

FINAL MINUTES OF THE MAY 19, 2005, MEETING OF THE
MADISON COUNTY ECONOMIC DEVELOPMENT AUTHORITY
HELD AND CONDUCTED ON THE 19TH DAY OF MAY, 2005, AT 8:30 A.M.
IN THE MCEDA CONFERENCE ROOM
OF THE 1855 COURTHOUSE IN CANTON, MISSISSIPPI

The meeting of the Madison County Economic Development Authority was conducted on the 19th day of May, 2005, at 8:30 a.m. in the 1855 Courthouse in the City of Canton, Mississippi.

Members Present: Kevin Broughton, Steve Davenport, Barbara Gray and Thomas Johnson. Also present were Tim Coursey, Joy Foy and Craig Panter

Guests: Chad Wages and Charles Williford

Chairman Gray announced that the members present constituted a quorum and declared the meeting duly convened.

Mr. Broughton made a motion to adopt the agenda. After a second by Mr. Davenport, the motion was unanimously adopted.

Mr. Broughton made a motion to adopt the April 21, 2005, minutes. After a second by Mr. Davenport, the motion was unanimously adopted.

Both Mr. Cecil Harper and Ms Elizabeth Raley were unable to attend and represent the Madison County Foundation (MCF). Mr. Coursey reported from the last MCF meeting that the membership meeting went well.

Mr. Davenport made a motion to grant the required utility easement on the west side of the Liquid Properties site in the Canton Commercial and Industrial Center (CCIC) to Canton Municipalities (CMU). The easement will bring water and sewer lines to the Liquid Properties site as well as the Creative Logistics' site. After a second by Mr. Broughton, the motion was unanimously adopted.

A request to amend the South Eastern Pond Management contract for the sale of a 2 acre site in the CCIC that would change the name on the contract to Liquid Properties, LLC, was discussed. Mr. Johnson made a motion to approve the requested name change. After a second by Mr. Davenport, the motion was unanimously adopted.

Attorney Panter also asked that the South Eastern Pond/Liquid Properties, LLC contract be further amended to have the deadlines, outlined in the contract, run concurrent with the availability of utilities to the property line for the company if such occurred after closing. Mr. Johnson made a motion to approve the flexibility of the itemized dates in the contract to be counted from the date utilities are brought to the property line, in place of counting from the date the contract is closed. After a second by Mr. Davenport, the motion was unanimously adopted.

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Mr. Coursey reported working with possible tenants for the training facility in the Holmes Community College (HCC) space. HCC month by month lease is expected to be complete by October, 2005.

The climate control system at the training facility was not correctly designed by the mechanical engineers according to Mr. Coursey. It is impossible to equalize the air flow to make each room comfortable using the present ductwork configuration. After review of the system with Comfort Tech engineers, it has been determined that 2 units can be dropped off line. These units will be cleaned and stored for future use and the ductwork issue will be explored.

The street that will extend from Wadford Parkway Drive to service both Liquid Properties and Creative Logistics will require a name. Mr. Broughton made a motion to name the street Commercial Parkway, which is a continuation of the street coming into the CCIC from Highway 22 between Love's and Two River's Restaurant and crossing Wadford Drive. After a second by Mr. Davenport, the motion was unanimously adopted.

An error was made by the Mississippi Major Impact Authority on the survey of the utility easement in the Central Mississippi Industrial Center (CMIC). Mr. Broughton made a motion to approve the easement as recommended by Attorney Panter and reflected in attachment "A" which is made a part of the minutes by reference. After a second by Mr. Davenport, the motion was unanimously adopted.

Attorney Panter reported a dispute with Anika on the Oxford Automotive building in the CCIC. Specifically, Anika takes the position that it is still entitled to purchase the property. It is the position of MCEDA that the contract lapsed and that Anika does not have such a right.

Mr. Coursey reported prospect activity as follows: an automotive prospect looking at the Dr. Septi building along Soldier Colony Road, Canton; a MetroJackson Economic Development Authority (MEDA) automotive related prospect looking for a 40 acres site; a MEDA call center project. There are also 3 prospects looking at the commercial property owned by CMU in the CCIC.

The International Paper lease on the Covington Street site expired May 15, 2005. International Paper has notified MCEDA that they do not intend to renew the lease. Mr. Johnson reminded the staff to make sure the site was left clean. The property is being advertised for lease.

The county's request for right-of-way along the Gluckstadt Road area was discussed. Mr. Broughton made a motion to grant the county's easement request, provided that Andrew Mattiace confirms his approval in writing. After a second by Mr. Johnson, the motion was unanimously adopted.

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Mr. Coursey reported that the Board of Supervisors has elected to pay the rent owned on the WIN Job Center space to MCEDA instead of to Central Mississippi Planning and Development District (CMPDD). MCEDA will forward the rental payment to CMPDD.

CMU has been hired to extend the water and sewer lines to the property lines of Creative Logistics and Liquid Properties for \$26,000.00, which is approximately ½ the engineer estimated construction cost. CMU will perform the work using their contractor, and MCEDA will reimburse CMU.

Certain contents of the Oxford Automotive building belong to Nissan. Nissan is working to bring in a supplier to take over the daily operations and possibly add a stamping operation to the facility. The company Nissan is currently negotiating with is a \$3B organization.

There has been no additional communication from Bear Creek on the easement request, after our letter to them suggesting approval for their easement in exchange for their signatures on the Waste Water Authority (WWA) documents. The documents would allow transfer of the sewer system and the associated debt from MCEDA to the WWA.

Mr. Coursey continued with updates that the Community Development Block Grant (CDBG) for ProMax and DeBeuklaer is proceeding. Printing of the Madison County brochure will total \$17,300 to complete and the budget has been adjusted to accommodate the expenditure.

Copies from the MCEDA web site were examined. It was the consensus of the board not to make Nissan the focal point for the web site.

Attorney Panter reported that after research, there is not a hard and fast answer to contribution and donations. Each request would need to be examined individually. He suggested that Mr. Coursey, Ms Gray and Mr. Davenport meet with Ms Elizabeth Raley, Mr. Cecil Harper and Mr. Barney Daley to discuss the \$15,000 request from the Madison County Foundation.

Mr. Davenport made a motion to approve the financial reports and payment of monthly invoices. After a second by Mr. Broughton, the motion was unanimously adopted.

Chairman Gray reported that 64 acres have been donated to Madison County thru the Sacred Heart Church to spur growth in the northern area of the county. A project to build affordable housing (\$125,000 houses) is underway with a buy down that equates to \$25,000 from the federal government to be used to pay down the mortgage.

Engineer Wages explained that the right-of-way required by the Mississippi Department of Transportation (MDOT) is still undetermined for the Andrew Mattiace site along Gluckstadt Road in the CMIC. He has discovered that the filing of the property plat is different than the way Denim Way was built. The description on the survey and the as-

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built drawings do not agree. The county will require between .1 and .2 an acre for widening of Gluckstadt Road. Mr. Wages will continue to work with Mr. Mattiace to correct and complete the survey and the legal description of the property.

At 9:45 a.m., Mr. Davenport made a motion to enter closed session to determine whether or not to declare an executive session. After a second by Mr. Broughton, the motion was unanimously adopted. At that time, Chairman Gray adjourned the open session and convened the closed session.

There was a discussion about the need to go into executive session to discuss: (1) potential sale of property in the CMIC; (2) potential litigation in connection with Anika; (3) the problems with the Nissan purchase, and (4) potential land acquisition in north Madison County.

After discussion, Mr. Davenport made a motion to return to open session, which was seconded by Mr. Johnson and unanimously adopted. Whereupon, Chairman Gray adjourned the closed session and reconvened the open session.

For the above stated reasons, Mr. Johnson made a motion to enter executive session. After a second by Mr. Davenport, the motion was unanimously adopted. Chairman Gray recessed the open session and convened the executive session.

Mr. Coursey reported concerns for a sale of an 11 acre site along Church Road in the CMIC. Fence Works, a manufacture that makes ornamental fencing is interested in the complete acreages remaining between Mi-Tech Steel and the railroad. It was the board's consensus to get an appraisal and offer the property to Fence Works at the appraised value.

A 1,000+ acre site was discussed as a possible location for expanding the industrial site holdings. A price of \$3,000 per acre was proposed. The consensus of the board to continue the feasibility study, identify a firm price on the property and have a recommendation for the board.

Mr. Davenport made a motion to extend the timeline on the Andrew Mattiace option for an additional 180 days based upon the many variables and unknowns that have to be addressed before the closing can be finalized. After a second by Mr. Johnson, the motion was unanimously adopted.

The potential litigation posed by a letter from Anika, attached to and made part of these minutes by reference as attachment "C" was discussed. Anika still claims to be interested in purchasing the Oxford Automotive building. Mr. Broughton made a motion to call Mr. Murry Wiykol, owner of Anika and explain that they have 10 days to withdraw the request or MCEDA will file suit to clear the title to the property and also demand the

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\$10,000.00 option money from escrow for the earlier agreement on the Oxford Building. After a second by Mr. Davenport, the motion was unanimously adopted.

Mr. Davenport made a motion to authorize Attorney Panter to notify WWA Attorney Trudy Allen that they have 60 days to perform the contract or MCEDA will exercise its right to market the sewer facility to other interested parties. After a second by Mr. Broughton, the motion was unanimously adopted.

The lease of the Titan truck for Mr. Coursey will be corrected according to the guidelines presented by Attorney Panter.

At 10:25 a.m., Mr. Davenport made a motion to adjourn executive session. After a second by Mr. Broughton, the motion was unanimously adopted. Chairman Gray adjourned the executive session and reconvened the open session.

Mr. Davenport made a motion to adopt similar covenants for the remaining acreage in the CCIC as exist currently on the 93 acres in this park. After a second by Mr. Johnson, the motion was unanimously adopted.

At 10:30 a.m., upon motion made by Mr. Davenport, seconded by Mr. Broughton and unanimously adopted, the meeting was adjourned.

Barbara Gray

ATTEST:

Bryan "Chip" Estes, Secretary-Treasurer