

**MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF FEBRUARY 8, 2002
recessed from regular meeting conducted on February 5, 2002

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 8th day of February, 2002, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

The President of the Board, David H. Richardson, presided and called the meeting to order. The following parties were present:

Present:	Absent:
Supervisor W.T. "Bill" Banks	None
Supervisor Marc Sharpe	
Supervisor David H. Richardson	
Supervisor Karl M. Banks	
Supervisor Paul Griffin	
Sheriff Toby Trowbridge	
Mike Crook, Chancery Clerk	
George Touart, County Administrator	

Supervisor W.T. "Bill" Banks opened the meeting with a prayer and Supervisor Paul Griffin led the Pledge of Allegiance to the Flag of the United States of America.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened.

**In the Matter of Receipt of Bids for a Generator for
the Department of Emergency Management**

WHEREAS, the Board of Supervisor did previously advertise for a portable generator for the mobile command center for the Department of Emergency Management and did receive four bids in response to its advertisement. Said bids were as follows, to-wit:

Camper Corral -	\$7,462.11
Cosin Equipment -	\$7,170.00
Edwards -	\$7,600.00
Cummins Mid South -	\$8,056.00

Following discussion of this matter, Supervisor W.T. "Bill" Banks did move and Supervisor Paul Griffin did second a motion to take said bids under advisement for review by the Department of Emergency Management. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

**In the Matter of Receipt of Bids
for Sirens**

WHEREAS, the Board of Supervisors did previously advertise for one or more emergency sirens to be used by Madison County as an early warning device for emergencies within the County and the Board of Supervisors received bids from Safetycom, Inc., Federal Signal Corp. and AllCom Wireless, Inc. in response to said advertisement.

Following discussion of this matter, Supervisor W.T. "Bill" Banks did move and Supervisor Marc Sharpe did second a motion to take said bids under advisement (copies of which are found in the miscellaneous file to these minutes). The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

**In the Matter of Receipt of Additional
Six-Month Bids**

WHEREAS, the Board of Supervisors did re-advertise for certain term contracts for a period of six months as provided for by law for items and services to be used during said contract periods; and

WHEREAS, the Board of Supervisors did receive numerous bids in response to its advertisement (copies of which are found in the miscellaneous files to these minutes).

Following discussion of this matter and the opening and reading aloud and reviewing of the various bids by the various bidders (copies of which are found in the miscellaneous file to these minutes), the Board upon motion of Supervisor W.T. "Bill" Banks and second of Supervisor Paul Griffin voted to take said bids under advisement for further consideration and determination of the lowest and best bids. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

**In the Matter of Accepting Construction
Drawings for Phase II of the Madison
County Detention Facility**

WHEREAS, Kathy Mangialardi, with Dean and Dean Architects, did appear before the Board of Supervisors and did present construction drawings for Phase II of the Madison County Detention Facility.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks did move and Supervisor Paul Griffin did second a motion to accept the construction drawings as submitted by Ms. Mangialardi contingent on said drawings being presented to Brad Sellers and Sheriff Toby Trowbridge for review. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 8th day of February, 2002.

**In the Matter of Advertising for Bids for
Phase II of the New Madison County
Detention Facility**

WHEREAS, Ms. Kathy Mangalardi, with Dean and Dean Architects, did appear before the Board of Supervisors and request authority to advertise for bids for construction of Phase II to the Madison County Detention Facility as set forth by the plans prepared by Dean and Dean Architects.

Following discussion of this matter Supervisor W.T. "Bill" Banks did move and Supervisor Marc Sharpe did second a motion to authorize advertisement for bids for Phase II for the construction of the Madison County Detention Facility. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

**In the Matter of Approval of a Change
Order on the Construction Contract for the
Madison County Detention Facility**

WHEREAS, Mr. David England, with Dean and Dean Architects, did present unto the Board of Supervisors a proposed change order for the construction project involving the Madison County Detention Facility which involved giving the contractor an increase of 48 work days and providing Madison County with a \$36,390.00 credit for said contract.

Following additional discussion of this matter, Supervisor Marc Sharpe did move and Supervisor Paul Griffin did second a motion to approve the President executing the change order for the construction contract for the Madison County Detention Facility increasing the work days under the contract by 48 days and providing for a \$36,390.00 credit to said contract for changes made therein (a copy of said change order is found in the miscellaneous file to these minutes). The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

**In the Matter of Requesting the 11th Advance
Under an Existing Loan Agreement dated
March 6, 2001**

The Board of Supervisors of Madison County, Mississippi (the "County") acting for and on behalf of the County, took up for consideration the matter of requesting and authorizing an eleventh advance under the loan between the Mississippi Development Bank and the County dated March 6, 2001. After a discussion of the subject, Supervisor Karl M. Banks offered and moved for the adoption of the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON
COUNTY, MISSISSIPPI (THE "COUNTY") AUTHORIZING A
ELEVENTH ADVANCE UNDER THAT CERTAIN LOAN AGREEMENT,
DATED MARCH 6, 2001, BY AND BETWEEN THE MISSISSIPPI
DEVELOPMENT BANK AND THE COUNTY.**

WHEREAS, through its Resolution dated February 23, 2001, the Board of Supervisors of the County approved a loan from the Mississippi Development Bank to the County in an amount not to exceed \$13,000,000 (the "Loan") pursuant to the terms and conditions of that certain Loan Agreement (the "Loan Agreement"), dated March 6, 2001, by and between the Mississippi Development Bank and the County;

WHEREAS, the Board of Supervisors of the County now finds it necessary to approve the eleventh advance under the Loan for the purpose of paying construction fees and expenses incurred in connection with the construction of the new County jail/Sheriff complex, the new Flora Public Library and renovation work at Madison County Medical Center (the "Project");

WHEREAS, pursuant to Mississippi Code §31-25-27, the County is authorized to request an advance under the Loan to raise money for the Project;

WHEREAS, pursuant to Section 3.02 of the Loan Agreement, the minimum Request for Advance shall be in the amount of \$100,000;

WHEREAS, on April 13, 2001, the County received the first advance under the Loan in the amount of \$308,541;

WHEREAS, on June 15, 2001, the County received the second advance under the Loan in the amount of \$273,988;

WHEREAS, on July 18, 2001, the County received the third advance under the Loan in the amount of \$733,431.34;

WHEREAS, on July 25, 2001, the County received the fourth advance under the Loan in the amount of \$800,000;

WHEREAS, on September 5, 2001, the County received the fifth advance under the Loan in the amount of \$396,890.71;

WHEREAS, on September 12, 2001, the County received the sixth advance under the Loan in the amount of \$522,574.12;

WHEREAS, on October 29, 2001, the County received the seventh advance under the Loan in the amount of \$374,670.43;

WHEREAS, on November 21, 2001, the County received the eighth advance under the Loan in the amount of \$356,998.69;

WHEREAS, on January 7, 2002, the County received the ninth advance under the Loan in the amount of \$262,926.02;

WHEREAS, on January 24, 2002, the County received the tenth advance under the Loan in the amount of \$460,822.84.

WHEREAS, through its Resolution dated February 23, 2001, the Board of Supervisors of the County approved the substantial form of the Request for Advance to be used with each advance under the Loan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI:

Section 1. The Board of Supervisors of the County hereby finds that it is necessary and in the public interest to request an advance in the amount of Five Forty-Six Thousand Seven Hundred Thirty-Nine and 07/100 Dollars (\$546,739.07) from the Loan to raise money for the Project.

Section 2. The Board of Supervisors of the County hereby authorizes and approves the eleventh advance under the Loan in the amount of Five Forty-Six Thousand Seven Hundred Thirty-Nine and 07/100 Dollars (\$546,739.07) for the Project.

Section 3. The President of the Board of Supervisors and the Chancery Clerk are hereby authorized and directed to execute the Request for Eleventh Advance on behalf of the County with such changes, completions, insertions and modifications as shall be approved by the officers executing same.

Section 4. The disbursement by the Trustee of the eleventh advance to the County shall be noted on Schedule I of the Promissory Note. The repayment of the principal amount of the eleventh advance shall be payable in monthly installments which shall be set forth on Schedule II of the Promissory Note. The term for repayment of amounts advanced hereunder shall not exceed twenty-five (25) years.

Section 5. The Board of Supervisors hereby directs the Chancery Clerk to deposit and/or credit the proceeds of this advance into the 2001 Mississippi Development Bank Pool Loan Fund created in connection with the Loan.

Section 6. The Board of Supervisors authorizes and directs the Chancery Clerk to pay the invoice(s), submitted with the Request for Eleventh Advance, within five (5) business days of receipt of the funds.

Section 7. The President of the Board of Supervisors and Chancery Clerk are hereby authorized and directed for and on behalf of the County to take any and all action as may be required by the County to carry out and give effect to the aforesaid documents authorized pursuant to this Resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this Resolution in order to evidence the authority.

Section 8. The Board of Supervisors hereby approves the Schedule of Principal Installments, as set forth in **Exhibit A**, for the eleventh advance under the Loan to be attached to the Promissory Note entered into by the County on March 6, 2001.

Supervisor Marc Sharpe seconded the motion to adopt the foregoing Resolution and, the question being put to a roll call vote, the result was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

EXHIBIT A

SCHEDULE OF PRINCIPAL INSTALLMENTS

SCHEDULE II

SCHEDULE OF PRINCIPAL INSTALLMENTS

Draw #11 - monthly principal payments of \$1892.00 for first 288 months with monthly principal payments of \$1843.07 for remaining 1 month.

**In the Matter of Approving Lease
Contracts for 16th Section Property**

WHEREAS, the Madison County School Board has approved the following 16th Section Leases and forwarded them to the Board for review and approval (Copies of said Leases can be found in the Miscellaneous File to these Minutes):

Lessee – David S. Entrekin and wife, Jan W. Entrekin
located as Lot 57 of Sherbourne Subdivision, Part 2,
Madison County, Mississippi
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$233.33
6-10	\$256.66
11-15	\$279.99
16-20	\$303.32
21-25	\$326.65
26-30	\$349.98
31-35	\$373.31
36-40	\$396.64

Lessee – E. Michael Foy and wife, Deanna B. Foy
located as Lot 74 of Sherbourne Subdivision, Part 2,
Madison County, Mississippi
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$233.33
6-10	\$256.66
11-15	\$279.99
16-20	\$303.32
21-25	\$326.65
26-30	\$349.98
31-35	\$373.31
36-40	\$396.64

Lessee – Douglas Drew Malone and wife, Angela A. Malone
located as Lot 80 of Sherbourne Subdivision, Part 3,
Madison County, Mississippi
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$233.33
6-10	\$256.66
11-15	\$279.99
16-20	\$303.32
21-25	\$326.65
26-30	\$349.98
31-35	\$373.31
36-40	\$396.64

Lessee – Linda D. Gilmore, and husband, John H. Gilmore
located as Lot 82 of Sherbourne Subdivision, Part 2,

Madison County, Mississippi
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$233.33
6-10	\$256.66
11-15	\$279.99
16-20	\$303.32
21-25	\$326.65
26-30	\$349.98
31-35	\$373.31
36-40	\$396.64

Lessee – Sherbourne Property Owners Association, Inc.,
a MS non-profit organization
located as Lot 101 of Sherbourne Subdivision, Part 2,
Madison County, Mississippi
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$350.00
6-10	\$385.00

Years 11-40 shall be determined by appraisal as set forth in the Long Term Lease Contract (copy of which is found in the miscellaneous files to these minutes).

Following discussion of this matter, Supervisor Marc Sharpe did move and Supervisor W.T. “Bill” Banks did second to approve the 16th Section Leases and Corrections and Ratifications, as set forth above, as submitted by the Madison County School Board. The vote on said matter was as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

In the Matter of the Acknowledgement and Receipt of the Answer of Walter R. Seay and Guy Seay, Jr. to a Petition to for Private Right-of-Way

WHEREAS, Mr. Phil Buffington with MacNeill & Buffington, P.A. did file with the Board of Supervisors an answer and defenses to the petition for establishment of a private right-of-way filed by Gussie Lee Haith (copies of which are file in the miscellaneous file to these minutes).

Following discussion of this matter Supervisor Karl M. Banks did move and Supervisor Paul Griffin did second a motion to acknowledge receipt of said answer and defenses filed on behalf of the Seay family. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

In the Matter of the Authorization of Use of the Courthouse Grounds for a Barbecue Cook-off by Greater Refuge Temple Church of our Lord Jesus Christ of the Apostolic Faith, Inc.

WHEREAS, Elder Walter L. Veals with the Greater Refuge Temple Church of our Lord Jesus Christ of the Apostolic Faith, Inc. did request the use of the Courthouse grounds on June 8, 2002 between the hours of 9:30 a.m. and 6:30 p.m. for a Barbecue Cook-off Contest.

Following discussion of this matter, Supervisor Karl M. Banks did move and Supervisor Paul Griffin did second a motion to allow said church to use the Courthouse grounds for the purposes as requested above. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

**In the Matter of the Pauper's Affidavit
On Behalf of Johnette Watson**

WHEREAS, the Board of Supervisors did receive a Pauper's Affidavit of William L. Watson requesting the statutory amount allowed for said paupers for burial purposes for Johnette Watson, deceased, having been a resident of Madison County, Mississippi during her lifetime.

Following discussion of this matter Supervisor W.T. "Bill" Banks did move and Supervisor Marc Sharpe did second a motion to approve the Pauper's Affidavit and authorize the payment of the statutory amount to the funeral home for and on behalf of Johnette Watson per said affidavit. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Nay
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 8th day of February, 2002.

**In the Matter of an Order
Authorizing Placement of Culverts
Along Public Roads Necessary for
the Preservation and Maintenance
of County Roads and Determining
That Such Culverts Are of Public Benefit**

WHEREAS, the Board of Supervisors has received requests from the Road Department for the installation of culverts as follows:

Johnnie Smith – 369 Virgin Mary Road
Larry Mize – 976 Gluckstadt Road
Brian Sartain – 109 Beaufort Circle

Following review and discussion, Supervisor W. T. "Bill" Banks did move and Supervisor Paul Griffin did second a motion to approve the Road Department installing the above stated culverts, finding that such placement is necessary for the preservation and maintenance of County Roads and that the installing of such culverts are of public benefit. The vote on said matter was as follows, to-wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 8th day of February, 2002.

In the Matter of the Approval of the Work Order Update and Monthly Report of the Department of Road Management

WHEREAS, Mr. Lawrence Morris, Road Manager, did present to the Board of Supervisors the current work order update, the monthly hauling report for January 29-31 and the monthly report for December 2001 for the Department of Road Management (Copies of said reports are found in the miscellaneous file to these minutes.)

Following review and discussion of this matter Supervisor W. T. "Bill" Banks did move and Supervisor Paul Griffin did second a motion to accept and approve the above referenced reports as submitted by the Road Manager. The voted on said matter was follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 8th day of February, 2002.

In the Matter of the Appointment of a Commissioner to the Camden Fire Protection District Board

WHEREAS, Supervisor Paul Griffin did inform the Board that it was his desire that the Board of Supervisors appoint Eddie Johnson, 117 Gober Road , Camden, MS to fill a vacant spot on the Camden Fire Protection District Board vacated by Barry Parker.

Following additional discussion of this matter Supervisor Paul Griffin did move and Supervisor W.T. "Bill" Banks did second a motion to appoint Eddie Johnson to the Commissioners position for the Camden Fire Protection District Board vacated by Barry Parker to serve out the remaining term of Mr. Parker. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 8th day of February, 2002.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, MS, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor W.T. "Bill" Banks and approved by unanimous vote of all those present, the meeting of the Board of Supervisors was recessed until Friday, February 15, 2002 at 9:30 a.m.

David H. Richardson, President