

**Minutes of
Clay County Board of Supervisors
Meeting Held on Thursday, September 8, 2022 at 9:00 a.m.**

BE IT REMEMBERED a regular meeting of the Clay County Board of Supervisors was held at the Clay County Courthouse, West Point, Mississippi, on Thursday, September 8, 2022.

PRESENT:

Lynn D. Horton, *Supervisor District 1, Presiding*
Luke Lummus, *Supervisor District 2*
R.B. Davis, *Supervisor District 3*
Shelton Deanes, *Supervisor District 4*
Joe Chandler, *Supervisor District 5*

Amy G. Berry, *Clay County Chancery Clerk*
Angela Turner Ford, *Board Attorney*
Sheriff Eddie Scott, *Clay County Sheriff*

County Residents

The following proceedings were had:

CALL TO ORDER/INVOCATION

The meeting was called to order by Sheriff Scott. The welcome was given by Supervisor Horton with invocation given by Supervisor Luke Lummus

ADOPTION OF AGENDA

Supervisor Deanes moved to adopt the agenda as presented.

The motion was seconded by Supervisor Chandler.

(Exhibit "A")

AMENDMENT OF AGENDA

Supervisor Lummus moved to call for amendments to the agenda.

The motion was seconded by Supervisor Chandler.

AMENDMENTS TO THE AGENDA

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The following items were added to the agenda for further discussion and consideration by the Board:

- Beth Cummings regarding presenting her monthly departmental report for DHS
- Robert Calvert, County Engineer, regarding Beasley Road Project
- Amy Berry with regard to proof of insurance cards for County owned vehicles

AUTHORIZE AND APPROVE THE RESOLUTION COMMENDING THE LIFE AND SERVICE CLAY COUNTY JUSTICE COURT JUDGE JERRY W. GUEST TO HIS FAMILY

Supervisor Horton moved to authorize and approve the resolution commending the Life and Service of Clay County Justice Court Judge Jerry W. Guest to his family.

The motion was seconded by Supervisor Davis.

(Exhibit "B")

Board President Lynn Horton presented the Resolution Commemorating the Life and Service of Clay County Justice Court Judge Jerry W. Guest to his family at this time.

AUTHORIZE AND APPROVE TO APPOINT MARY ANN BRIGGS AND SUPERINTENDANT JERMAINE TAYLOR TO SERVE A TWO-YEAR TERM AS CLAY COUNTY APPOINTEES ON THE GOLDEN TRIANGLE LINK EXECUTIVE BOARD

Supervisor Lummus moved to authorize and approve to appoint Mary Ann Briggs and Superintendent Jermaine Taylor to serve a Two-Year Term as the Clay County Appointees on the Golden Triangle Executive Board.

The motion was seconded by Supervisor Deanes.

(Exhibit "C")

AUTHORIZE AND APPROVE TO ACCEPT THE REPORT OF BETH CUMMINGS FOR THE DHS DEPARTMENT AS PRESENTED

Supervisor Lummus moved to authorize and approve to accept the report of Beth Cummings for the DHS Department as presented.

The motion was seconded by Supervisor Davis.

AMY BERRY REMINDED THE BOARD OF SUPERVISORS TO GET WITH GINGER ALLEN ABOUT PICKING UP THEIR DISTRICT'S PROOF OF INSURANCE CARDS TO GO IN EVERY COUNTY OWNED VEHICLE

AMY BERRY REMINDED THE BOARD THAT AT 11:00 TODAY PLEASE BE AT THE ICS HEAD START SCHOOL TO TAKE A PICTURE WITH THE NEW SCHOOL BUS FOR THE NEWS PAPER

AUTHORIZE AND APPROVE PAYMENT OF REQUEST NO 5 IN THE AMOUNT OF \$58,990.91 ON THE RAIL SPUR PROJECT TO CONTINENTAL RAIL AND \$4,134.78 TO CALVERT SPRADLING FOR ENGINEERING SERVICES

Supervisor Davis moved to authorize and approve payment of request no. 5 in the amount of \$58,990.91 on the Rail Spur Project to Continental Rail and \$4,134.78 to Calvert Spradling Engineering for Engineering Services and for the Clerk to bill the Incentive Grant Loan for Reimbursement to the County.

The motion was seconded by Supervisor Deanes.

(Exhibit "D")

AUTHORIZE AND APPROVE THE PRESIDENT TO EXECUTE THE CHANGE ORDER SUMMARY ON THE RAIL SPUR PROJECT MODIFYING THE PROJECT COST FROM \$653,948.00 TO \$696,589.80

Supervisor Davis moved to authorize and approve the President to execute the Change Order Summary on the Rail Spur Project modifying the Project cost from \$653,948.00 to \$696,589.80.

The motion was seconded by Supervisor Deanes.

(Exhibit "E")

AUTHORIZE AND APPROVE TO GO INTO CLOSED SESSION

Supervisor Lummus moved to authorize and approve to go into closed session.

The motion was seconded by Supervisor Deanes.

AUTHORIZE AND APPROVE TO FROM CLOSED SESSION INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER AND A POTENTIAL LITIGATION MATTER AS ALLOWED UNDER SECTION 25-41-7 OF *THE MISSISSIPPI CODE OF 1972* AS AMENDED

Supervisor Lummus moved to go from Closed Session into Executive Session to discuss a Personnel Matter and a Potential Litigation Matter as allowed under Section 25-41-7 of *the Mississippi Code of 1972* as amended.

The motion was seconded by Supervisor Deanes.

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AUTHORIZE AND APPROVE TO COME OUT OF EXECUTIVE SESSION

Supervisor Deanes moved to come out of Executive Session.

The motion was seconded by Supervisor Lummus.

RECESS

Supervisor Deanes moved to authorize and approve to recess until Wednesday, September 14, 2022 at 9:00 a.m. at the Clay County Courthouse.

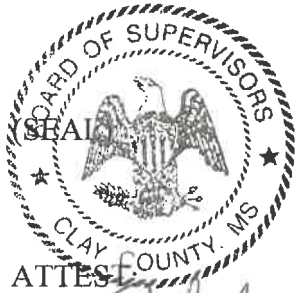
The motion was seconded by Davis.

*** All motions were carried unanimously unless otherwise indicated.

SO ORDERED, this the 8th day of September, 2022.



LYNN HORTON, PRESIDENT
BOARD OF SUPERVISORS
CLAY COUNTY MISSISSIPPI



ATTEST

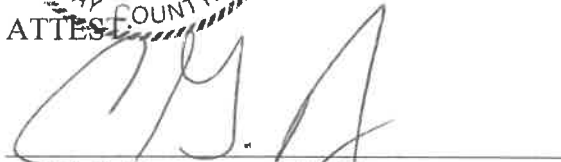

AMY G. BERRY, CHANCERY CLERK
CLERK OF THE BOARD
CLAY COUNTY MISSISSIPPI

EXHIBIT A

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***Clay County Board of Supervisors
Agenda for Regular Meeting
Thursday, September 8, 2022, at 9:00 a.m.***

- Call to Order
- Welcome & Prayer
- Adopt and Amend Agenda
- Presentation of Resolution Commemorating the Life and Service of Justice Court Judge, Judge Guest
- Authorize and approve the LINK Board of Director Appointment to represent the County and serve two years 2022-2024
- Other Business
- Request to go into Executive Session to discuss Potential Litigation matter and Personnel Matter as allowed under Section 25-41-7 of the Mississippi Code of 1972
- Recess until *Wednesday, September 14, 2022 at 9:00 a.m.*

Don't Forget at 11:00 need to be at the ICS Head Start School for a photo with school and kids.

AMENDMENTS:

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EXHIBIT B

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***A RESOLUTION OF THE BOARD OF SUPERVISORS OF CLAY COUNTY,
MISSISSIPPI COMMENDING THE SERVICE OF JERRY W. GUEST***

BE IT RESOLVED, that Jerry W. Guest faithfully served the people of Clay County, Mississippi as a Justice Court Judge for 14 years; and

BE IT FURTHER RESOLVED, during the time that Jerry W. Guest served as a Justice Court Judge, he served Clay County and its citizens with fairness, honesty and impartiality; and

BE IT FURTHER RESOLVED, that Jerry W. Guest was a native of Monroe County, Mississippi, and thereafter moved to West Point, Mississippi. He was married to Billie Jean Guest, who predeceased him. He was a devoted father to his children, Jody Guest, Lynne Parker and Holli Wilkerson, and a loving grandfather to his seven grandchildren; and

BE IT FURTHER RESOLVED, that Jerry W. Guest was also an astute businessman in Clay County, and was the owner/operator of Guest Body Shop for many years, in which he provided friendly, reliable and courteous service to the citizens of Clay County, Mississippi and surrounding counties.

IT IS THEREFORE RESOLVED, that on this the 8th day of September, 2022, the Clay County Board of Supervisors does hereby express its appreciation to the family of Jerry W. Guest for his exceptional service, dedication and resolute commitment to the people of Clay County, Mississippi.

Upon motion by Supervisor Shelton Deanes, and seconded by Supervisor Luke Lummus the above Resolution was duly adopted, on this the 8th day of September, 2022.

Lynn Horton, President of the Board of Supervisors
of Clay County, Mississippi

ATTEST:

Amy Berry, Chancery Clerk and
Clerk of the Board of Supervisors of
Clay County, Mississippi

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EXHIBIT C

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Amy G Berry

From: Meryl Fisackerly | GTRLINK <mfisackerly@gtrlink.org>
Sent: Friday, August 19, 2022 3:13 PM
To: aberry@claycounty.ms.gov; rbobo@wpnet.org
Subject: LINK Board of Director Appointment
Attachments: Clay County Board Nomination Request.pdf

Good afternoon Amy and Rod,

Please see attached regarding LINK Board of Director openings.

Please let me know if you have any questions.

Thank you,
Meryl

Meryl Fisackerly
Chief Operating Officer
Golden Triangle Development LINK
mfisackerly@gtrlink.org
O: 662.328.8369 | M: 662.574.1145



August 17, 2022

1102 Main Street
P.O. Box 1323
Columbus, MS 39701
Phone: 662-933-2200
Fax: 662-933-2201
gtrlink.com

Mr. R.B. Davis
President, Clay County Board of Supervisors
P.O. Box 815
West Point, MS 39773

Dear President Davis,

This letter serves as notice to the Clay County Board of Supervisors to appoint one (1) representatives to the Board of Directors of the Golden Triangle Development LINK (LINK). This appointment, as defined in the contractual agreement between the LINK and the Board, will serve a two-year term beginning October 2022 unless selected for leadership on our Executive Committee. In the the case of selection to the Executive Committee, members serve two-year terms.

The 2022-2024 Executive Committee will be selected no later than October 1, 2022. All four appointees from Clay County are eligible, however only two will be selected for this committee.

The LINK Executive Committee reserves the right to deny appointments and request new appointees should a conflict arise.

Traditionally, the LINK Board of Directors has been an elite group comprised of qualified, decision-making individuals. The charge of the board has a dramatic impact on the economic health of our community. It is imperative that individuals selected to serve must be capable and willing to take an active role in the growth and development of the Golden Triangle region.

If your community has inter-local an agreement for the appointment of representatives, please submit all appointees together in the same document using the format on the following page.

Sincerely,

Joe Max Higgins, Jr.
CEO, Golden Triangle Development LINK

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Submit your nominees and their information in the following format:

Name	Organization/Occupation	Phone	Email
1.	May Ann Higgins Jernane Taylor	(642) 275-7035	

Mail to:
Golden Triangle Development LINK
c/o Joe Max Higgins, Jr.
P.O. Box 1328
Columbus, MS 39703

All nominees MUST be received by **Friday, September 16, 2022.**

Members with terms expiring:
Bruff Sanders, Executive Committee (City of West Point), expiring 2021-2022

Members still serving their terms:
LaDonna Helveston, Executive Committee, expiring 2022-2023
Jimmy Davidson, Board of Directors, 2022-2023

EXHIBIT D

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CALVERT-SPRADLING ENGINEERS, INC.
CONSULTING ENGINEERS

PERIODIC ESTIMATE FOR PARTIAL PAYMENT

AMOUNT DUE: CONTINENTAL RAIL INC
62 CHESTER BROWN ROAD
HATTIESBURG MS 39404

FOR: YOKO RAIL REPAIR
ESTIMATE NO. 5 & FINAL
CLAY COUNTY

CONTRACT AMT: \$ 653,948.00 % COMPLETE: 106.52

FROM: 8-1-22 TO 8-17-22
FILE: yokorailrepair.est

PAGE 1

DESCRIPTION	CONTRACT QUANTITY	ALLOWED TO DATE	UNIT	UNIT PRICE	AMOUNT
STANDARD CROSS TIES	4933.000	5011.000	EACH	99.50	498594.50
SWITCH CROSS TIES	118.000	167.000	EACH	400.00	66800.00
TRACK BALLAST	1058.000	1276.290	TON	70.00	89340.30
TAMPING TRACK	8371.000	8371.000	TRFT	5.00	41855.00

This Estimate Certified Correct:

Robert L. Calvert

CALVERT-SPRADLING ENGRS., INC.

TOTAL AMT INST TO DATE 696589.80
LESS 2.5 % RETAINAGE 0.00

TOTAL AMT DUE TO DATE 696589.80
LESS PREV PAYMENTS 637599.79

AMT DUE THIS ESTIMATE 58990.01

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Calvert-Spradling Engineers, Inc
P. O. Drawer 1078
West Point, MS 39773
662-494-7101

Clay County Board of Supervisors
P. O. Box 815
West Point, MS 39773

Invoice number 10600
Date 09/02/2022

Project **221-137 CCBS - YOKOHAMA RAIL
REPAIR**

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
01 Design	41,717.81	100.00	41,717.81	41,717.81	0.00
02 Bid	5,959.69	100.00	5,959.69	5,959.69	0.00
03 Construction	9,915.69	100.00	8,760.75	9,915.69	1,154.94
04 As-Builts	2,979.84	100.00	0.00	2,979.84	2,979.84
Total	60,573.03	100.00	56,438.25	60,573.03	4,134.78

Invoice total 4,134.78

Approved by:



Robert L. Calvert

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EXHIBIT E

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Date of Issuance: **August 23, 2022**
 Owner: **Clay County Board of Supervisors**
 Contractor: **Continental Rails, Inc.**
 Engineer: **Calvert-Spradling Engineers, Inc.**
 Project: **Yokohama Rail Repair**

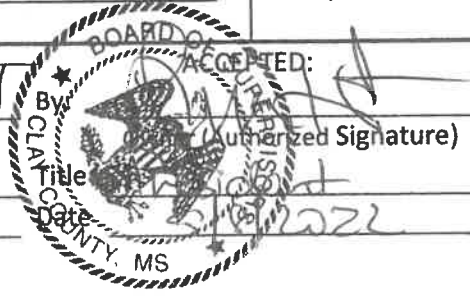
Effective Date: **August 23, 2022**
 Owner's Contract No.:
 Contractor's Project No.:
 Engineer's Project No.: **221137**
 Contract Name: **Yokohama Rail Repair**

The Contract is modified as follows upon execution of this Change Order:
 Description: **To adjust to final quantities, rail siding included.**

Attachments: *[List documents supporting change]* See attached List of Final Quantities

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>653,948.00</u>	Original Contract Times: Substantial Completion: <u>60 days</u> Ready for Final Payment: <u>75 days</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>-</u> to No. <u>-</u> : \$ <u>N/A</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>-</u> to No. <u>-</u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days
Contract Price prior to this Change Order: \$ <u>653,948.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>60 days</u> Ready for Final Payment: <u>75 days</u> days or dates
[Increase] [Decrease] of this Change Order: \$ <u>42,641.80</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days
Contract Price incorporating this Change Order: \$ <u>696,589.80</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>60 days</u> Ready for Final Payment: <u>75 days</u> days or dates

RECOMMENDED:
 By: Robert L. Calvert
 Engineer (if required)
 Title: Engineer
 Date: 9-2-2022



ACCEPTED:
 By: [Signature]
 Contractor (Authorized Signature)
 Title: PRW
 Date: 9-2-2022

Approved by Funding Agency (if applicable)
 By: _____ Date: _____
 Title: _____

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YOKOHAMA OFF-SITE RAIL
 221137 8/23/2022

DESCRIPTION	UNIT	UNIT PRICE	BID QUANT	BID AMOUNT	FINAL QUANT	FINAL AMOUNT	INCREASE	DECREASE
STD CROSS TIES	EACH	99.50	4933	490,833.00	5011	498,594.50	7,761.50	
SWITCH CROSS TIES	EACH	400.00	118	47,200.00	167	66,800.00	19,600.00	
TRACK BALLAST	TON	70.00	1058	74,060.00	1276.29	89,340.30	15,280.30	
TAMPING TRACK	TR FT	5.00	8371	41,855.00	8371	41,855.00	0.00	
TOTAL				653,948.00		696,589.80	42,641.80	

SOURCE OF FUNDS

RAIL LOAN	\$400,000.00
INDUSTRY INCENTIVE GRANT	\$400,000.00
TOTAL AVAILABLE FUNDS	\$800,000.00

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FINAL EXPENDITURE REPORT #5

Clay County Board of Supervisors
 for
 Yokohama Rail Spur Improvements
 CSE#221137

September 2, 2022

	THIS MONTH	TOTAL TO DATE	TOTAL BUDGET	LOAN THIS MONTH	LOAN TO DATE	LOAN BUDGET	GRANT THIS MONTH	GRANT TO DATE	GRANT BUDGET
Continental Rails, Inc. Construction	58,990.01 \$ 58,990.01	696,589.80 \$ 696,589.80	696,589.80 *	- \$ -	346,217.38 \$ 346,217.38	346,217.38	58,990.01 \$ 58,990.01	350,372.42 \$ 350,372.42	350,372.42 \$ 350,372.42
Engineering Contingencies	4,134.78	60,573.03	60,573.03	-	53,782.62	53,782.62	4,134.78	6,790.41	6,790.41
TOTAL COST	\$ 63,124.79	\$ 757,162.83	\$ 757,162.83	\$ -	\$ 400,000.00	\$ 400,000.00	\$ 63,124.79	\$ 357,162.83	\$ 357,162.83

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*Includes Change Order #1

Funding:

Loan \$ 400,000.00
 Grant \$ 357,162.83
\$ 757,162.83

LETTER OF TRANSMITTAL



CALVERT-SPRADLING ENGINEERS, INC.
CONSULTING ENGINEERS
P.O. DRAWER 1078
WEST POINT, MISSISSIPPI 39773
PHONE - 662-494-7101

Date: 9/2/2022
Job No.: 221137
Attention: Amy Berry
Reference: Yokohama Rail Repair

To: Clay County Board of Supervisors
P.O. Box 815
West Point, MS 39773

WE ARE SENDING YOU

- Attached Under separate cover via _____ the following items:
 Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order

COPIES	DESCRIPTION
1	Continental Rails, Inc. - Final Estimate #5
1	Calvert-Spradling Engineers, Inc. - Final Invoice #10600
2	Change Order #1
1	Final Expenditure Report #5

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your information Approved as noted Submit _____ copies for distribution
 As requested Return for corrections Return _____ corrected prints
 For review and comment For your files

REMARKS:

SIGNED: Robert L. Calvert
Robert L. Calvert, P.E.

cc: Continental Rails, Inc. (Estimate)

If enclosures are not as noted, kindly notify us at once at 662-494-7101.

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CALVERT-SPRADLING ENGINEERS, INC.
CONSULTING ENGINEERS

PERIODIC ESTIMATE FOR PARTIAL PAYMENT

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LESS 2.5 % RETAINAGE 0.00

This Estimate Certified Correct:

Robert L. Calvert

CALVERT-SPRADLING ENGRS., INC.

TOTAL AMT DUE TO DATE 696589.80
LESS PREV PAYMENTS 637599.79

AMT DUE THIS ESTIMATE 58990.01

381

**AFFIDAVIT CERTIFYING
PAYMENT TO ALL SUBCONTRACTOR AND SUPPLIERS**

I acknowledge that, pursuant to Miss. Code Ann. §31-5-25 and H.B. 1562, Laws of 2002, that I am required to submit monthly certification indicating payments to subcontractors and/or suppliers on prior payment request. I, the undersigned Contractor, do hereby certify that I have paid the following amounts to subcontractors and/or suppliers for Work which has been performed and incorporated into previous Partial Payment Requests which were issued and payment received from the Owner on the project listed below. I understand that this document must be submitted on a monthly basis after the submittal, approval and payment of Partial Payment Request #1. I understand that the OWNER reserves the right to require me, the undersigned, to provide verification of payment and/or additional information.

Project Name and Number Yokohama Tire Off-Site Rail Repair #221137

Subcontractor _____ Amount _____

Subcontractor _____ Amount _____

Subcontractor _____ Amount _____

Subcontractor _____ Amount _____

Subcontractor _____ Amount _____

Subcontractor _____ Amount _____

Subcontractor _____ Amount _____

Subcontractor _____ Amount _____

Supplier Warren Paving Amount \$31,315.57
 Supplier _____ Amount _____
 Supplier _____ Amount _____
 Supplier _____ Amount _____
 Supplier _____ Amount _____
 Supplier _____ Amount _____
 Supplier _____ Amount _____

(Attach additional list of subcontractors and/or suppliers with amounts if necessary)

Contractor Name and Title: Joe Husband, President Continental Rails, Inc.

Contractor Certificate of Responsibility Number: 14835-SC

Contractor Signature *Joe Husband* Date 7/26/2022

STATE OF MISSISSIPPI
 COUNTY OF Forrest

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned notary public,
 this the 26 day of July, 2022.

Megan Hammitt
 NOTARY PUBLIC

My commission expires:
January 17, 2026



EXHIBIT "A"

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