

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

REGULAR MEETING OF JUNE 18, 2004
Recessed from regular meeting conducted on June 7, 2004

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on June 18, 2004, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

The President of the Board, Douglas L. Jones, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor Douglas L. Jones
Supervisor Tim Johnson
Supervisor Andy Taggart
Supervisor Paul Griffin
Supervisor Karl M. Banks
Chancery Clerk Arthur Johnston
Sheriff Toby Trowbridge

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County Road Manager Prentiss Guyton
County Engineer Mike McKenzie
State Aid and LSBP Engineer Rudy Warnock
Zoning Administrator Brad Sellers
Board Secretary Cynthia Parker
Board Attorney Edmund L. Brunini, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Deputy Emergency Management Director Butch Hammack opened the meeting with a prayer and Emergency Management Director Luke Gordon led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Adoption of Resolution Honoring the
2004 Delta State University Baseball Team,
NCAA Division II National Champions***

**RESOLUTION HONORING THE 2004 DELTA STATE UNIVERSITY
BASEBALL TEAM FOR WINNING
THE NCAA DIVISION II NATIONAL CHAMPIONSHIP**

WHEREAS, on May 29, 2004, the Delta State University Baseball Team defeated Grand Valley State University in the final game of the 2004 College World Series to win the first NCAA Division II National Championship in the school's history, and

WHEREAS, in so doing, the Statesmen of DSU have brought honor, glory, and pride to the entire State of Mississippi, including Madison County, and

WHEREAS, the baseball program at Delta State has been eminently successful for generations, drawing strength and inspiration from long-time legendary Coach Dave "Boo"

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Ferriss, who won 25 games as a major league pitcher in 1946, was the hero of game 3 of the 1946 World Series, and is now member of the Boston Red Sox Hall of Fame and the Mississippi Sports Hall of Fame, and

WHEREAS, despite the tremendous success enjoyed by DSU's program for more than fifty (50) years, and despite competing in the College World Series on eight (8) prior occasions (and reaching the title game in 1968 and 1978), until this year, a national championship has eluded the mighty Statesmen, and

WHEREAS, in reaching the championship game, the Statesmen defeated top-ranked Central Missouri State University -- not once but twice -- in a very difficult Bracket 2, and ended the season with an unbelievable 54 - 11 record, and

WHEREAS, the 2004 team has forever distinguished itself as the first squad to bring a national baseball championship to DSU and the State of Mississippi, and

WHEREAS, the student athletes comprising the 2004 team routinely conducted themselves as true sportsmen and gentlemen both on and off the field, and were gracious in victory, and

WHEREAS, Coach Mike Kinnison and his wife Cindy are former long time residents of Madison County, Coach Kinnison having coached at Jackson Prep for ten (10) seasons winning three (3) state championships and Madison Central High School for one (1) season before becoming Assistant Coach under former DSU skipper Bill Marchant in 1993 and then becoming Head Coach at Delta State in 1997, and

WHEREAS, Coach Kinnison has the distinction of being the coach with the highest winning percentage (.794) of any active coach in all sports and all divisions of the NCAA, and was named NCAA Division II Coach of the Year, and

WHEREAS, like his players, Coach Kinnison has at all times conducted himself as a gentleman, unselfishly and humbly dedicating his team's national championship effort to "everyone who ever wore the Delta State uniform,"and

WHEREAS, numerous Madison County residents fall into this category, including former DSU players Terry Ellis and Dave Townsend of Canton; Al Bible, Bubba McBrain, and Marc Taylor of Flora; Dr. Brad Armstrong, Dale Davis, Casey Myrick, Brain Rea, Jeff Champion, Harry Hill, Jr., Robert Pope, Randy Palmer, Coach Mike Rosamond, Frank W. Smith, Jr., and Stuart M. Burgess, of Madison; and Chris Burgess, William D. Lowrey, David Glen Lowther, Mike McLendon, Jr. and Garland Beasley, of Ridgeland, among others,

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

1. The Board of Supervisors of Madison County does hereby, on behalf of the citizens of Madison County, express sincere congratulations to the 2004 Delta State University Baseball Team and Coach Mike Kinnison upon the occasion of winning the school's first NCAA Division II National Championship, and
2. This Resolution be spread upon the Minutes of this Board and thereby forever preserved as a permanent tribute to the 2004 Statesmen team, and
3. The Clerk of this Board post a true, correct, and certified copy hereof at the entrances to the Chancery and Administrative Building and the Madison County Circuit Courthouse, there to remain for a period of thirty days from the date hereof, and
4. The Clerk of this Board deliver a true, correct, and certified copy hereof to Coach Mike Kinnison, former coaches Bill Marchant and Dave "Boo" Ferriss, DSU President John

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Hilpert, IHL Commissioner David Potter, and each former DSU baseball player currently residing in Madison County, to the extent such former players can be identified and located by the Clerk.

Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to adopt the above and foregoing Resolution. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	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 above and foregoing Resolution was and is hereby adopted.

SO ORDERED this the 18th day of June, 2004.

In re: Approval of Consent Agenda Items

WHEREAS, President Jones did report that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" on the Agenda and that the same appeared to be routine, non-controversial items with which all Supervisors were likely to agree, and

WHEREAS, Mr. Caughman did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

WHEREAS, the County Administrator did request that the following matter be removed from the Consent Agenda and be addressed separately, to-wit: Item H, "Consideration of Policy for Donations and Advertising County Resources," and

WHEREAS, the following items were taken up as "Consent Items," to-wit:

(A) Consideration of Family Day Proclamation

PROCLAMATION OF FAMILY DAY

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children, and

WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs, and

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes, and

WHEREAS, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes, and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented, and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers, and

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WHEREAS, family dinners have long constituted a substantial pillar of family life in America,

NOW THEREFORE, we the Madison County Board of Supervisors, do hereby proclaim the fourth Monday in September as “Family Day – A Day to Eat Dinner with Your Children” and urge all citizens to recognize and participate in its observance.

(B) Authorization to Acquire Office Depot Purchase Cards

WHEREAS, County Purchase Clerk Hardy Crunk did appear before the Board requesting authority to secure two Office Depot In-store Purchase Cards to be used in exigent circumstances, one card to be in the possession of Mr. Crunk and the other to be in the possession of Assistant Purchase Clerk Cynthia Parker, and

WHEREAS, the Board does desire to approve and authorize said request, and

(C) Approval of Personnel and Administrative Request of County Judge Bill Agin

WHEREAS, County Judge William Agin did submit correspondence to the Board requesting approval of certain personnel changes and administrative items, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, the Board does desire to grant and approve said changes and requests, and

(D) Authorization for Circuit Clerk Lee Westbrook to Advertise Voter Information

WHEREAS, Circuit Clerk Lee Westbrook did submit a request to be allowed to run various block ads in local newspapers informing voters about various matters concerning elections as they come about, and

WHEREAS, the placing of such ads is a common practice of Mrs. Westbrook’s and other Circuit Clerks, and

WHEREAS, the Board does desire to approve and grant said request, and

(E) Consideration of Resolution Forming Local Workforce Investment Area

WHEREAS, County Administrator Donnie Caughman did present the Board with a Resolution declaring the county’s participation in the Local Workforce Investment Area under the Workforce Investment Act (P.L. 105-220), and

WHEREAS, said Resolution is attached hereto as Exhibit B, spread hereupon, and incorporated herein by reference, and

WHEREAS, the Board does desire to and does hereby adopt and approve said Resolution and authorize the Board President and the Chancery Clerk to execute the same on behalf of the Board and the county, and

(F) Transfer of 2001 Chevrolet Vehicle from Sheriff’s Department to Board of Supervisors

WHEREAS, County Administrator Donnie Caughman did appear before the Board requesting that a certain Chevrolet Impala vehicle bearing VIN no. 261WFSSK419307770 and previously assigned to the Sheriff’s Department be transferred to the Board of Supervisors, and

WHEREAS, the Board does desire to and does hereby approve said request and transfer,

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and

(G) Acceptance of Term Bids on Various Materials and Supplies for Road Department

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and recommended the acceptance of term bids for various materials and supplies for the Road Department based upon his tabulation of the same following the opening of such bids by the standing committee of this Board on June 8, 2004, and

WHEREAS, Mr. Crunk's recommendations as to the lowest and best bids received are set forth in that certain two page report dated 16 June 2004 which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference,

WHEREAS, the Board does desire to and does hereby accept the term bids as recommended and as set forth in the aforesaid Exhibit C,

Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to approve, adopt and authorize each of the above and foregoing matters, the same being numbered items (A) through (G) herein above. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	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 each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 18th day of June, 2004.

In re: Consideration of Policy for Donations and Advertising County Resources

WHEREAS, County Administrator Donnie Caughman did appear before the Board suggesting the adoption of a policy pertaining to donations of county funds and advertising county resources as set forth in that certain document which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to adopt and approve the aforesaid policy as set forth in Exhibit D as amended by striking the word "nonprofit" in the last paragraph of the last page thereof and substituting the word "charitable" in its place. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye ¹
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and said policy was and is hereby adopted as amended.

SO ORDERED this the 18th day of June, 2004.

¹Mr. Banks arrived prior to the call of the question.

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In re: Approval of a 16th Section Lease

WHEREAS, the Madison County School Board has approved the following 16th Section lease and forwarded it to the Board for review and approval, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes:

Lessees: Ronald M. Mabry and wife Nina Mabry
 Description: Lot 176, Sherbourne Subdivision, Part 4
 Lease Term: 40 years

<u>Year</u>	<u>Annual Rent</u>
01-05	\$ 256.00
06-10	\$ 279.99
11-15	\$ 303.32
16-20	\$ 326.65
21-25	\$ 349.98
26-30	\$ 373.31
31-35	\$ 396.64
36-40	\$ 419.97

AND WHEREAS, true and correct copies of said lease may be found in the Miscellaneous Appendix to these Minutes,

Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve the 16th section lease as set forth above, as submitted by the Madison County School Board. The vote on the matter being as follows,

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of the Board and said lease was and is hereby approved.

SO ORDERED this the 18th day of June, 2004.

In re: Consideration of Request for Funding of the Flora Area Chamber of Commerce

WHEREAS, County Administrator Donnie Caughman did appear before the Board and presented the written request of the Flora Area Chamber of Commerce for funding in the amount of \$5,000, and

WHEREAS, Mr. Caughman pointed out that a total of \$15,000 had been budgeted by the prior Board for such funding but no funds had been budgeted for the remaining four (4) chambers of commerce presently existing in the county,

Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to approve the request and appropriate \$5,000 to the Flora Area Chamber of Commerce. Following a lengthy discussion, Mr. Paul Griffin did offer an amendment thereto to divide the \$15,000 appropriation among all five (5) chambers of commerce. The motion to amend was seconded by Mr. Tim

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Johnson.² The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of the Board.

SO ORDERED this the 18th day of June, 2004.

Upon the call of the question on the motion as amended, the vote on the matter was as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye

The matter carried by a majority vote of the Board and an appropriation of \$15,000 budgeted to the Flora Area Chamber of Commerce was and is hereby equally divided among all chambers of commerce in the county and the Chancery Clerk was and is hereby directed to issue pay warrants accordingly.

SO ORDERED this the 18th day of June, 2004.

In re: Consideration of Budget Priorities and Raises for Supervisors as Permitted by SB 2547 as Signed by the Governor in 2004

WHEREAS, County Administrator Donnie Caughman and County Comptroller Mark Houston did present an overview of the budgetary process and did express the need for the Board to set certain budgetary priorities including a determination of whether the Board desired to accept the raises permitted by SB 2547, and

Following discussion during which Mr. Tim Johnson excused himself from the meeting, Mr. Andy Taggart offered a motion to not accept the raises permitted by the aforesaid act of the Legislature; however, said motion failed for lack of a second.

SO ORDERED this the 18th day of June, 2004.

Thereafter, upon Mr. Johnson’s return to the meeting, Mr. Taggart again offered his motion, the same again failing for lack of a second.

SO ORDERED this the 18th day of June, 2004.

In re: Consideration of Resolution Authorizing Direct Deposit of Payroll

²Mr. Johnson arrived prior to offering a second to the motion.

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WHEREAS, County Comptroller Mark Houston did present unto the Board a Certification of Corporate Resolution and requested that the Board President and the Chancery Clerk be authorized to execute the same on behalf of the county so as to allow for the direct deposit of payroll through the county depository, Trustmark National Bank, for the benefit of county employees, and

WHEREAS, a true and correct copy of said Certification and Corporate Resolution may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Houston did also request that the Board approve and authorize the execution of an enrollment form and all other documents necessary to effectuate direct deposit,

Following discussion, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to adopt the aforesaid Certification of Corporate Resolution and to authorize the execution of an enrollment form and all other documents necessary to effectuate direct deposit. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the aforesaid Certification of Corporate Resolution was and is hereby adopted and the Board President and the Comptroller were and are hereby authorized to execute the enrollment form and any and all other documents necessary to effectuate direct deposit for county employees.

SO ORDERED this the 18th day of June, 2004.

***In re: Approval of Interlocal Agreement By and Among
Madison County, the City of Madison and the City of Ridgeland
Regarding the Construction of the McClellan Ridgecrest Bridge Project***

WHEREAS, Board Attorney Edmund L. Brunini did appear before the Board and reported that he had reviewed and made certain changes to the Interlocal Agreement by and among Madison County, the City of Madison and the City of Ridgeland regarding the construction of the McClellan Ridgecrest Bridge and did request the Board's approval thereof as amended, and

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

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to approve said Interlocal Agreement as amended, authorize the Board President to execute the same on behalf of the Board, and forward the same to the Attorney General for approval as required by statute. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and the aforesaid Interlocal Agreement was and is hereby approved as amended and the Board President was and is so authorized.

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SO ORDERED this the 18th day of June, 2004.

In re: Reconsideration of Prior Action of the Board Terminating Contract for Services with Bellsouth

WHEREAS, on June 7, 2004, the Board voted to rescind the county’s phone service contract with Bellsouth due to billing concerns and the purported failure of Bellsouth to produce and credit the county with the savings promised in said contract, and

WHEREAS, upon further review of the aforesaid contract, County Administrator Donnie Caughman advised the Board that the same provided for a sixty (60) day period within which the promised savings would be credited to the county’s account and that such period had not expired as of the date of the Board’s action on June 7th, and

WHEREAS, the Board heard from representatives of Bellsouth assuring the Board that such savings would be reflected within the allotted time period,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to rescind the action of the Board taken on June 7, 2004, and reinstate the contract for phone service with Bellsouth. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	No
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of the Board and the aforesaid prior action of the Board was and is hereby rescinded and the aforesaid contract for phone service with Bellsouth was and is hereby reinstated.

SO ORDERED this the 18th day of June, 2004.

In re: Request of the American Red Cross for Donation

WHEREAS, County Administrator Donnie Caughman did appear before the Board and presented the written request of the American Red Cross for a donation/contribution in the amount of \$7,671.77, and

WHEREAS, in conformity with the recently adopted policy governing such matters, the Board finds that the American Red Cross is a charitable organization providing vital services to the people of Madison County as evidenced by the organization’s fine work during the recent train derailment, and

WHEREAS, Miss. Code Ann. § 19-5-93 specifically allows governmental entities to make donations to the American Red Cross, and

WHEREAS, the Red Cross performs services which are not or cannot be delivered by private enterprise or other governmental agencies,

Following discussion, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to amend the county budget and authorize an appropriation of \$5,300 to the American Red Cross. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

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Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the budget was and is hereby amended to reflect \$5,300 earmarked for the American Red Cross, and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 18th day of June, 2004.

In re: Authorizing the Giving of Public Notice of the Intent of the Board of Supervisors to Conduct a Public Hearing On the Proposed Amendment to the County's Solid Waste Master Plan Pertaining to the Foshee Class II Rubbish Facility

WHEREAS, County Zoning Administrator Brad Sellers did appear before the Board and requested that the Board set July 23, 2004 at 9:00 a.m. as the date for a hearing on the proposed amendment to the county's Solid Waste Master Plan pertaining to the Foshee Class II rubbish facility and that he be authorized to give proper notice thereof, and

WHEREAS, the Board does desire to grant said request and set the matter down for a hearing on said date,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to set said matter for public hearing before this Board on Friday, July 23, 2004 and authorize and direct Mr. Sellers to publish notice of same in accordance with law. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and said public hearing was and is hereby set and Mr. Sellers was and is hereby so directed.

SO ORDERED this the 18th day of June, 2004.

In re: Consideration of Proposed Calhoun Station Parkway

WHEREAS, Board Attorney Edmund L. Brunini did appear before the Board and announced he had a recommendation for the Board's consideration concerning the proposed Calhoun Station Parkway, and

WHEREAS, upon such announcement, Mr. Karl M. Banks did state that he was recusing himself from the consideration, discussion and deliberation of said matter due to the fact that he owned an interest in certain real estate located along, adjoining or adjacent to the proposed parkway as extended, and

WHEREAS, Mr. Banks then excused himself from the meeting, physically departed the Board room, and requested to be notified upon the conclusion of the matter, and

WHEREAS, after the departure of Mr. Banks, Mr. Brunini did state that it was his

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recommendation that the Board void the contract entered into by the Board of Supervisors as previously constituted with engineer Rudy M. Warnock pertaining to said project and that the Board afford Mr. Brunini the opportunity to prepare an improved contract form, specifying, *inter alia*, that only such design and construction work as required by the Mississippi Development Authority in connection with the Nissan project be performed as to Calhoun Parkway, and

WHEREAS, Mr. Brunini did further recommend that County Administrator Donnie Caughman correspond with Mr. Warnock and instruct him to cease work on said project and provide the Board with whatever work product has been generated heretofore by him and his firm and subcontractors, if any,

Following discussion, Mr. Andy Taggart did move and Mr. Tim Johnson did second a motion to declare void the aforesaid contract with Rudy Warnock pertaining to Calhoun Station Parkway as never having been ratified by this Board and to instruct County Administrator Donnie Caughman to correspond with Mr. Warnock and instruct him to cease work on said project and provide the Board with whatever work product has been generated heretofore by him and his firm and subcontractors, if any. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	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 contract with Mr. Warnock pertaining to Calhoun Station Parkway was and is hereby declared void, and the County Administrator was and is hereby so directed.

SO ORDERED this the 18th day of June, 2004.

Thereafter, and following additional discussion, Mr. Andy Taggart did move and Mr. Paul Griffin did second a motion to instruct County Administrator Donnie Caughman to negotiate with Mr. Warnock and other engineers relative to the completion of design work on that portion of the Calhoun Station project which is mandated by the Mississippi Development Authority in connection with the Nissan project and to make a recommendation to the Board as to an appropriate engineer to complete the design on said project. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	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 County Administrator was and is hereby so directed.

SO ORDERED this the 18th day of June, 2004.

***In re: Authorization of Purchase Clerk to Advertise
for Bids on Vehicles for Tax Collector***

WHEREAS, County Purchase Clerk Hardy Crunk did report to the Board that certain 2004 vehicles previously submitted for bid were no longer available and the issuance of

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additional advertisements for bids would be necessary in order to provide new vehicles to the Tax Collector,

Following discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks³ did second a motion to authorize the Purchase Clerk to advertise for bids on vehicles for the Tax Collector. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of the Board and the Purchase Clerk was and is hereby authorized to advertise for such bids.

SO ORDERED this the 18th day of June, 2004.

In re: Consideration of Offer From City of Madison to Purchase Madison County Cultural Center

WHEREAS, County Administrator Donnie Caughman did present the Board with correspondence dated June 7, 2004, from Mary Hawkins-Butler, Mayor, City of Madison communicating an offer to purchase the buildings and property comprising the Madison County Cultural Center for the sum of \$150,000.00, a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference, and

WHEREAS, the City indicated its intention to provide “desperately needed remedial measures that will allow the buildings to complement the town center project which is now being developed by the Madison Square Redevelopment Authority,”

Following discussion, Mr. Tim Johnson did move and Mr. Paul Griffin did second a motion to adopt the following Resolution, to-wit:

RESOLUTION

WHEREAS, pursuant to MISS. CODE ANN. § 19-7-3, the Board has considered the proposal to purchase the buildings and properties comprising the Madison County Cultural Center offered by the City of Madison, and

WHEREAS, the Board has determined that such buildings and property have become overwhelmingly difficult to maintain and that the structures presently existing on said property are in an unfortunate state of disrepair and have become a burden to the county, and

WHEREAS, though said buildings and properties are situate in a general location which is considered to be a prime area for real estate development, said buildings – or parts thereof – are on the National Register of Historic Places and are therefore restricted as to type and manner of use and must be preserved in their current form, and

WHEREAS, the City of Madison, whose “town center” project will be located on property directly adjacent to the Cultural Center grounds, has indicated a willingness to accept the condition of, and the liabilities and challenges associated with, the property,

³Prior to offering a second to this motion, and after the vote on the prior matter was taken, Mr. Banks returned to the meeting.

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Date Signed: _____

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI DOES MAKE THE FOLLOWING FINDINGS OF FACT IN ACCORDANCE WITH MISS. CODE ANN. § 19-7-3, TO-WIT:

1. That said buildings and property are surplus property and have ceased and will hereby cease to be used for county purposes; and
2. That such buildings and property are no longer needed for county or related purposes and are not to be used in the operation of the county; and
3. That the sale of the buildings and property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the county; and
4. That the use of said buildings and property for the purpose for which they are to be sold, conveyed or leased will promote and foster the development and improvement of the community in which they are located and the civic, social, educational, cultural, moral, economic, or industrial welfare thereof, and
5. That \$150,000 and other consideration, including the fact that the facility will be used as a cultural center open to all citizens of the county, constitutes fair market value of said buildings and property.

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

1. The Board accept the offer as received from the City of Madison and sell the buildings and property comprising the Madison County Cultural Center to the City of Madison for the sum of \$150,000, payable in three (3) equal installments on condition that all programs and activities held in said buildings or on said property be open to all citizens of the county, and
2. The Board Attorney Edmund L. Brunini be directed to confer with counsel for the City of Madison regarding a means of conveyance of title to effectuate the purchase and condition(s) thereof and make a recommendation thereon.

Prior to the call of the question on the primary motion urging the adoption of the foregoing Resolution, and after further discussion and debate, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to amend the Resolution by adding a requirement that the parties execute an interlocal agreement to memorialize the fact that the Cultural Center and its events would be open to all residents of the county and be maintained as a county-wide facility and would be governed by a broad-based community board of directors drawn from the entire county. At the conclusion of debate on the motion to amend, the Board President called the question with the following result, to-wit:

Supervisor Douglas L. Jones	No
Supervisor Tim Johnson	No
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	No.

The motion to amend did not garner a majority vote of the Board and therefore failed.
SO ORDERED this the 18th day of June, 2004.

Thereafter, the Board President called the question on the primary motion which was to adopt the above and foregoing Resolution with the following result:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye

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Supervisor Andy Taggart	No
Supervisor Karl M. Banks	No
Supervisor Paul Griffin	Aye.

The matter carried by a majority vote of the Board and the offer of the City of Madison to purchase the buildings and property comprising the Madison County Cultural Center for the sum of \$150,000 payable in three (3) equal installments of \$50,000 was and is hereby accepted upon the condition(s) set forth in the Mayor’s correspondence of June 7, 2004, pending the Board Attorney’s recommendation after conferring with counsel for the City of Madison regarding a means of conveyance of title to effectuate the purchase and conditions thereof.

SO ORDERED this the 18th day of June, 2004.

In re: Re-Appointment of Mr. Loyal Blackwood to the Holmes Community College Board

WHEREAS, County Administrator Donnie Caughman did advise the Board that the term presently being filled by Mr. Loyal Blackwood on the Holmes Community College Board would expire in July 2004,

Following discussion, Mr. Andy Taggart did move and Mr. Karl M. Banks did second a motion to reappoint Mr. Loyal Blackwood to a full term as a member of the Holmes Community College Board beginning July 2004. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Blackwood was and is hereby re-appointed.

SO ORDERED this the 18th day of June, 2004.

In re: Dissolution of the Madison County Building Committee

WHEREAS, County Administrator Donnie Caughman did appear before the Board and announced that an entity known as the Madison County Building Committee was once created but appeared to serve no current purpose and could be dissolved,

Following discussion, Mr. Karl M. Banks did move and Mr. Paul Griffin did second a motion to dissolve the Madison County Building Committee. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Madison County Building Committee was and is hereby dissolved.

SO ORDERED this the 18th day of June, 2004.

In re: Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session

President’s Initials: _____

Date Signed: _____

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion.

Following this discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Tim Johnson did move and Mr. Andy Taggart did second a motion to make a closed determination upon the issue of whether or not to declare an executive session for the purpose of discussing personnel issues and pending or threatened litigation. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye ⁴
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 18th day of June, 2004.

In re: Entering into Executive Session

Following a discussion involving the Board Attorney, Supervisor Tim Johnson, and other Board members during which Mr. Johnson stated that he had been advised of certain issues and concerns involving Jerry Acy, Executive Director of the Madison County Economic Development Authority, and that such matters involved both personnel issues and the threat of litigation against the Board, its members, and the county. Thereafter, and upon the advice of the Board Attorney, Mr. Tim Johnson did move and Mr. Karl M. Banks did second a motion to enter into Executive Session to discuss personnel issues and certain items of pending or threatened litigation. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Not Present and Not Voting
Supervisor Tim Johnson	Aye
Supervisor Andy Taggart	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote of the Board and Vice President Paul Griffin declared the Board of Supervisors to be in Executive Session for the consideration of such matters.

SO ORDERED this the 18th day of June, 2004.

Following a lengthy discussion, Mr. Paul Griffin did move and Mr. Karl M. Banks did second a motion to appoint a committee comprised of the Chancery Clerk, the County Administrator, and the County Comptroller to mediate the differences between the Board of Supervisors and the Madison County Economic Development Authority. The vote on the matter being as follows:

⁴After casting his vote on this matter, the Board President vacated the chair, directed Vice President Paul Griffin to preside in his absence, and excused himself from the meeting.

President's Initials: _____

Date Signed: _____

Supervisor Douglas L. Jones	Aye ⁵
Supervisor Tim Johnson	Not Present and Not Voting ⁶
Supervisor Andy Taggart	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by the unanimous vote of those present and the aforesaid committee was and is hereby appointed.

SO ORDERED this the 18th day of June, 2004.

Thereafter, Mr. Karl M. Banks did move and Mr. Andy Taggart did second a motion to come out of Executive Session and to direct the Chancery Clerk to make an announcement as to the foregoing action taken by the Board in Executive Session. The vote on the matter being as follows:

Supervisor Douglas L. Jones	Aye
Supervisor Tim Johnson	Not Present and Not Voting
Supervisor Andy Taggart	Aye
Supervisor Paul Griffin	Aye
Supervisor Karl M. Banks	Aye

the matter carried by the unanimous vote of those present and the Board President reopened the meeting and Chancery Clerk Arthur Johnston informed the public of the aforesaid action taken in Executive Session.

SO ORDERED this the 18th day of June, 2004.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Andy Taggart and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Friday, June 25, 2004 for the purposes of conducting public hearings as previously noticed and any other business which may properly come before the Board.

Douglas L. Jones, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

⁵Prior to the call of the question, the Board President returned to the meeting and resumed the chair.

⁶Prior to the call of the question, Mr. Johnson excused himself from the meeting.

President's Initials: _____

Date Signed: _____