

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

REGULAR MEETING OF APRIL 7, 2008
Being the first day of the April Term of the Board of Supervisors

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on April 7, 2008, in the Board Room on the first floor of the new addition to the Chancery and Administrative Building in Canton, Mississippi, as follows, to-wit:

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

Present:	Absent:
Supervisor John Bell Crosby	None
Supervisor Tim Johnson	
Supervisor D. I. Smith	
Supervisor Karl M. Banks	
Supervisor Paul Griffin	
Chancery Clerk Arthur Johnston	
Sheriff Toby Trowbridge	

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
County Zoning Administrator Brad Sellers
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Road Manager Lawrence Morris
County Engineer Rudy Warnock
E911 Director Butch Hammack
Building and Grounds Director Barry Parker
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green
Chief Deputy Tax Assessor Kent Hawkins

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator Donnie Caughman opened the meeting with a prayer and County Comptroller Mark Houston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of Minutes From March, 2008 Term

WHEREAS, Chancery Clerk Arthur Johnston did present the Board with the Minutes of the previous meetings of the Board of Supervisors during the March 2008 term, said meetings having been conducted on March 10 and March 24, 2008,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to approve the minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said minutes after said corrections have been made. The vote on the matter being as follows:

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

President's Initials: _____

Date Signed: _____

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the matter carried by the unanimous vote of the Board and the minutes for the March 2008 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 7th day of April, 2008.

In re: The Creation of the Farmhaven Fire Grading District Within the Farmhaven Fire Protection District

There came on for consideration by the Board the matter of the creation of the Farmhaven Fire Grading District within the Farmhaven Fire Protection District pursuant to Miss. Code Ann. § 19-5-217, whereupon Supervisor Griffin offered the following Resolution and moved its adoption, to wit:

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, CREATING THE FARMHAVEN FIRE GRADING DISTRICT WITHIN THE FARMHAVEN FIRE PROTECTION DISTRICT.

WHEREAS, a petition was filed with the Board of Supervisors of Madison County for the incorporation of a proposed creation of a fire grading district within the Farmhaven Fire Protection District to be known as the "Farmhaven Fire Grading District" in Madison County, Mississippi, for the purpose of providing fire protection in the rural area within the proposed boundaries of such district; and,

WHEREAS, the petition to create was signed by not less than twenty-five owners of real property residing within the boundaries of the proposed district and included (1) a statement of the necessity for the service or services to be supplied by the proposed district, (2) the proposed corporate name for the district, and (3) the proposed boundaries of the district; and

WHEREAS, such petition was signed in person by the petitioners, with their respective residence addresses, and was accompanied by a sworn statement of the persons or persons circulating the petition, who stated under oath that he or they witnessed the signature of each petitioner, that each signature is the signature of the person it purports to be and that to the best of his or their knowledge, each petitioner was, at the time of signing, an owner of real property within and a resident of the proposed district; and,

WHEREAS, in its meeting of March 10, 2008, the Board of Supervisors, upon the filing of the petition did set Monday, April 7, 2008, at 9:00 o'clock A. M., in the Board of Supervisors Room in the new addition to the Chancery and Administrative Building at Canton, Mississippi, as the time, date and place for a public hearing upon the question of the public convenience and necessity of the creation of said district; and,

WHEREAS, a public notice signed by the Clerk of the time, date and place of the public hearing was published in the *Madison County Herald*, a newspaper within the meaning of the statute, having a general circulation within such proposed district once a week for at least three consecutive weeks prior to the date of the hearing, and the first of such publications was made not less than twenty one days prior to the date of such hearing and the last such publication was made not more than fourteen days prior to the date of such hearing, and such notice contained the date of such hearing, the place at which it shall be held, and the purpose of the hearing; and,

WHEREAS, the Board of Supervisors did convene on Monday, April 7, 2008 at 9:00 A. M., in the Board of Supervisors Room in the new addition to the Chancery and Administrative Building at Canton, Mississippi, being the time, date and place fixed for such public hearing; and;

WHEREAS, the Board of Supervisors did hear the evidence offered by the witnesses for the proposed district and several citizens residing within the proposed district, and data offered in support of the creation and incorporation of the grading district; and

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WHEREAS, after hearing the evidence, information and other data, the Board did find (1) that the public convenience and necessity require the creation of the grading district, and (2) that the creation of the grading district is economically sound and desirable; and,

WHEREAS, the hour of 9:00 o'clock A. M. on April 7, 2008 having arrived and the Board of Supervisors having convened at a meeting in the Board of Supervisors Room in the new addition to the Chancery Administration Building at Canton, Mississippi and there having been no written petition filed with the Board of Supervisors on or before April 7, 2008, protesting the creation of the Farmhaven Fire Protection District:

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

1. That there is hereby created within Madison County, Mississippi a fire grading district within the Farmhaven Fire Protection District for the purpose of providing, conducting and operating a fire protection services within the territorial limits of said district as set forth in that certain legal description, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein be reference.
2. That the Farmhaven Fire Grading District shall be a valid body politic and corporate of the State of Mississippi under its corporate name of the "Farmhaven Fire Grading District." The powers of such district shall be vested in and exercised by the Board of Commissioners of the Farmhaven Fire Protection District as previously established by this Board with the bond of said Commissioners deemed sufficient for purposes hereof.
3. That the above described property is not within the corporate boundaries of any existing municipality.
4. If any provision of this resolution shall be held to be invalid by any court of competent jurisdiction, the remainder of this resolution shall not be affected thereby .

The motion for the adoption of the resolution was seconded by Supervisor John Bell Crosby and after discussion, the resolution was read and considered section by section and as a whole, and a vote was taken thereon, section by section, and as a whole, with the following results:

Supervisor John Bell Crosby	Aye
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 motion having therefore received the affirmative vote of the majority of the members present, the President of the Board of Supervisors of Madison County, Mississippi, declared the Motion carried and Resolution adopted this the 7th day of April, 2008.

SO ORDERED this the 7th day of April, 2008.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (3) through (19) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board President 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

President's Initials: _____

Date Signed: _____

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WHEREAS, County Purchase Clerk Hardy Crunk requested that the Board add an additional item number (20) herein below pertaining to the burial of an indigent found dead in the county, and

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

3. Authorization of Transfer of Surplus Vehicle to South Madison County Fire Protection District

At the request of Carolyn Mills, attorney for the South Madison County Fire Protection District, the Board hereby authorizes and directs the transfer of one (1) surplus vehicle from the Madison County Sheriff's Department to the Gluckstadt Fire Department.

4. Authorization of Appropriation of Tax Levy Funds to South Madison County Fire Protection District

At the request of Carolyn Mills, attorney for the South Madison County Fire Protection District, the Board hereby authorizes and directs the Chancery Clerk to pay over to said District all funds generated by the South Madison County Fire Protection District levy collected from the 2007 tax rolls.

5. Approval of Zoning Matter - Yvonne Henry Petition to Rezone R-1 Residential to C-2 Commercial/Highway 51

ORDER BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

WHEREAS, Yvonne P. Henry, did file an application to rezone certain property from its present R-1 Residential Classification to a C-2 Commercial Classification; and

WHEREAS, by Resolution properly adopted by the Madison County Planning Commission, a hearing was set for the 13th day of March, 2008, at 9 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 9 o'clock a.m. on the 13th day of March did arrive; and

WHEREAS, the matter was presented to the Planning Commission of Madison County and after discussion thereof a motion was offered, a second to the motion was made, and said motion was adopted; and

WHEREAS, this Petition was presented to the Board of Supervisors on the 7th day of April, 2008, and Supervisor Paul Griffin offered the following Order and moved that it be adopted, seconded by Supervisor John Bell Crosby, to wit:

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

1. That there has been a change in the character of the area to such an extent so as to justify rezoning the subject property; and
2. That there is a public need for rezoning the subject property; and
3. That, in accordance with applicable Mississippi law and Article III of the Zoning Ordinance of Madison County, the following described tract of real property be, and the same is hereby, rezoned from its present R-2 Residential Classification to C-1 Commercial Classification, to wit:

President's Initials: _____

Date Signed: _____

Starting at the NW corner of Sec. 14, T8N, R2E, Madison County, Mississippi, proceed southerly along section line, 1320.0 feet to a point; thence S89° 56'E, 1230.0 feet to a point; thence S00° 03'W, 885.0 feet to the point of beginning; thence N89° 56'W, 789.3 feet to an iron pin, said pin being on the east right-of-way line of U. S. Highway No. 51; thence N23° 39'E, 191.0 feet along said right-of-way to an iron pin, thence S89° 56'E, 712.9 feet to an iron pin; thence S00° 03'W, 175.0 feet to the point of beginning, containing 3.0 acres, more or less. Starting at the point of beginning; thence N89° 56'W, 712.9 feet to an iron pin, said iron pin being on the east right-of-way of U. S. Highway No. 51; thence N23° 39'E, 218.3 feet along said right-of-way to an iron pin; thence S89° 56'E, 625.5 feet to an iron pin; thence S00° 03'W, 200.0 feet to the point of beginning, containing 3.0 acres, more or less.

Starting at the Northwest corner of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi, proceeding southerly along section line 1320.0 feet to a point, thence S89° 56'E 1230.0 feet to a point, being the point of beginning; and from said POINT OF BEGINNING run thence S00° 03'W for 1320.0 feet to a point, thence S89° 56'E for 150.0 feet to a point, thence N00° 03'E for 1320.0 feet to a point, thence N89° 56'W for 150.0 feet to the point of beginning, containing 4.5 acres, more or less, and all being situated in S ½ NW ¼ of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi.

Starting at the Northwest corner of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi, proceed Southerly along section line 1320.0 feet to a point, thence S89° 56'E 1230.0 feet to a point, thence S 00° 03'W for 885.0 feet to the point of beginning; and from said point of BEGINNING run thence South 00°03'W 435.0 feet to a point, thence S89°56'E for 150.0 feet to a point, thence N 00° 03'E for 435.0 feet to a point, thence N89°56'W for 150.0 feet to the point of beginning, containing 1.5 acres, more or less, and all being situated in the S ½ NW ¼ of Section 14, Township 8 North, Range 2 East, Madison County, Mississippi.

Starting at the NW corner of Sec. 14, T8N, R2E, Madison County, Mississippi, proceed southerly along section line, 1320.0 feet more or less to a point; thence S89° 56'E, 1230.0 feet more or less to a point; thence S00° 03'W, 510.0 feet more or less to the point of beginning; thence N89° 56'W, 625.5 feet more or less to an iron pin, said iron pin being on the east right-of-way of U. S. Highway No. 51; thence N23° 39'E, 251.0 feet more or less, along said right-of-way to an iron pin; thence S89° 56'E, 525.0 feet more or less to an iron pin; thence S00° 03'W, 230.0 feet more or less to the point of beginning, containing 3.0 acres, more or less.

4. That the Madison County Zoning Maps and the Land Use Plan are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at the meeting thereof held on the 7th day of April, 2008.

6. Approval of Zoning Matter - Pleasant Green M.B. Church Petition for Special Exception/Cemetery/Highway 43 North

The action of the Madison County Planning and Zoning Commission of March 13, 2008 granting a Special Exception to Pleasant Green M. B. Church to establish and operate a cemetery as a public/quasi-public facility in an A-1 District was and is hereby acknowledged and approved.

7. Approval of Zoning Matter - Bo Coney Petition for Variance Lot 82 Phase 1- B Hatheway Lake

The action of the Madison County Planning and Zoning Commission of March 13, 2008 granting a Variance to the rear set back of Lot 82 of Phase 1-B of Hatheway Lake Subdivision as sought by Bo Caney was and is hereby acknowledged and approved.

8. Acknowledgment of Parkway East Improvement District Invoices

Those certain Parkway East Public Improvement District Pay Request Invoice nos. 240 – 245 were and are hereby acknowledged, and true and correct copies of each of which may be found in the Miscellaneous Appendix to these Minutes.

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Date Signed: _____

9. Authorization for Lease-Purchase Financing Sheriff's Department Vehicles

The Board hereby adopts that certain "Authorizing Resolution" pertaining to the lease purchase financing of 21 Sheriff's Department vehicles. A true and correct copy of said Resolution is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.

10. Adoption of Federal/State Mileage Reimbursement Rate

Pursuant to Miss. Code Ann. § 25-3-41, the current reimbursement rate for county employees traveling in their private automobile is \$.505 per mile, effective March 19, 2008. County employees were and are hereby authorized to be reimbursed at said rate for travel occurring on or after said date.

11. Acknowledgment of March 2008 Monthly Report - Road Department

The March 2008 Monthly Road Department Report submitted by County Road Manager Lawrence Morris, together with its spreadsheet attachment, which may be found in the Miscellaneous Appendix to these minutes, was and is hereby acknowledged received.

12. Acknowledgment of April 2008 Service Call Schedule - Road Department

The April 2008 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris, together with its spreadsheet attachment, which may be found in the Miscellaneous Appendix to these minutes, was and is hereby acknowledged received.

13. Acknowledgment of March 2008 Closed Call Analysis - Road Department

The March 2008 Closed Call Analysis submitted by the Madison County Road Department, together with its spreadsheet attachment, which may be found in the Miscellaneous Appendix to these minutes, was and is hereby acknowledged received.

14. Approval of Paying Agent Agreement - Hancock Bank/General Obligation Refunding Bonds

That certain "Corporate trust Fee Schedule Paying Agent and Registrar Services" agreement with Hancock Bank, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference, was and is hereby adopted and approved, and the Board President was and is hereby authorized to execute the same.

15. Approval of Network Service Agreement - Vital Network Services/Sheriff's Department

At the request of Sheriff Toby Trowbridge, that certain invoice in the amount of \$207.64 dated March 7, 2008 from Vital Network Services was and is hereby approved, and the Chancery Clerk was and is hereby authorized and directed to issue a pay warrant in said amount unto said firm.

16. Authorization to Advertise for Term Bids

County Purchase Clerk Hardy Crunk was and is hereby authorized and directed to prepare an advertisement for term bids for the period July 1, 2008 through December 31, 2008 for those items set forth in that certain Memorandum dated April 2, 2008, a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference, and the Chancery Clerk was and is hereby authorized to published the same in accordance with law.

17. Authorization to Delete from Inventory Certain County Property as Obsolete and Unnecessary and Authorize the Proper Disposal Thereof

Those items listed in that certain memorandum dated April 2, 2008 from County Inventory Control Clerk Loretta Phillips, attached hereto as Exhibit E, spread hereupon and incorporated herein by reference were and are hereby declared junk and deleted from county inventory.

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Date Signed: _____

18. Authorization to Transfer Surplus Sheriff's Department Vehicles to City of Canton Police Department

At the request of Canton Police Chief Robert Winn, the Board hereby authorizes and directs the transfer of six (6) surplus Sheriff's Department vehicles from the Madison County Sheriff's Department to the City of Canton Police Department upon the payment by the City of the sum of \$2,000 each, with said payment being deferred until October 1, 2008.

19. Authorization for Placement of Culverts

At the request of County Road Manager Lawrence Morris the Board does hereby approve the following work orders pertaining to the installation of culverts along public rights of way and not on private property at the following locations:

<u>Date</u>	<u>Work Order</u>	<u>Address</u>
3/12/08	7292	1870-C Loring Road
3/20/08	7405	2330 Sharon Road
3/24/08	7432	163 Perry Williams Road
3/24/08	7441	5314 Highway 51
3/25/08	7448	227 Brown Road East
3/28/08	7484	Stokes Road

The Board hereby finds that the installation of each such culvert is needed on the roads listed to protect, preserve, and maintain the roads and the county rights of way thereon.

20. Authorization to Pay Burial Costs of Unclaimed Body

Natchez Trace Funeral Home was and is hereby authorized and directed to transport the body of Tizir Jackson, an indigent, and provide an inexpensive burial box for the sum of \$300. The Road Department was and is authorized and directed to bury said body. The Chancery Clerk was and is hereby authorized to issue a pay warrant unto said funeral home in said amount.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve, adopt, and authorize each of the above and foregoing matters, the same being numbered Items (3) through (20) herein above. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting ¹
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 7th day of April, 2008.

In re: Request to Remove Excavated Material from Site of 5.5 Acre Lake on Family Property – 2608 Highway 43 North

WHEREAS, Ms. Janice Kraft, the owner of certain property located at 2608 Highway 43 North appeared before the Board and explained that her family was constructing a 5.5 acre lake on said property and would like to remove approximately 75 loads of excavated material therefrom,

¹Mr. Banks arrived after the call of the question and after votes were cast.

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Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to grant said request and allow the excavation of said site for a period of thirty (30) days from the date hereof. The vote on the matter being as follows:

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

the matter carried unanimously and said request was and is hereby granted subject to the condition aforesaid.

SO ORDERED this the 7th day of April, 2008.

In re: Acknowledgment of Petition Received From Concerned Residents of Cauthen Road

WHEREAS, County Road Manager Lawrence Morris appeared before the Board and presented a petition from concerned residents along Cauthen Road requesting resurfacing with asphalt,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said petition. The vote on the matter being as follows:

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

the matter carried unanimously and said petition was and is hereby acknowledged received.

SO ORDERED this the 7th day of April, 2008.

In re: Request for Road Grade Variance - Windance Subdivision Phase III

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented, *ore tenus*, the request of Windance Subdivision Phase III for a variance in the grade of roads in said subdivision,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to approve said request contingent upon receipt of correspondence from the City of Madison seeking said variance, reflecting the City's approval of the request, and indicating the satisfaction of the city's engineer. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	No
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said variance was and is hereby granted subject to the stipulations aforesaid.

SO ORDERED this the 7th day of April, 2008.

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In re: Request to Amend Building Permit Fee Schedule

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and requested that the Board increase the permitting fees charged by his office, and

WHEREAS, Mr. Sellers reported that his office was spending an inordinate amount of time on larger projects at an hourly rate far in excess of the fees collected, and

WHEREAS, Mr. Sellers recommended that the permit fee for major alterations/additions remain at \$255.00 per job but that the fee be increased by \$2.00 per each additional \$1,000 in cost above \$70,000 and change the single family residential base fee from \$402.50 to \$402.00,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to increase the permit fee for major alterations/additions by \$2.00 per each additional \$1,000 in cost above \$70,000 and change the single family residential base fee from \$402.50 to \$402.00 effective immediately. The vote on the matter being as follows:

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

the matter carried unanimously and said permit fees were and are hereby increased.

SO ORDERED this the 7th day of April, 2008.

In re: Authorization of County Engineer to Design Safety Buffer Zone and Barrier Between Ashton Park Subdivision and the Right of Way of Galleria Parkway

WHEREAS, Mr. Lynn Wentworth, President of Ashton Park Homeowners Association appeared before the Board and again requested the Board erect a minimum ten foot safety and noise barrier along the right of way of Galleria Parkway for the safety and protection of homeowners in Ashton Park Subdivision, and

WHEREAS, Mr. Stuart Milan, Mr. William Everett and Ms. Sklyar Jones along with several other residents of the neighborhood did also appear and requested that the county bear the cost of the erection of said barrier for public safety and noise abatement purposes, and

WHEREAS, said residents urged (1) that the existence of a four lane thoroughfare within fifty feet of a previously existing residential neighborhood itself constituted a public safety hazard, given the close proximity of the roadway to previously existing residents' homes and backyards, and (2) that the anticipated high volume of traffic along Galleria Parkway was likely to inhibit the right of residents to the quiet enjoyment of their property, thus creating the need for noise abatement, and

WHEREAS, Supervisor D. I. Smith asserted his objection to the county's construction of said barrier, such being, in his opinion, expressly the duty of the developer of the area or the Parkway East South Public Improvement District (PID), and a true and correct copy of his written statement to this effect is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion (1) to find, declare and determine that the erection of a 10 foot high, 2,600 foot long barrier between the right of way of Galleria Parkway and the western-most residential lots in Ashton Park Subdivision was and is necessary (a) for the safety of the residents of said subdivision, and (b) in order to perpetually abate the noise associated with the anticipated high traffic volume along Galleria Parkway, and (c) to preserve and protect the right of residents to the quiet

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enjoyment of their property; (2) to authorize and direct County Engineer Rudy Warnock to begin the design engineering necessary to erect said barrier; and (3) to authorize and direct Mr. Warnock and Board Attorney Eric Hamer to develop plats and descriptions of the easements necessary to be acquired as the result of the erection thereof; and (4) to direct Board Attorney Eric Hamer to review all legal documents associated with the Parkway East project and determine whether and how such costs might be assessed to either the PID or the developers of the PID area. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said findings were and are hereby made, and the County Engineer and the Board Attorney were and are so authorized and directed.

SO ORDERED this the 7th day of April, 2008.

In re: Final Acceptance of State Aid Project - North Livingston Road Project # SAP-45(52)

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented an Order releasing the contractor, Dickerson & Bowen, from further maintenance responsibility under State Aid Project SAP-45(52), known as the North Livingston Road Project, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to adopt said Order and authorize and direct the Board President and the Chancery Clerk to execute the same as well as any and all other documents necessary to conclude said project and release said contractor to the satisfaction of the Mississippi Department of Transportation. The vote on the matter being as follows:

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

the matter carried unanimously and said Order was and is hereby adopted and the Board President and the Chancery Clerk were and are so authorized.

SO ORDERED this the 7th day of April, 2008.

In re: Utility Relocation - Gluckstadt Road Widening Project – Entergy Mississippi, Inc.

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain “Utility Agreement” between the county and Entergy Mississippi, Inc., a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference, and requested the Board’s approval thereof, and

WHEREAS, Mr. Warnock explained that the relocation of Entergy distribution facilities associated with this project would cost \$49,189.90 which had been anticipated and budgeted for,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to

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adopt and approve said agreement, provided, however, that payment would not be made up front but on a progress basis or upon completion of the work contemplated therein as required by state law. The vote on the matter being as follows:

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

the matter carried unanimously and said "Utility Agreement" was and is hereby approved.

SO ORDERED this the 7th day of April, 2008.

In re: Consideration of Granting Access to Warnock & Associates LLC's Building and Other Buildings on the Canton Square

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that his firm was now occupying offices previously leased by him to the county which offices adjoin the Chancery and Administrative Building on the Canton Square, and

WHEREAS, Mr. Warnock and other owners of property on the north west side of the Canton Square desire vehicular access to their property from the rear which would necessitate the construction of a small parking lot on and along property owned by the county but over which some of said owners claim to have an easement for ingress and egress, and the cost of construction would be paid by said owners,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct the Board Attorney to confer with Mr. Warnock and the other affected landowners and consider a lease arrangement. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney was and is so authorized and instructed.

SO ORDERED this the 7th day of April, 2008.

In re: Authorization to Issue Notice to Proceed - Gluckstadt Elementary School Turn Lane Project

At the suggestion and request of County Engineer Rudy Warnock, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to authorize the issuance of a notice to proceed to the contractor for the construction of the turn lane on Yandell Road at the Gluckstadt Elementary School at the end of the current semester.² The vote on the matter being as follows:

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

²No documentation pertaining to this matter was presented to the Clerk of the Board for inclusion in these Minutes.

President's Initials: _____

Date Signed: _____

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Supervisor Paul Griffin

Aye

the matter carried unanimously and a Notice to Proceed was and is hereby authorized to be issued for the construction of said project.

SO ORDERED this the 7th day of April, 2008.

In re: Approval of Surveying and Staking of Smith-Carr Road Realignment

Following discussion, and at the request of County Engineer Rudy Warnock, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct Mr. Warnock, pursuant to his firm's general services contract with Madison County, to survey and stake a proposed realignment of Smith-Carr Road for a distance of 700 feet so that the Road Department can begin construction. The vote on the matter being as follows:

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

the matter carried unanimously and the County Engineer was and is so authorized.

SO ORDERED this the 7th day of April, 2008.

In re: Approval of Supplemental Agreement Number One for State Aid Project BR-6926(3) B - Old Canton Road Bridge

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain Supplemental Agreement Number One pertaining to State Aid Project BR-6926(3) B, known as the Old Canton Road Bridge project, a true and correct copy of which agreement is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock requested that the Board approve said Supplemental Agreement and authorize and direct the Board President to execute the same,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said Supplemental Agreement and authorize and direct the Board President to execute the same. The vote on the matter being as follows:

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

the matter carried unanimously and said Supplemental Agreement was and is hereby approved.

SO ORDERED this the 7th day of April, 2008.

In re: Demands Made by Bear Creek Water Association Concerning Utility Relocation Along Gluckstadt Road Right of Way

WHEREAS, County Engineer Rudy Warnock appeared before the Board and expressed his concerns with regard to the charges proposed by Bear Creek Water Association in connection with the relocation of its water and sewer lines along the Gluckstadt Road right of way, and

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WHEREAS, in particular, Mr. Warnock indicated that said Association was proposing to charge the county for lines it was abandoning and for property it possibly did not own,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct the Board Attorney to investigate the proposed charges and review the proposed utility relocation agreement³ and ascertain the county's legal rights with respect thereto, and, if necessary, enter into negotiations with said Association. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney was and is hereby so authorized and directed.

SO ORDERED this the 7th day of April, 2008.

In re: Excavation of Hill on Old Rice Road

WHEREAS, the Board President drew the Board's attention to the recent tragedy occurring on a stretch of Old Rice Road apparently known to teenagers as "Thrill Hill" in which three county youths were fatally injured, and

WHEREAS, Mr. Johnson stated that the Board and county officials were unaware of this location and of the misuse of the area by local teenagers until the travesty occurred, and

WHEREAS, Mr. Johnson reported that he had consulted with the County Engineer and the Road Manager and both agreed that the hill could be excavated and leveled at a cost not to exceed \$300,000.00, and

WHEREAS, Sheriff Toby Trowbridge and County Engineer Rudy Warnock appeared before the Board and reported unequivocally that if traveled at the posted speed limit, the entirety of Old Rice Road, including the area now known as "Thrill Hill" was safe and non-hazardous,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion (1) to direct County Engineer Rudy Warnock to survey the area and prepare the necessary plats and descriptions, particularly as to needed easements and utility relocations; (2) to direct Mr. Warnock and County Road Manager Lawrence Morris to begin excavation of said hill on an expedited basis; and (3) to direct Mr. Warnock and Mr. Morris to confer with Sheriff Trowbridge concerning other similar situations on county roadways and present the same to the Board for its consideration at a later date. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Warnock, Mr. Morris and the Sheriff were and are hereby so authorized and directed.

³No such proposed agreement or other documentation was presented to the Clerk of the Board for inclusion in these Minutes.

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SO ORDERED this the 7th day of April, 2008.

In re: Further Consideration of Health Insurance Plan for County Employees and Their Dependents and Authorization of County Administrator to Make Minor Changes to the Plan with Regard to Dental and Vision Coverage

WHEREAS, Human Resources Director Lisa Mayo appeared before the Board and requested that the Board grant County Administrator Donnie Caughman the continuing authority to make certain minor changes to the county's health plan with regard to dental and vision coverage in order to expedite better rates and coverages,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct County Administrator Donnie Caughman to negotiate with the county's vision and dental carrier, The Guardian, and to make certain minor changes to the county's vision and dental plan with said carrier. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Caughman was and is so authorized.

SO ORDERED this the 7th day of April, 2008.

In re: Approval of Claims Docket for April 7, 2008

WHEREAS, the Board reviewed the claims docket for April 7, 2008, and

WHEREAS, the Chancery Clerk did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

Fund	Claim Nos.	No. of Claims	Amount
001	2661 to 2681, 2683 to 2839	178	956,179.79
012	138 to 154	17	42,368.03
013	24 to 27	4	230,648.66
014	6 to 6	1	2,464.57
051	6 to 6	1	2,897.86
095	12 to 13	2	119,090.86
096	7 to 7	1	1,500.00
097	194 to 215	22	50,383.89
105	22 to 23	2	153,431.65
114	13 to 13	1	998.28
115	25 to 28	4	259.80
116	18 to 18	1	165.89
119	4 to 4	1	75.00
120	38 to 40	3	73.31
121	22 to 23	2	584.79
137	11 to 12	2	125,913.48
150	398 to 423	26	124,938.50
160	101 to 115	15	5,054.96
190	92 to 101	10	6,474.35
226	8 to 8	1	1,244,781.27
240	6 to 6	1	4,061.15
302	75 to 76	2	1,038,581.74

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305	21 to 22	2	85,842.40
401	34 to 34	1	12,941.72
690	12 to 13	2	107,134.60
691	12 to 13	2	56,658.36
TOTAL ALL FUNDS		304	4,373,504.91

HELD CLAIM

Fund	Claim No.	Payee	Amount
001	2682	Susan S. Sautermeister	\$1,764.00

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the claims docket as presented, less and except the above noted held claim. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit J, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

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

the matter carried unanimously and said Claims Docket was and is hereby approved, less and except the above noted held claim, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 7th day of April, 2008.

In re: Authorization for a One Time Clean up of Debris and Other Material Causing Drainage Problems and Right of Way Damage to Streets in Bear Creek Crossing Subdivision

WHEREAS, Supervisor John Bell Crosby announced that residents of Bear Creek Crossing Subdivision were experiencing drainage and erosion control difficulties brought about by an excessive amount of debris in ditches and common areas in said subdivision, and

WHEREAS, Mr. Crosby presented certain correspondence from Mr. Larry Breeding, President of the Bear Creek Crossing Homeowners Association documenting these facts, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, and

WHEREAS, said debris was also contributing to and creating a health hazard in the neighborhood, particularly around a retention pond,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to authorize and direct the Madison County Road Department to undertake one time clean up measures to remove the debris and alleviate the encroachment and damage to the county right of way in said subdivision and to prevent and eliminate the health hazard posed by the retention pond and the debris therein. The vote on the matter being as follows:

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

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Supervisor Paul Griffin

Aye

the matter carried unanimously and the Road Department was and is so authorized and directed.

SO ORDERED this the 7th day of April, 2008.

In re: Authorization for Board Attorney to Review County Engineer Rudy Warnock's Current Contract with Madison County Concerning Reunion Phase III Interchange Project

At the suggestion of County Administrator Donnie Caughman, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct Board Attorney Eric Hamer to review County Engineer Rudy Warnock's current contract subsequently included once drafted with Madison County pertaining to Reunion Phase III Interchange Project and ascertain whether the same provides authority for Mr. Warnock to perform construction services associated therewith and to prepare documentation necessary to provide for such authority in said contract or in a new contract. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Hamer was and is so authorized.

SO ORDERED this the 7th day of April, 2008.

In re: Adoption, Approval and Ratification of Emergency Purchase Declaration Issued April 4, 2008

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to adopt, approve and ratify the Emergency Declaration issued by Chancery Clerk Arthur Johnston following the tornado and severe weather event which occurred on April 4, 2008, a true and correct copy which is attached hereto as Exhibit L, spread hereupon, and incorporated herein by reference and to ratify all actions taken in connection therewith. The vote on the matter being as follows:

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

the matter carried unanimously and said Emergency Declaration was and is hereby adopted, approved and ratified.

SO ORDERED this the 7th day of April, 2008.

In re: Authorization of Board Members and Other Officials to Travel to Washington, D.C. for Congressional Delegation Meetings

WHEREAS, the Board President announced that a trip to Washington, D.C. was necessary to discuss federal funding of certain aspects of the county's 2008 Road Plan with members of the state's Congressional Delegation, and

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WHEREAS, County Administrator Donnie Caughman reported that the first week of May, 2008 was likely the week during which such meetings would be scheduled, and

WHEREAS, the Board does desire to approve the payment of travel and related expenses for any Board member, the Board Attorney, the County Engineer, the County Administrator, the County Comptroller, the Chancery Clerk, and Road Manager to attend said conference, the Board finding that such expenses are in the best interest of the county,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize the payment of travel, lodging and food expenses of any Board member, the Board Attorney, the County Engineer, the County Administrator, the County Comptroller, the Chancery Clerk, the Road Manager, and the Road Department Business Manager to attend said meetings conference. The vote on the matter being as follows:

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

the matter carried unanimously and such travel expenses were and are hereby authorized and approved.

SO ORDERED this the 7th day of April, 2008.

In re: Acknowledgment of Receipt of Funds by Sheriff's Department and Authorization to Execute and Submit Invoice to Mississippi Department of Corrections

WHEREAS, Sheriff Toby Trowbridge did appear before the Board and presented checks representing funds received from various entities associated with the feeding and housing of prisoners as follows:

<u>Entity</u>	<u>Amount</u>
Evercom	\$ 14,354.25
PTS of America	\$ 325.00
Brevard Extradiction	\$ 150.00
City of Canton	\$ 3,864.00
U. S. Marshall	\$ 97,960.00, and

WHEREAS, the Sheriff presented invoices for the months of January 2008 and February 2008 in the amounts of \$28,338.29 and \$23,200.00 respectively for expenses associated with the feeding and housing of state prisoners,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks, and authorize and direct the Board President to execute said invoices and submit the same to the Mississippi Department of Corrections for payment. The vote on the matter being as follows:

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

the matter carried unanimously and said checks were and are hereby acknowledged, and said invoices approved.

SO ORDERED this the 7th day of April, 2008.

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THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, April 21, 2008 for purposes of (1) consideration of a claims docket and (2) any other business which may properly come before the Board.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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