

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

REGULAR MEETING OF SEPTEMBER 6, 2002
Recessed from regular meeting conducted on September 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 6th day of September, 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 members were present that day:

Present:

Absent:

Supervisor Karl M. Banks
Supervisor Marc Sharpe
Supervisor W. T. "Bill" Banks
Supervisor David H. Richardson
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Mike Crook Chancery Clerk

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

**In the Matter of Acknowledging Receipt of a Request to
Abandon a Road**

WHEREAS, Hugh Corcoran, resident of Madison County, Mississippi, appeared before the Board of Supervisors and requested the Board to abandon a county public road known as Cochran Road.

Following discussion of this matter, Supervisor Paul Griffin moved, and Supervisor W.T. "Bill" Banks seconded a motion to advertise for a public hearing for the Board to consider Mr. Corcoran's request to abandon Cochran Road and that a copy of the public notice 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: Absent
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 6th day of September, 2002.

In the Matter of the Approval of Change Order 1 on a Contract with Southern Rock, LLC on the Church Road Project

WHEREAS, Mr. Woody Sample with Sample & Associates appeared before the Board of Supervisors and presented a change order on CDBG Project No. 01-045-ED-EF-01, which involved the expenditure of \$56,331.35 for the construction of a ditch along said project.

Following discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisor Paul Griffin seconded a motion to approve Change Order No.1 and that copies of said change order 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: Absent
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 6th day of September, 2002.

In the Matter of Acknowledging Receipt of Bids in Conjunction with the Church Road/Catlett Road Force Main Sewer Project

WHEREAS, the Board of Supervisors previously advertised for bids for construction of a force main sewer project along Church Road and Catlett Road in Madison County, Mississippi in conjunction with a grant received by Madison County for improvements to be made in conjunction with the Nissan Project; and

WHEREAS, Mr. Joe Johnson, engineer on the project, appeared before the Board of Supervisors and opened the following bids:

CONTRACTOR	BID
Blurton Banks & Assoc., Inc.	\$2,541,356.50
Delta Constructors	\$2,537,453.54
Hemphill Construction Co., Inc.	\$2,200,099.51
Utility Constructors, Inc.	\$2,197,222.00

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor W.T. "Bill" Banks seconded a motion to take said bids under advisement for review by the engineer on said project. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Absent
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 6th day of September, 2002.

**In the Matter of the Approval of a Resolution in
Regard to a \$7 Million Loan**

The Board of Supervisors of Madison County, Mississippi (the "Governing Body" of the "County"), took up for consideration a resolution entitled "RESOLUTION OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY") DECLARING THE INTENTION OF THE COUNTY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED SEVEN MILLION DOLLARS (\$7,000,000) BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE COUNTY WHICH SHALL CONSIST OF ESTABLISHING, ERECTING, BUILDING, CONSTRUCTING, REMODELING, ADDING TO, ACQUIRING, EQUIPPING AND FURNISHING COMMUNITY HOSPITALS, NURSES' HOMES, HEALTH CENTERS, HEALTH DEPARTMENTS, DIAGNOSTIC OR TREATMENT CENTERS, REHABILITATION FACILITIES, NURSING HOMES AND RELATED FACILITIES, AND PURCHASING LAND THEREFOR; PURCHASING, ERECTING, EQUIPPING, REPAIRING OR REMODELING COUNTY BUILDINGS, INCLUDING, BUT NOT LIMITED TO, THE MADISON COUNTY MEDICAL CENTER, AND PURCHASING LAND THEREFOR, PURCHASING, CONSTRUCTING, REPAIRING, IMPROVING, EQUIPPING BUILDINGS FOR PUBLIC LIBRARIES AND PURCHASING LAND THEREFOR; CONSTRUCTING AND REPAIRING ROADS, HIGHWAYS AND BRIDGES AND ACQUIRING LAND THEREFOR; ERECTING, REPAIRING; PURCHASING MACHINERY AND EQUIPMENT; PURCHASING FIRE FIGHTING EQUIPMENT AND APPARATUS, PROVIDING HOUSING FOR SAME AND PURCHASING NECESSARY LAND THEREFOR; THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT, EXTENSION, REPAIR, OPERATION AND MAINTENANCE OF ANY SYSTEM USED FOR THE COLLECTION, TRANSPORTATION AND TREATMENT OF WATER, SEWERAGE AND WASTEWATER; FINANCING PROJECTS AUTHORIZED UNDER MISSISSIPPI CODE § 19-9-27 AND FOR OTHER AUTHORIZED PURPOSES UNDER THE ACT," adopted August 5, 2002.

The Clerk reported that as directed by the aforesaid resolution, the same was published once a week for at least three (3) consecutive weeks in the *Madison County Herald*, a newspaper published in and having a general circulation in the County, and which is a qualified newspaper under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, and that the first publication of the resolution was made not less than twenty-one (21) days before September 6, 2002, and the last publication of the resolution was not more than seven (7) days prior to such date. The resolution was published in the newspaper on August 15, 22 and 29 and September 5, 2002, as evidenced by the publisher's affidavit which the Clerk did then and there exhibit to the Board.

It was thereupon ordered that the aforesaid proof of publication be received and filed, and a copy thereof included in the official transcript of proceedings had and done regarding the loan.

The hour of 10:00 o'clock a.m. on September 6, 2002, having passed, the Clerk further reported that no petitions signed by fifteen percent (15%) or 1,500, whichever is the lesser, of the qualified electors of the County objecting to and protesting against such loan nor any other objections of any kind or character against the loan described in the aforesaid resolution had been filed or presented by the qualified electors of the County on or before the aforesaid date and hour.

Thereupon the following resolution was presented, read and Supervisor W.T. "Bill" Banks offered and moved the adoption of the following resolution:

RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION ENTITLED "RESOLUTION OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY") DECLARING THE INTENTION OF THE COUNTY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED SEVEN MILLION DOLLARS (\$7,000,000) BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE COUNTY WHICH SHALL CONSIST OF ESTABLISHING, ERECTING, BUILDING, CONSTRUCTING, REMODELING, ADDING TO, ACQUIRING, EQUIPPING AND FURNISHING COMMUNITY HOSPITALS, NURSES' HOMES, HEALTH CENTERS, HEALTH DEPARTMENTS, DIAGNOSTIC

OR TREATMENT CENTERS, REHABILITATION FACILITIES, NURSING HOMES AND RELATED FACILITIES, AND PURCHASING LAND THEREFOR; PURCHASING, ERECTING, EQUIPPING, REPAIRING OR REMODELING COUNTY BUILDINGS, INCLUDING, BUT NOT LIMITED TO, THE MADISON COUNTY MEDICAL CENTER, AND PURCHASING LAND THEREFOR; PURCHASING, CONSTRUCTING, REPAIRING, IMPROVING, EQUIPPING BUILDINGS FOR PUBLIC LIBRARIES AND PURCHASING LAND THEREFOR; CONSTRUCTING AND REPAIRING ROADS, HIGHWAYS AND BRIDGES AND ACQUIRING LAND THEREFOR; PURCHASING MACHINERY AND EQUIPMENT; PURCHASING FIRE FIGHTING EQUIPMENT AND APPARATUS, PROVIDING HOUSING FOR SAME AND PURCHASING NECESSARY LAND THEREFOR; THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT, EXTENSION, REPAIR, OPERATION AND MAINTENANCE OF ANY SYSTEM USED FOR THE COLLECTION, TRANSPORTATION AND TREATMENT OF WATER, SEWERAGE AND WASTEWATER; FINANCING PROJECTS AUTHORIZED UNDER MISSISSIPPI CODE § 19-9-27 AND FOR OTHER AUTHORIZED PURPOSES UNDER THE ACT" AS ADOPTED ON AUGUST 5, 2002, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO PETITION OR OTHER OBJECTION OF ANY KIND OR CHARACTER AGAINST THE LOAN DESCRIBED IN THE RESOLUTION WAS FILED; AND AUTHORIZING THE LOAN.

WHEREAS, on August 5, 2002 the Governing Body did adopt a certain resolution entitled

"RESOLUTION OF MADISON COUNTY, MISSISSIPPI (THE "COUNTY") DECLARING THE INTENTION OF THE COUNTY TO AUTHORIZE THE BORROWING OF AN AMOUNT NOT TO EXCEED SEVEN MILLION DOLLARS (\$7,000,000) BY ENTERING INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE COUNTY WHICH SHALL CONSIST OF ESTABLISHING, ERECTING, BUILDING, CONSTRUCTING, REMODELING, ADDING TO, ACQUIRING, EQUIPPING AND FURNISHING COMMUNITY HOSPITALS, NURSES' HOMES, HEALTH CENTERS, HEALTH DEPARTMENTS, DIAGNOSTIC OR TREATMENT CENTERS, REHABILITATION FACILITIES, NURSING HOMES AND RELATED FACILITIES, AND PURCHASING LAND THEREFOR; PURCHASING, ERECTING, EQUIPPING, REPAIRING OR REMODELING COUNTY BUILDINGS, INCLUDING, BUT NOT LIMITED TO, THE MADISON COUNTY MEDICAL CENTER, AND PURCHASING LAND THEREFOR, PURCHASING, CONSTRUCTING, REPAIRING, IMPROVING, EQUIPPING BUILDINGS FOR PUBLIC LIBRARIES AND PURCHASING LAND THEREFOR; CONSTRUCTING AND REPAIRING ROADS, HIGHWAYS AND BRIDGES AND ACQUIRING LAND THEREFOR; PURCHASING MACHINERY AND EQUIPMENT; PURCHASING FIRE FIGHTING EQUIPMENT AND APPARATUS, PROVIDING HOUSING FOR SAME AND PURCHASING NECESSARY LAND THEREFOR; THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT, EXTENSION, REPAIR, OPERATION AND MAINTENANCE OF ANY SYSTEM USED FOR THE COLLECTION, TRANSPORTATION AND TREATMENT OF WATER, SEWERAGE AND WASTEWATER; FINANCING PROJECTS AUTHORIZED UNDER MISSISSIPPI CODE § 19-9-27 AND FOR OTHER AUTHORIZED PURPOSES UNDER THE ACT" (the "Intent Resolution");

WHEREAS, pursuant to applicable law and as directed by the Intent Resolution, the resolution was published once a week for at least three (3) consecutive weeks in the *Madison County Herald*, a newspaper published in and having a general circulation in the County, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, the first publication having been made not less than twenty-one (21) days prior to September 6, 2002, and the last publication having been made not more than seven (7) days prior to such date, such notice being published in the newspaper on August 15, 22 and 29 and September 5, 2002, as evidenced by the publisher's affidavit heretofore presented and filed; and

WHEREAS, on or prior to the hour of 10:00 o'clock a.m. on September 6, 2002, no petition signed by fifteen percent (15%) or 1,500, whichever is the lesser, of the qualified electors of the

County objecting to and protesting against such loan nor any other objection of any kind or character against the loan described in the aforesaid resolution had been filed or presented by the qualified electors of the County.

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

SECTION 1. That the Governing Body is now authorized and empowered by the provisions of Mississippi Code § 31-25-1 *et seq.*, as amended (the "Act"), to borrow funds by entering into the hereinafter described loan without the necessity of calling and holding an election on the question of the delivery thereof.

SECTION 2. That the Governing Body shall be and is hereby authorized to enter into a loan with the Mississippi Development Bank pursuant to the Act in the principal amount not to exceed Seven Million Dollars (\$7,000,000) to raise money for the purpose of financing certain capital projects of the County which shall consist of establishing, erecting, building, constructing, remodeling, adding to, acquiring, equipping and furnishing community hospitals, nurses' homes, health centers, health departments, diagnostic or treatment centers, rehabilitation facilities, nursing homes and related facilities, and purchasing land therefor; purchasing, erecting, equipping, repairing or remodeling County buildings, including, but not limited to, the Madison County Medical Center, and purchasing land therefor, purchasing, constructing, repairing, improving, equipping buildings for public libraries and purchasing land therefor; constructing and repairing roads, highways and bridges and acquiring land therefor; purchasing machinery and equipment; purchasing fire fighting equipment and apparatus, providing housing for same and purchasing necessary land therefor; the acquisition, construction, improvement, enlargement, extension, repair, operation and maintenance of any system used for the collection, transportation and treatment of water, sewerage and wastewater; financing projects authorized under Mississippi Code § 19-9-27 and for other authorized purposes under the act (the "Project"); and in accordance with further orders, resolutions and directions of the Governing Body.

Following the reading of the foregoing resolution, Supervisor Paul Griffin seconded the motion. After discussion, the matter was 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: Absent
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 a majority of the members present, the President of the Governing Body declared the motion carried and the resolution adopted, on this the 6th day of September, 2002. A copy of said resolution is found in the miscellaneous file to these minutes.

In the Matter of a Discussion of Changes to the Solid Waste Plan for Madison County

WHEREAS, the Board of Supervisors met with officials from several organizations interested in operating solid waste disposal facilities in Madison County, but otherwise took no action regarding this matter

In the Matter of the Approval of Utility Permits

WHEREAS, Mr. Rudy Warnock with Warnock & Associates, LLC did present unto the Board of Supervisors the following Utility Permits:

Time Warner Cable - requesting to construct on Bridgfield Drive

Time Warner Cable - requesting to construct on 100 Belle Chase

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor W.T. "Bill" Banks seconded a motion to approve the President signing the Utility Permits for Time Warner Cable as set forth above per the terms contained in said permits, 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: 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 6th day of August, 2002.

In the Matter of Authorizing Advertisement for Bids on Joe Hall Road

WHEREAS, Mr. Rudy Warnock, County Engineer, appeared before the Board of Supervisors and requested authority to advertise for bids for construction on Joe Hall Road using funds from a grant received by Madison County.

Following discussion of these matters, Supervisor Karl M. Banks moved and Supervisor W.T. "Bill" Banks seconded a motion to authorize the advertisement for bids for construction on Joe Hall Road as requested by the engineer. The vote on said matter being 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 6th day of September, 2002.

**In the Matter of Authorizing the Purchase of Rifles for the
Madison County SWAT Team**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and requested authority to use the sum of \$2,900.00 from his Federal Drug Seizure Fund and the sum of \$400.00 received by his office in donations for the Madison County SWAT Team to purchase four Remington 700P Sniper rifles; and

Following discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to authorize the purchase of four Remington 700P Sniper rifles for the Madison County SWAT Team for a total price of \$3,320.00 as set forth 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 6th day of September, 2002

There being no further business to come before the meeting of the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor W.T. "Bill" Banks and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, September 9, 2002 at 1:00 p.m.

David H. Richardson, President
Madison County Board of Supervisors