERMS AND CONDITIONS EXPRESSED IN SUCH LEASE, for the eight (8) new vehicles for the Sheriff's Department, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to authorize and direct the County Administrator and purchase Clerk to advertise for request for proposals for residential collection of garbage within the unincorporated areas of Lauderdale County, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

Mr. Tommy Williams came before the Board to discuss matters for general good and welfare.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to open Public Hearing relative to the petition to close a segment of Arrow Lake Cutoff Road, was passed unanimously.

SO ORDERED, this February 16, 2016.

Board Attorney Lee Thaggard explained that on January 19, 2016 the Board passed a RESOLUTION AUTHORIZING A PUBLIC HEARING TO BE HELD TO CONSIDER CLOSING A SEGMENT OF A COUNTY ROAD KNOWN AS "ARROW LAKE CUTOFF ROAD" and that the public has been provided notice of the hearing as required by law. Attorney Thaggard explained that the road closure pertains only to an unpaved portion of the road which has not been

maintained by the County. Attorney Thaggard then submitted an Exhibit List and associated exhibits for inclusion in the minutes. Supervisor Rutledge agreed and confirmed that the unpaved section has not been maintained by the County for more than 10 years when County personnel removed a culvert and posted a sign for "no through traffic." Members of the public were offered an opportunity to speak for or against the closure of a segment of Arrow Lake Cutoff Road. Mr. Ken Sollie, landowner, came before the Board to ask for a segment (which he marked on an aerial photo of the site contained within the reference exhibits) to be closed. Mr. Sollie agreed that only the unpaved portion should be closed. There being no further comments from the public, a motion by Supervisor Kyle Rutledge, seconded by Supervisor Josh Todd, to close the Public Hearing, was passed unanimously.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd was made to determine the need to go into an Executive Session. A second and a vote on such motion being unnecessary, all persons left the meeting except for the Board, its counsel Lee Thaggard, and the Interim County Administrator.

SO ORDERED, this February 16, 2016.

A motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to go into Executive Session to discuss potential litigation. The motion was passed unanimously. Attorney Lee Thaggard announced to the public that the Board had decided to enter Executive Session to discuss potential litigation.

SO ORDERED, this February 16, 2016.

Following completion of the discussion of matters appropriate for the Executive Session, a motion by Supervisor Josh Todd, seconded by Supervisor Kyle Rutledge, to exit the Executive Session, was passed unanimously.

SO ORDERED, this February 16, 2016.

The Board went back into open meeting. Board Attorney Lee Thaggard then announced that the Board discussed potential litigation. Board Attorney Lee Thaggard also announced that no action was taken during the Executive Session.

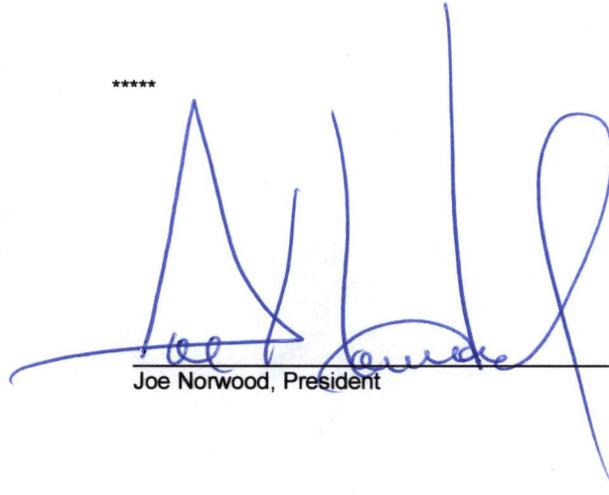
A motion by Supervisor Wayman Newell, seconded by Supervisor Jonathan Wells, to adopt RESOLUTION THAT JOE NORWOOD, THE PRESIDENT OF THE BOARD OF SUPERVISORS OF LAUDERDALE COUNTY, MISSISSIPPI, THE GOVERNING BODY OF LAUDERDALE COUNTY, MISSISSIPPI, BE AND HEREBY IS AUTHORIZED TO ACT ON BEHALF OF LAUDERDALE COUNTY, MISSISSIPPI, AND IN HIS SOLE DISCRETION, TO NEGOTIATE, APPROVE, AND MAKE THE OFFER OF SETTLEMENT OF LAUDERDALE COUNTY, ATTACHED HERETO, TO THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION ("COMMISSION") IN CONNECTION WITH THE INVESTIGATION CONDUCTED BY THE COMMISSION; IN THIS CONNECTION, THE AFOREMENTIONED PRESIDENT BY AND HEREBY IS AUTHORIZED TO UNDERTAKE SUCH ACTIONS AS HE MAY DEEM NECESSARY AND ADVISABLE, INCLUDING THE EXECUTION OF SUCH DOCUMENTATION AS MAY BE REQUIRED BY THE COMMISSION, IN ORDER TO CARRY OUT THE FOREGOING. The motion was passed on a vote of four (4) to zero (0) as Supervisor Joe Norwood had left the meeting. Supervisor Jonathan Wells voted aye; Supervisor Wayman Newell voted aye; Supervisor Josh Todd voted aye; and Supervisor Kyle Rutledge voted aye.

(See pages _____ through _____ of these minutes.)

SO ORDERED, this February 16, 2016.

A motion by Supervisor Wayman Newell, second by Supervisor Kyle Rutledge, to adjourn until Monday, March 7, 2016, was passed unanimously.

SO ORDERED, this February 16, 2016.

A handwritten signature in blue ink, consisting of several loops and a long vertical stroke, positioned above a horizontal line.

Joe Norwood, President