

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

REGULAR MEETING OF JUNE 9, 2008
Being the first day of the June 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 June 9, 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:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Chancery Clerk Arthur Johnston
Sheriff Toby Trowbridge

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller Mark Houston
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
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green
County Purchase Clerk Hardy Crunk
County Zoning Administrator Brad Sellers
John Brunini, Esq.

Special Guest:

Hon. Pat Truesdale, Election Commissioner
Hon. Kakey Chaney, Election Commissioner

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor D. I. Smith opened the meeting with a prayer and Supervisor Paul Griffin 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 May, 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 May 2008 term, said meetings having been conducted on May 5, May 19, and May 27, 2008,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby 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:

President's Initials: _____

Date Signed: _____

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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 minutes for the May 2008 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 9th day of June, 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 (2) through (24) 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

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

2. Acknowledgment of Proposed Fiscal Year 2009 Annual Budget - Lost Rabbit Public Improvement District

The Proposed Fiscal Year 2009 Annual Budget of Lost Rabbit Public Improvement District submitted by Mr. Craig Wrathell of Warthell, Hart, Hunt and Associates, LLC, a copy of which may be found in the Miscellaneous Appendix to these minutes, was and is hereby acknowledged received.

3. Acknowledgment of Monthly Credit Card Report

The Board does hereby acknowledge that certain memorandum dated May 29, 2008 from County Purchase Clerk Hardy Crunk containing, per statutory requirements, the general county credit card report for the billing period April 15, 2008 through May 15, 2008. Said materials are attached hereto as Collective Exhibit A, spread hereupon, and incorporated herein by reference.

4. Acknowledgment of May 2008 Monthly Report - Road Department

The May 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.

5. Acknowledgment of June 2008 Service Call Schedule - Road Department

The June 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.

6. Acknowledgment of May 2008 Closed Call Analysis - Road Department

The May 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.

President’s Initials: _____

Date Signed: _____

7. Authorization of Application for Title - \$5.00

The Board does hereby authorize and direct the Chancery Clerk to issue a pay warrant in the amount of \$5.00 to the Madison County Tax Collector for title application fees on one vehicle in use by Madison County, the application for which is attached hereto as Exhibit B, spread hereupon, and incorporated herein by reference.

8. Acknowledgment of Proposed Solid Waste Management Plan Amendment - Rankin County

That certain correspondence dated May 23, 2008 from the Rankin County Board of Supervisors regarding a proposal to amend Rankin County's Solid Waste Management Plan and setting a public hearing pertaining to same for July 7, 2008 was and is hereby acknowledged.

9. Approval of Lease Agreement - Department of Wildlife, Fisheries and Parks/Highway 16 Boat Landing

That certain lease agreement between Madison County and the Department of Wildlife, Fisheries and Parks for the boat ramp located on the Big Black River on Highway 16 was and is hereby approved and the Board President was and is hereby authorized to execute said agreement, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon, and incorporated herein by reference.

10. Authorization for Supervisor D. I. Smith to Attend Greater Jackson Chamber Partnership City Visitation

The Board hereby approves the payment of registration, hotel and related travel expenses of Supervisor D. I. Smith to attend the 2008 Greater Jackson Chamber Partnership City Visitation which will be held in Oklahoma City, OK on August 24-26, 2008.

11. Approval of Zoning Matter - True Faith Fellowship Church Special Exception for Public/Quasi Facility in A-1 and C-2 Districts/Highway 51 and Davis Crossing Road

The action of the Madison County Planning and Zoning Commission of May 15, 2008 granting a Special Exception to True Faith Fellowship Church to establish and operate a church as a public/quasi-public facility in A-1 and C-2 Districts located at Highway 51 and Davis Crossing Road was and is hereby acknowledged and approved.

12. Approval of Zoning Matter - Hope Hollow Ministries Special Exception for Public/Quasi Facility in A-1 District/Catlett Road

The action of the Madison County Planning and Zoning Commission of May 15, 2008 granting a Special Exception to Hope Hollow Ministries to establish and operate a camp for children and adults with and without physical and mental abilities as a public/quasi-public facility in an A-1 District located on Catlett Road was and is hereby acknowledged and approved.

13. Approval of Zoning Matter - Eric Malouf Special Exception for Drive-through Facility at Existing Restaurant in C-1 District/Weisenberger Road

The action of the Madison County Planning and Zoning Commission of May 15, 2008 granting a Special Exception to Eric Malouf for conditional use of C-1 Commercial District to add and operate a drive through service to existing restaurant located 160 Weisenberger Road was and is hereby acknowledged and approved.

President's Initials: _____

Date Signed: _____

**14. Approval of Zoning Matter - Madison County Economic Development Authority
Petition to Rezone R-1 Residential to I-2 Industrial/Church Road**

ORDER BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

WHEREAS, the Madison County Economic Development Authority did file an application to rezone certain property from its present R-1 Residential Classification to a I-2 Industrial Classification; and

WHEREAS, by Resolution properly adopted by the Madison County Planning Commission, a hearing was set for the 15th day of May, 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 15th day of May 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 9th day of June, 2008, and Supervisor Karl M. Banks offered the following Order and moved that it be adopted, seconded by Supervisor D. I. Smith, 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-1 Residential Classification to I-2 Industrial Classification, to wit:

Commence at the intersection of the South right-of-way line of Church Road with the West right-of-way line of the Illinois Central Gulf Railroad, said point of intersection also being the Point of Beginning for the parcel herein described; from said point of beginning, run thence along said West right-of-way line of railroad S 23 degrees 25 minutes 00 seconds for a distance of 477.24 feet to a found iron pin; thence leave said right-of-way line and run North for a distance of 436.33 feet to the South right-of-way line of Church Road; thence along said right-of-way N 89 degrees 30 minutes 55 seconds E for a distance of 189.67 feet to the Point of Beginning,

Less and Except:

A right-of-way conveyed to Madison County, Mississippi by Madison County Economic Development Authority, being Parcel A and Parcel B, as recorded in Deed Book 0506, at page 511, in the Office of the Chancery Clerk of Madison County, Mississippi.

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 9th day of June, 2008.

President's Initials: _____

Date Signed: _____

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15. Approval of Zoning Matter - Eric Demond Wilson Special Exception to Relocate Existing Residential Structure into R-1 Residential District/Whiddon Road

The action of the Madison County Planning and Zoning Commission of May 15, 2008 granting a Special Exception to Eric Demond Wilson to relocate an existing residential structure into the R-1 Residential District on Whiddon Road was and is hereby acknowledged and approved.

16. Approval of 16th Section Leases

WHEREAS, the Madison County School Board has approved the following Amendment to 16th Section Commercial Property Lease Contract and the following Renegotiated 16th Section Other Property Lease Contract and forwarded them to the Board for review and approval, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes:

(1) Long Term Residential Lease Contract

Lessee: Teresa Manogin Bender
Description: Lot 47, Livingston Subdivision, Part I
Term: 40 years, beginning May 30, 2008
Amount:

<u>Year</u>	<u>Amount</u>
1-5	\$ 1,000.00
6-10	\$ 1,100.00
11-15	\$ 1,200.00
16-20	\$ 1,300.00
21-25	\$ 1,400.00
26-30	\$ 1,500.00
31-35	\$ 1,600.00
36-40	\$ 1,700.00

(2) Long Term Residential Lease Contract

Lessee: Billy W. Heath and wife, Donna J. Heath
Description: Section 16, Township 7 North, Range 2 East, Madison County, Mississippi
Term: 40 years, beginning June 30, 2008
Amount:

<u>Year</u>	<u>Amount</u>
1-5	\$ 875.00
6-10	\$ 962.50
11-15	\$ 1,050.00
16-20	\$ 1,137.50
21-25	\$ 1,225.00
26-30	\$ 1,312.50
31-35	\$ 1,400.00
36-40	\$ 1,487.50

Following review and consideration thereof, the Board of Supervisors does hereby approve the same and authorize and direct the Board President and the Chancery Clerk to execute the same.

17. Approval of Petition to Amend Homestead Applications - 2007 Tax Year

The corrections and/or amendments of homestead exemptions on property in Madison County, Mississippi listed on those certain materials submitted by Homestead Director Emily Anderson via memorandum dated May 7, 2008 were and are hereby approved. True and correct copies of all of which may be found in the Miscellaneous Appendix to these Minutes. The Chancery Clerk was and is directed to forward the same to the State Tax Commission in accordance with law.

President's Initials: _____

Date Signed: _____

18. Approval of Petition to Decrease Real Property Assessments - 2007 Tax Year

The *en masse* petition for the reduction of assessment of real property taxes in the amount of \$202,827.00, which petition, together with its spreadsheet attachment is attached hereto as Exhibit D, spread hereupon, and incorporated herein by reference, was and is hereby approved.

19. Approval of Petition to Increase Real Property Assessment – 2007 Tax Year

The request of Tax Assessor Gerald Barber to increase the real property assessment on Business Interiors, Inc., parcel number 071H-34D-004/01.30, as set forth in that certain Notice to Increase Assessment attached hereto as Exhibit E, spread hereupon, and incorporated herein by reference was and is hereby approved, the same having been agreed to by the taxpayer.

20. Approval of Petition to Decrease Personal Property Assessments - 2007 Tax Year

The *en masse* petition for the reduction of assessment of personal property taxes in the amount of \$8,220.00, which petition, together with its spreadsheet attachment is attached hereto as Exhibit F, spread hereupon, and incorporated herein by reference, was and is hereby approved.

21. Authorization to Refund Overpayment of Taxes

At the request of Deputy Tax Assessor Howard Snyder, and for the reasons set forth in that certain memorandum dated May 13, 2008, the Tax Collector was and is hereby authorized and directed to issue a refund to Mr. Kirk Hartley in the amount of \$661.54 as it pertains to parcel number 115F-13-003/00.00 due to the overpayment of taxes for the year 2006. A true and correct copy of Mr. Snyder's explanatory memorandum to such effect is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.

22. Authorization to Void 2006 Tax Sale - Billy Permenter – parcel # 084B-04-002/21.00

The 2006 tax sale of parcel # 084B-04-002/21.00 owned by Billy Permenter was and is hereby declared void due to an assessment error resulting from the tax bill reflecting a mobile home which was moved prior to the sale. The Tax Collector is hereby authorized and directed to issue a refund to the tax purchaser in such amount and in such manner as is allowed by law.

23. Approval of Utility Permits

The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way was and is hereby approved, and which applications, are attached *en masse* hereto as Collective Exhibit H spread hereupon, and incorporated herein by reference:

- (1) AT&T Mississippi - seeking to place approximately 8,350' of copper cable along the east and west side of N. Old Canton Road, starting at Yandell Road and going north, ending at 1651 N. Old Canton Road
- (2) Entergy Mississippi, Inc. - seeking to upgrade existing overhead line across Yandell Road and along Smith Carr Road for approximately 1/2 mile for the purpose of serving Phase II, III of Kemper Creek Subdivision and the sewer lift pump on Smith Carr Road
- (3) AT&T Mississippi - seeking to place copper cable and pedestals on Robinson Road
- (4) Comcast - seeking to place underground CATV cable by means of trenching and boring at Magnolia Pointe, Part 1

24. 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:

President's Initials: _____

Date Signed: _____

Date	Work Order	Address
5/28/2008	8160	523 Yandell Road
5/21/2008	8078	1282 Mannsdale Road
5/30/2008	8202	280 Miggins Road
6/3/2008	8230	743 Permenter 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.

Thereafter, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve, adopt, and authorize each of the above and foregoing matters, the same being numbered Items (2) through (24) 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously, and each item was and is hereby approved, adopted and authorized.

SO ORDERED this the 9th day of June, 2008.

In re: Request of A. C. Evans to Place Mobile Home in R-3 Residential District

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board on behalf of Mr. A. C. Evans and requested permission to re-place a mobile home in an R-3 Residential District located at 546 Sugar Hill, and

WHEREAS, Mr. Sellers did inform the Board that Mr. Evans' mobile home had recently burned and he wished to replace it,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the request and allow Mr. A. C. Evans to erect a mobile home in an R-3 District at 546 Sugar Hill. 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. Acy was and is hereby granted permission to erect a mobile home in an R-3 District.

SO ORDERED this the 9th day of June, 2008.

In re: Approval of State Aid Supplemental Agreement for State Aid Project 45(55)

WHEREAS, Mr. Mark Beyea of Neel-Schaffer Engineering appeared before the Board and presented that certain State Aid Supplemental Agreement pertaining to State Aid Project 45(55), a true and correct copy of which agreement is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

President's Initials: _____

Date Signed: _____

WHEREAS, Mr. Beyea reported that the Supplemental Agreement was for an additional \$5,500.00 to remobilize to Old Highway 16 to install pavement markings, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks 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 9th day of June, 2008.

In re: Tax Increment Financing Plan for Madison Station Redevelopment Project

THERE CAME on for consideration by the President and Board of Supervisors (the "Governing Body") of the Madison County (the "County"), the matter of the Tax Increment Financing Plan, Madison Station Redevelopment Project, Madison County, Mississippi, July 2008, and a resolution regarding such Tax Increment Financing Plan. After a full consideration of the matter, Supervisor Tim Johnson offered and moved the adoption of the following resolution:

RESOLUTION OF THE PRESIDENT AND BOARD OF SUPERVISORS OF THE MADISON COUNTY, MISSISSIPPI, DETERMINING THE NECESSITY FOR AND INVOKING THE AUTHORITY GRANTED TO COUNTIES BY THE LEGISLATURE WITH RESPECT TO TAX INCREMENT FINANCING AS SET FORTH IN CHAPTER 45 OF TITLE 21, MISSISSIPPI CODE OF 1972, AS AMENDED, DETERMINING THAT THE MADISON STATION REDEVELOPMENT PROJECT, IS A PROJECT ELIGIBLE FOR TAX INCREMENT FINANCING UNDER THE LAWS OF THE STATE, THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN, AND FOR RELATED PURPOSES.

WHEREAS, the Mississippi "Tax Increment Financing Act", Title 21, Chapter 45, Mississippi Code of 1972, as amended (the "Act"), authorizes municipalities and counties in the State of Mississippi to undertake and carry out redevelopment projects as defined therein with the use of tax increment financing as set forth in detail in the Act;

WHEREAS, the Governing Body of the County has heretofore approved a Tax Increment Financing Redevelopment Plan, (the "Redevelopment Plan"), and has conducted a public hearing on such redevelopment plan as required by law, which plan constitutes a qualified plan under the Act;

WHEREAS, this Governing Body has been presented with a Tax Increment Financing Plan entitled Tax Increment Financing Plan, Madison Station Redevelopment Project, Madison County, Mississippi, July 2008, hereinafter referred to as the TIF Plan, the purpose of which is to provide a financing mechanism to construct various infrastructure improvements described in the TIF Plan;

WHEREAS, this Governing Body has heretofore identified various parts of the County in need of development and redevelopment and does hereby find that the Madison Station Redevelopment Project, is of major economic significance to and within the County and qualifies

President's Initials: _____

Date Signed: _____

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as a project eligible for tax increment financing as set forth in the Redevelopment Plan, and participation on the part of the County is necessary and would be in the public interest and in the best interests of the public health, safety, morals, and welfare of the County; and

WHEREAS, the City of Madison (the "City") proposes to issue tax increment financing revenue bonds, jointly with the County in an amount not to exceed Five Hundred Fifty Dollars (\$550,000), which will be secured solely by a pledge of the County's increased ad valorem real property taxes and the City's increased sales tax rebates within the tax increment financing district (the "TIF District") described in the TIF Plan, generated by the construction and development of the Project, which funds will be used to pay the cost of constructing various improvements including, but not limited to installation and/or relocation of utilities such as water, sanitary sewer, burying and relocation of electrical lines, electricity, construction of drainage improvements, construction of roadways with curb and gutter, concrete walks, sidewalks, lighting, site demolition and grading, installation of signage, landscaping of rights-of-way, irrigation, related engineering fees, attorney's fees, TIF Plan preparation fees, capitalized interest, and other related soft costs (the "Infrastructure Improvements"); and

WHEREAS, the County may exercise its authority as authorized by section 21-45-3 of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the County, as follows:

SECTION ONE: That the Governing Body of the County does hereby declare its intention to issue tax increment financing revenue bonds, jointly with the City, in an amount not to exceed Five Hundred Fifty Thousand Dollars (\$550,000) (the "TIF Bonds") for the purpose of providing funds necessary to pay for the Infrastructure Improvements in connection with the construction of the Project.

SECTION TWO: When and if issued, with respect to the County's financial obligation, the TIF Bonds shall be secured solely by a pledge of the County's incremental increase in ad valorem tax revenues on real property generated by construction and development in the TIF District, and shall not be secured by the full faith, credit, and taxing power of the County or create any other pecuniary liability on the part of the County other than the pledge of the incremental increase in ad valorem taxes heretofore set forth.

SECTION THREE: That a public hearing shall be held with respect to the TIF Plan at 125 West North Street, First Floor, Canton, Mississippi at 9:00 A.M., on the 23rd day of June, 2008.

SECTION FOUR: That the Clerk is hereby directed to publish the attached notice in the Madison County Herald one (1) time not less than ten (10) days nor more than twenty (20) days prior to the date set forth in section three hereof.

Supervisor Paul Griffin seconded the motion to adopt the foregoing resolution and the same has been read and considered, section by section, and put to a roll call vote, the result was as follows:

Supervisor John Bell Crosby	voted: AYE
Supervisor Tim Johnston	voted: AYE
Supervisor D. I. Smith	voted: AYE
Supervisor Karl Banks	voted: AYE
Supervisor Paul Griffin	voted: AYE

The motion having received the affirmative vote of a majority of the members of the Governing Body present, the President declared the motion carried and the resolution adopted on this the 9th day of June, 2008.

SO ORDERED this the 9th day of June, 2008.

President's Initials: _____

Date Signed: _____

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In re: Approval of Emergency Management Assistance Program Application

WHEREAS, E911 Director Butch Hammack appeared before the Board and requested the Board authorize the Board President to execute the Emergency Management Assistance Program Application, a copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board President to execute said application. 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 President was and is hereby authorized.

SO ORDERED this the 9th day of June, 2008.

In re: Rejection of Bid for Asphalt Hauling and Lay-Down; Award Asphalt Term Bid; and Approve Service Contract for Asphalt Hauling and Lay Down

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and presented that certain memorandum dated June 4, 2008 outlining his recommendation for term bids for asphalt products for the period of July 1, 2008 through December 31, 2008, a true and correct copy of said memorandum is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Crunk did recommend the Board award the asphalt product term bids as outlined in Exhibit J for reasons based upon calculations contained therein, and

WHEREAS, Mr. Crunk requested the Board reject all term bids for the hauling and lay-down of asphalt for the period of July 1, 2008 through December 31, 2008, and

WHEREAS, Mr. Crunk recommended the county enter into a service contract with W. C. "Red" Hancock, Inc. for hauling and laying-down asphalt, a true and correct copy of which agreement is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) award all term bids as recommended in said memorandum, (2) reject all term bids for lay-down and hauling asphalt, (3) approve service contract with W. C. "Red" Hancock, Inc. for hauling and lay-down of asphalt, and (4) authorize the Board President to execute said 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

President's Initials: _____

Date Signed: _____

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the matter carried unanimously and all term bids were and are hereby rejected; asphalt term bid was and is hereby awarded to W. C. "Red" Hancock, a service contract with W. C."Red" Hancock, Inc. was and is hereby approved and the Board President was and is hereby authorized to execute the same.

SO ORDERED this the 9th day of June, 2008.

In re: Approval of Hauling Contract with Leotis Nichols, Jr. d/b/a Nichols Trucking

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and presented a hauling contract with Leotis Nichols, Jr. d/b/a Nichols Trucking, and

WHEREAS, Mr. Crunk recommended the Board enter into a hauling contract with Mr. Leotis Nichols, Jr. to haul sandy-loam dirt for the Equestrian Center, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the hauling contract with Leotis Nichols, Jr. d/b/a Nichols Trucking and to authorize the Board President to execute said 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 said hauling contract was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 9th day of June, 2008.

In re: Approval of Budget Amendment for Virillia Road Bridges

WHEREAS, County Engineer Rudy Warnock appeared before the Board and drew the Board's attention to the County's Four Year Road Plan, calling specific attention to the sum of \$107,000 which is allocated therein to the re-construction of Virillia Road, and

WHEREAS, Mr. Warnock recommended that the Board transfer these allocated funds to the repair and replacement of certain bridges on Virillia Road in place and instead of the allocation for the reconstruction of the road itself,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to designate the \$107,000 currently allocated to Virillia Road re-construction to the repair and construction of certain bridges on said road. 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 funds were and are hereby re-allocated and adjusted.

SO ORDERED this the 9th day of June, 2008.

President's Initials: _____

Date Signed: _____

***In re: Approval of Agreement with Rudy Warnock,
Daniel Grafton and Charles Williford***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented an agreement between Madison County, Rudy Warnock, Daniel Grafton and Charles Williford for the construction of a parking area between the Chancery/Administrative Building and their respective properties,

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said agreement and to authorize the Board President to execute 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 agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 9th day of June, 2008.

***In re: Approval to Amend County Road Plan
to Add Johnson Lane***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board add Johnson Lane to the county road plan, and

WHEREAS, Mr. Warnock reported that road work would be performed as far as the county right of way extends,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to amend the county road plan as to add Johnson Lane. 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 road plan was and is hereby amended and Johnson Lane was and is hereby added thereto.

SO ORDERED this the 9th day of June, 2008.

In re: Twin Harbors Subdivision Flooding

WHEREAS, Mr. John Granberry of Warnock and Associates appeared before the Board and gave an oral report of the flooding issues in Twin Harbors Subdivision, and

WHEREAS, Mr. Granberry reported that it would be necessary for a hydraulic study to be performed,

President's Initials: _____

Date Signed: _____

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to authorize and direct the County Engineer to (1) review size of cross drains in the subdivision, (2) prepare a design for drainage swell, and (3) perform a hydraulic study. 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 hereby so authorized.

SO ORDERED this the 9th day of June, 2008.

In re: Approval to County Amend Road Plan to Fund Improvements to Childress Lane and Authorize the Transfer of Funds

WHEREAS, County Engineer Rudy Warnock appeared before the Board and again drew the Board's attention to the County's Four Year Road Plan, calling specific attention to the matter of the Town of Flora's request for the county to pave certain streets within municipal boundaries, and

WHEREAS, in particular, Mr. Warnock indicated that city officials were seeking to apply a DBST finish to Childress Lane in the Town of Flora and that certain budgetary transfers were needed to effectuate the same,

Following discussion, and at the recommendation of Mr. Warnock, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) transfer \$33,000 from the County Bond fund to the County Road Fund, (2) reduce item 33 on that section of the Four Year Road Plan containing the list of roads to be funded using Phase III bond proceeds from \$73,000 to \$31,000, and (3) add \$42,000 to item # 13 on that section of the Four Year Road Plan containing the list of roads to be funded using county funds. 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 funds were and are hereby transferred, re-allocated and adjusted.

SO ORDERED this the 9th day of June, 2008.

In re: Acknowledgment of Invoices Submitted by the Parkway East Public Improvement District and Authorization to Pay Invoices

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented invoice nos.251 through 256 submitted by the Parkway East Public Improvement District and represented that his office had verified quantities associated with each and that the same were in order and could be acknowledged by the Board, and

WHEREAS, Mr. Warnock reported that certain unnumbered invoice directed unto Madison County in the amount of \$1,411.20, representing charges incurred by W. G. Yates & Sons Construction Company with respect to the construction of the intersection of Reunion Parkway with Parkway East was likewise verified and in order and was properly payable pursuant to the county's agreement with the Parkway East Public Improvement District, said

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invoices pertaining to the construction of the intersection of Parkway East and Reunion Boulevard,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of Parkway East PID invoice numbers 251 through 256 and authorize and direct the payment of that certain unnumbered invoice directed to Madison County in the amount of \$1,411.20, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. 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 invoices were and are hereby acknowledged and the invoice submitted to Madison County in the amount of \$1,411.20 was and is hereby ordered paid.

SO ORDERED this the 9th day of June, 2008.

In re: Approval of Certain Budget Amendments

WHEREAS, County Comptroller Mark Houston appeared before the Board and requested permission to make certain budget amendments to the road department budget, and

WHEREAS, Mr. Houston reported that the budget amendment would be necessary to fund County Engineer Rudy Warnock's request to perform road work on streets in Flora as approved by the Board previously, namely Childress Lane,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) decrease the budget of Fund 051-300-983 by \$42,000.00 and (2) increase the budget of Fund 150-300-632 by \$112,000.00. 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 above and foregoing budget amendments were and are hereby approved and adopted.

SO ORDERED this the 9th day of June, 2008.

In re: Approval of Claims Docket for June 9, 2008

WHEREAS, the Board reviewed the claims docket for June 9, 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:

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Fund	Claim Nos.	No. of Claims	Amount
001	3364 to 3546	179	546,898.89
002	4 to 5	2	3,101.52
012	185 to 206	22	35,817.72
013	41 to 42	2	122,698.70
014	8 to 8	1	2,464.57
051	14 to 14	1	53,946.93
095	16 to 17	2	29,981.16
097	256 to 270	15	54,198.66
105	29 to 29	1	200.00
113	9 to 10	2	1,703.75
114	16 to 16	1	998.28
115	44 to 49	6	457.29
116	26 to 28	3	493.24
120	50 to 55	6	420.31
121	30 to 32	3	615.40
137	16 to 16	1	77.62
150	516 to 553	37	101,953.28
160	167 to 179	13	27,963.08
190	122 to 138	17	7,099.17
240	8 to 8	1	4,061.15
302	85 to 85	1	45,830.40
305	23 to 23	1	59,010.00
401	37 to 38	2	23,705.37
690	16 to 17	2	26,954.85
691	16 to 17	2	14,298.53
TOTAL ALL FUNDS		323	1,164,949.87

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the claims docket as presented with the exception of correcting travel expense being made to Tim Johnson and rather than to Karl Banks as shown on the docket. 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 N, 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, and said change to docket for payment to Tim Johnson was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 9th day of June, 2008.

In re: Request to Appoint Committee to Inspect Horseshoe Lane

Following a discussion initiated by the County Administrator, and acting upon the petition filed by various land owners, a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to appoint a committee comprised of Mr. John Bell Crosby and Mr. Tim Johnson to inspect Horseshoe Lane, located in District 4, and report to the Board at their earliest opportunity their assessment of its suitability to become a public road. The vote on the matter being as follows:

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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 committee was and is hereby appointed.

SO ORDERED this the 9th day of June, 2008.

In re: Re-Appointment of a Member to the Madison County Library Board

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to re-appoint Ms. Mary King for a second term to the Madison County Library Board representing District 5. 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 appointment was and is hereby approved.

SO ORDERED this the 9th day of June, 2008.

In re: Approval to Clarify Board's Intention to Donate Vehicles to Canton Police Department and Canton Fire Department

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to clarify the Board's prior actions regarding the conveyance of surplus Sheriff's Department vehicles to the Canton Police Department and the Canton Fire Department so as to donate, rather than sell, said vehicles unto said agencies no cost to the City of Canton. 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 vehicles were and are hereby donated to the City of Canton

SO ORDERED this the 9th day of June, 2008.

In re: Request to Void 2007 Tax Sale of Homestead Chargeback on Parcel No. 072I-29C-198

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and requested the Board declare the 2007 tax sale of parcel no. 072I-29C-198 void, reporting that said sales represented homestead exemption chargebacks wherein, in accordance with the Attorney General's Opinion to Ken Harmon, Esq. dated September 29, 2006, subsequent purchasers for value without notice of the chargeback purchased the property prior to the recording of said notice, and

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WHEREAS, Mr. Johnston did further advise that, pursuant to said Opinion and Miss. Code Ann. § 27-33-37(l) no lien may attach against such subsequent purchasers, although the sale and the lien remains valid as a personal liability of the original assessed owner, and

WHEREAS, for the reasons set forth in that certain memorandum dated May 29, 2008 from Chancery Clerk Arthur Johnston, a true and correct copy of which is attached hereto as Collective Exhibit P, spread hereupon and incorporated herein by reference, said chargeback does not attach to the realty presently owned by Trio Investments, Trio Investments being a subsequent purchaser for value without notice,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to declare the 2007 tax sale of parcel no. **072I-29C-198** representing a homestead chargeback void and to direct the Tax Collector to issue a refund to the tax purchaser and in accordance with and to the extent allowed by 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 the 2007 tax sale of said homestead exemption chargeback on the above referenced parcel was and is hereby declared void and the Tax Collector was and is so instructed.

SO ORDERED this the 9th day of June, 2008.

***In re: Approval to Adopt Homeowners Association
Resolution Granting Resort Status***

WHEREAS, Supervisor Karl M. Banks presented a resolution received from the Lake Caroline Owners Association supporting resort status to Nick Apostle, d/b/a Nick's, Inc. and requested the Board adopt the same,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) acknowledge Lake Caroline Owners Association resolution and (2) to authorize and direct the Board Attorney to prepare the appropriate resolution granting the Board's approval of resort status designation to Mr. Nick Apostle d/b/a Nick's, Inc. 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 resolution from the Owners Association was and is hereby acknowledged and the Board Attorney was and is hereby authorized.

SO ORDERED this the 9th day of June, 2008.

***In re: Acknowledge Items from Transportation
Security Administration and Acknowledge Receipt of Funds by
Sheriff's Department***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented a "Certificate of Final Disposition" for fifty (50) pounds of prohibited dual use items to be used by the Madison County SWAT Team, and

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Thereafter, Sheriff Trowbridge presented checks representing funds received from various entities associated with the feeding and housing of prisoners and a donation to the drug fund as follows:

<u>Entity</u>	<u>Amount</u>
Evercom	\$ 16,651.65
Donation	\$ 100.00
City of Ridgeland	\$ 7,602.00
Department of Finance	\$ 12.00
Service of Delivery of Tax	\$ 36.00
Overtime grant	\$ 1,962.99

and,

WHEREAS, Sheriff Trowbridge requested the Board President execute the April invoice to Mississippi Department of Corrections for housing of state prisoners,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) acknowledge receipt of the "Certificate of Final Disposition," a true and correct of which may be found in the Miscellaneous Appendix to these Minutes, (2) acknowledge receipt of funds, and (3) authorize the Board President to execute said invoice. 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 foregoing was and is hereby acknowledged and the Board President was and is hereby authorized.

SO ORDERED this the 9th day of June, 2008.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks 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, June 23, 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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