

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

SPECIAL CALLED MEETING OF AUGUST 24, 2010  
Occurring During the August, 2010 Term

BE IT REMEMBERED that the Special Meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on August 24, 2010, in the Board Room on the first floor of the Chancery/Administrative Building, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Mr. Paul Griffin, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor Tim Johnson  
Supervisor D. I. Smith  
Supervisor Paul Griffin  
Chancery Clerk Arthur Johnston

Absent:

Supervisor John Bell Crosby  
Supervisor Karl M. Banks

Also in attendance:

County Administrator and Planning & Zoning Director Brad Sellers  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
Comptroller and Deputy Chancery Clerk Quandice Green  
Purchase Clerk Hardy Crunk  
State Aid Engineer John Granberry  
Road Manager Lawrence Morris

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

As required by statute, that certain Notice of the instant meeting, which was posted at the Courthouse door (at the entrance to the Chancery and Administrative Building, 125 W. North Street, Canton, Mississippi) for at least five (5) days, was and is hereby entered on the Minutes hereof as Exhibit A.

***In re: Awarding of Bid for Excavator (Trackhoe)***

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and presented the bids for the purchase of an excavator (trackhoe) which were opened and received on August 17, 2010 pursuant to a prior order of the Board, and

WHEREAS, said original bids, in there original envelopes may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Crunk called the Board's attention to certain irregularities with regard to the bid of the apparent low bidder, Lyle Equipment Company, and

WHEREAS, a true and correct copy of Mr. Crunk's memorandum dated August 22, 2010 containing the bid tabulations and his recommendations thereon, as well as a thorough discussion of the irregularities which the Board carefully reviewed, is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, and

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to (1) find, for the reasons stated in Mr. Crunk’s August 22, 2010 memorandum to the Board, that Lyle’s “intended correct bid with trade in” for the Komatsu excavator is \$127,989, and correct Lyle’s bid accordingly; (2) find, for the reasons stated in said memorandum, that Lyle’s failure to include a copy of its full-machine three-year warranty is a bidding irregularity that (a) does not violate any mandatory statutory provisions, (b) does not in any way destroy the competitive character of the bidding process, (c) has no effect as to the amount of the bid, and (d) does not give Lyle an advantage or benefit over any other bidder; and, therefore, the Board waives said irregularity; (3) declare the county’s Kobelco excavator (serial number YQ07U0302, county asset number 1064) surplus; and (4) in the name of financial prudence and in the best interest of the taxpayers of Madison County, find that Lyle’s “corrected bid with trade in” in the amount of \$127,989 is the lowest and best bid, award said bid to Lyle in the amount reflected on the “corrected bid with trade in,” \$127,989, and authorize the trade-in to Lyle of the county’s Kobelco excavator previously declared surplus. The vote on the matter being as follows:

|                             |                            |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Not Present and Not Voting |
| Supervisor Tim Johnson      | Aye                        |
| Supervisor D. I. Smith      | Aye                        |
| Supervisor Karl M. Banks    | Not Present and Not Voting |
| Supervisor Paul Griffin     | Aye                        |

the matter carried by the unanimous vote of those present and the aforesaid findings were and are hereby made, the “corrected bid with trade in” of Lyle Machinery Company was and is hereby accepted, and the aforementioned excavator was and is hereby declared surplus.

SO ORDERED this the 24<sup>th</sup> day of August, 2010.

***In re: Request for Refund to Stillhouse Creek, LLC***

WHEREAS, County Administrator Brad Sellers appeared before the Board and requested the Board authorize a refund of \$51,000.00 to Mr. Blake Cress of Stillhouse Creek, LLC, and

WHEREAS, Mr. Sellers reported to the Board that on April 19, 2010, Mr. Cress presented a check in the amount of \$51,000.00 to replace the letter of credit for Stillhouse Creek Subdivision, Phase 1, and said check was deposited in the general fund of the county by the Chancery Clerk as directed by the Board, and

WHEREAS, Mr. Cress is requesting the Board refund said funds to him and he will present a letter of credit covering Stillhouse Creek, Phase 1 and Phase 2 for maintenance of streets, in place and instead of said cash funds, and

WHEREAS, a true and correct copy of said letter of credit is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Sellers stated that the amount of said letter of credit was sufficient to cover the developer’s remaining liability associated with Stillhouse Creek Phase 1 and 2,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to (1) authorize the Chancery Clerk to issue a refund unto Stillhouse Creek, LLC in the amount of \$51,000.00 and (2) direct the Chancery Clerk to accept and retain the aforesaid letter of credit for Stillhouse Creek, Phase 1 and 2. The vote on the matter being as follows:

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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Supervisor John Bell Crosby  
Supervisor Tim Johnson  
Supervisor D. I. Smith  
Supervisor Karl M. Banks  
Supervisor Paul Griffin

Not Present and Not Voting  
Aye  
Aye  
Not Present and Not Voting  
Aye

the matter carried by the unanimous vote of those present and the Chancery Clerk was and is authorized to issue pay warrant accordingly and to retain said Letter of Credit.

SO ORDERED this the 24<sup>th</sup> day of August, 2010.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson and seconded by Supervisor Karl M. Banks and approved by the unanimous vote of those present, the Special Called Meeting of the Board of Supervisors was adjourned.

\_\_\_\_\_  
Tim Johnson, President  
Madison County Board of Supervisors

Date signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Arthur Johnston, Chancery Clerk

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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