

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

REGULAR MEETING OF JULY 7, 2008
Being the first day of the July 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 July 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:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Tax Assessor Gerald Barber
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.
Deputy Tax Assessor Kent Hawkins
Deputy Tax Assessor Diane Odom
County Fire Coordinator Mack Pigg

Special Guest:

Presiding Justice William Waller, Jr.

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Supervisor John Bell Crosby 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 June, 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 June 2008 term, said meetings having been conducted on June 9 and June 23, 2008,

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Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the Minutes as presented, and to authorize the President to sign said 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 the Minutes for the June 2008 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 7th day of July, 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 (12) 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 June Monthly Road Department Report

The June 2008 Monthly Road Department Report submitted by County Road Manager Lawrence Morris was and is hereby acknowledged, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

(3) Acknowledgment of June Closed Call Analysis - Road Department

The June 2008 Closed Call Analysis submitted by the Madison County Road Department was and is hereby acknowledged received, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

(4) Acknowledgment of July Service Call Schedule - Road Department

The July 2008 Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris was and is hereby acknowledged, and a true and correct copy thereof may be found in the Miscellaneous Appendix to these Minutes.

(5) Acknowledgment of Monthly Credit Card Report

As requested in that certain memorandum dated June 27, 2008 from County Purchase Clerk Hardy Crunk and per statutory requirements, the Sheriff's Department credit card report and statement for the period of May 16, 2008 through June 16, 2008 were and are hereby acknowledged, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes.

(6) Authorization to Issue Refund to Jessica Allen

The request of Ms. Jessica Allen for a refund due to her cancellation of a party was and is hereby granted. Ms. Allen had paid a fee in the amount of \$75.00 for the rental of the county courthouse grounds. The Chancery Clerk was and is hereby directed to issue a pay warrant accordingly.

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(7) Authorization to Renew Software Maintenance Agreement - ESRI

That certain Software Maintenance Agreement between ESRI, Inc. and Madison County pertaining to ArcEditor, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, was and is hereby accepted and approved and the Tax Assessor was and is hereby authorized and directed to execute the same.

(8) Acknowledge Proposed Amendment to Hinds County Local Solid Waste Management Plan

That certain correspondence dated June 18, 2008 from the Department of Public Works of the Hinds County Board of Supervisors regarding a proposal to amend Hinds County's Solid Waste Management Plan and setting a public hearing pertaining to same for July 21, 2008 was and is hereby acknowledged, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.

(9) Acknowledgment of Orders Reappointing and Setting Salaries - Chancery Court Staff Attorney and Deputy Court Administrator

The Board does hereby acknowledge those certain Orders of the Madison County Chancery Court dated June 30, 2008 reappointing 11th Chancery Court Deputy Court Administrator Rita Carpenter at a revised salary of \$40,000.00 per year plus benefits and reappointing Jennifer Leigh Hawks as Staff Attorney at a revised salary of \$51,000.00 plus benefits. A true and correct copy of said Orders are attached hereto as Exhibits B and C, spread hereupon and incorporated herein by reference.

(10) Authorization to Void Tax Sale - Parcel No. 081E-22-010/00.00

The April 2006 tax sale of parcel # 081E-22-010/00.00 owned by Robert T. and Lauren P. Wade was erroneously marked void by the Chancery Clerk in the certified list of lands sold for taxes as the result of the actions of this Board on November 20, 2006, declaring numerous sales conducted in April 2006 void due to an error by the prior clerk in failing to record certain homestead exemption chargebacks/disallowances. Because this sale was erroneously so marked, and because no one has had the opportunity to redeem the same, said sale is now found to be void for that reason. In that the same represents a Reunion Special Assessment, the Tax Collector is directed to re-submit the same to the next Tax Sale in accordance with law and with that certain Interlocal Agreement between the Reunion Public Improvement District and the tax Collector.

(11) Approval of Utility Permits/Agreements

The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and a copy thereof may be found in the Miscellaneous Appendix to these Minutes:

- (1) Bear Creek Water Association - seeking to bore 80 linear feet across Old Mansdale Road to install a 16 inch PVC water line
- (2) Bear Creek Water Association - seeking to bore 50 linear feet of 16-inch steel casing under Cox Crossing Road
- (3) Bear Creek Water Association - seeking to bore 2800 linear feet of 16-inch PVC water line in steel casing under Bozeman Road
- (4) Bear Creek Water Association - seeking to bore 200 linear feet of 16-inch PVC water line in steel casing under Bozeman Road
- (5) Bear Creek Water Association - seeking to bore 1200 linear feet of 16-inch PVC water line in steel casing under Ingleside Drive
- (6) Bear Creek Water Association - seeking to bore 73 linear feet of 10-inch steel casing to house a new 6-inch PVC gravity sewer under Gluckstadt Road approximately 700 feet east of its intersection with Highway 463

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- (7) Centerpoint Energy Mississippi Gas - seeking to install 885 feet of 4 inch intermediate pressure plastic natural gas main along and across Gluckstadt Road beginning on the north side of Weisenberger Road

(12) 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 locations set forth on that certain spreadsheet, a true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve, adopt, and authorize each of the above and foregoing matters, the same being numbered Items (2) through (12) 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 7th day of July, 2008.

***In re: Discussion of Tax Assessor's Audit of 2004, 2005 and 2006
Personal Property Taxes and Setting of Public Hearing on Increases
of the Personal Property Assessments Reflected Therein and
Authorization for the Chancery Clerk to Give Notice of Same***

WHEREAS, Tax Assessor Gerald Barber appeared before the Board and presented certain findings from audits conducted by his office of personal property assessments and renditions submitted by various firms and concerns in Madison County for tax years 2004, 2005 and 2006, and

WHEREAS, as a result of said audits, Mr. Barber reported that Air Liquide America , LP (parcel # 1120) and Days Inn & Suites (parcel # 2610) had accepted the increases in assessments as proposed by his office for tax years 2005 and 2006 and that Cypress Pharmaceuticals (parcel # 1782) has accepted the increase as proposed for tax year 2006, all as reflected on those certain Notices to Increase the Assessment of Real/Personal Property (five total), true and correct copies of which are attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Barber further recommended that the Board increase the assessment of personal property taxes for the entities and parcels listed on that certain five (5) page spreadsheet, a true and correct copy of which is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference, the taxpayers listed thereon having not agreed to the proposed increases, and further recommended that the Board set a public hearing on the matter of increasing said assessments, and

WHEREAS, the Board determined (1) that Monday, August 4, 2008 at 9:00 am would be an appropriate date for and does hereby set said date for said hearing(s), and (2) that the Chancery Clerk should prepare and propound the appropriate and necessary notices thereof, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) increase the personal property assessments for tax year 2005 on parcel #s 1120 and 2610 and for tax year 2006 on parcel #s 1120; 2610 and 1782 as reflected on Collective Exhibit E; (2) set

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August 4, 2008 at 9:00 am in the Board Room of the new addition to the Chancery and Administrative Building in Canton, Mississippi as the date, time and place for a public hearing on the proposed increase in personal property assessments as to the entities and parcels listed on Exhibit F; and (3) direct the Chancery Clerk and the Tax Assessor to prepare and propound the appropriate notices thereof. 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 increases were and are hereby accepted and applied, a public hearing on the remainder was and is hereby set, and the Chancery Clerk was and is hereby directed to issue the appropriate notices.

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

In re: Consideration of Ad Valorem Tax Exemptions Applications

WHEREAS, Chancery Clerk Arthur Johnston did present a total of eight (8) applications for ten (10) year ad valorem tax exemptions to the Board, reported that each application was timely received pursuant to statute and the previously adopted policy of this Board, except for the applications of Cellular South, Inc. and Hederman Brothers, LLC, which applications were received on May 27, 2008 and May 6, 2008, respectively, and

WHEREAS, the Chancery Clerk did further report that the application of Belk, Inc., did not receive the recommendation of the Tax Assessor and did not receive his recommendation due to the fact that the improvements reflected in the Belk application were improvements which pre-existed the Belk operation or represented a mere remodeling of office space, all as enumerated on that certain two-page Position Statement of the Tax Assessor, a true and correct copy of which is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference, and

WHEREAS, due to the untimeliness of the Cellular South and Hederman Brothers applications, and due to the factors listed in the aforesaid Tax Assessor's Position Statement with regard to the Belk application, Mr. Johnston, the Madison County Economic Development Authority (MCEDA), and Tax Assessor Gerald Barber recommended that the Board deny those applications, and

WHEREAS, Mr. Johnston reported that although the application of M-Tek, Inc. was untimely, it was his opinion and the opinion of MCEDA and Tax Assessor Gerald Barber that the county was contractually bound under the various agreements with Nissan North America, Inc. to grant the application of M-Tek since M-Tek constitutes a Nissan supplier within the meaning of said agreements, and

WHEREAS, Mr. Johnston, MECDA and Tax Assessor Gerald Barber recommended that the Board approve the following applications, to-wit:

- (1) **Primos, Inc.**
Period Requested: 12/31/07 – 12/31/17
- (2) **Leavitt Tube Company, LLC**
Period Requested: 1/1/08 – 1/1/18
- (3) **M-Tek, Inc.**
Period Requested: 1/1/08 – 1/1/18

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(4) **ComCast of Mississippi Call Center, LLC**

Period Requested: 12/31/07 – 12/31/17

(5) **Steel Technologies, Inc.**

Period Requested: 12/31/04 – 12/31/14 (transfer of remaining years)

12/31/05 – 12/31/15 (transfer of remaining years)

WHEREAS, Primos seeks an **addition/expansion/equipment replacement** exemption under Miss. Code Ann. § 27-31-105 in the amount of \$415,705.15 representing the total value of the property which is the subject of the expansion, and

WHEREAS, Leavitt Tube seeks an **addition/expansion/equipment replacement** exemption under Miss. Code Ann. § 27-31-105 in the amount of the value thereof (\$6,900,338.91), and

WHEREAS, M-Tek is a Nissan supplier governed by the previously executed Memoranda of Understanding (MOUs) with Nissan and the State of Mississippi and has filed an application for an **addition/expansion/equipment replacement** exemption under Miss. Code Ann. § 27-31-105 in the amount of the value thereof (\$4,511,471.44), and

WHEREAS, Comcast of Mississippi Call Center, LLC seeks a **new enterprise** exemption under Miss. Code Ann. § 27-31-101 in the amount of the value thereof (\$3,644,672.17), and

WHEREAS, Steel Technologies, Inc. seeks a transfer of the **new enterprise** exemption under Miss. Code Ann. § 27-31-105 and the two (2) **addition/expansion/equipment replacement** exemptions under Miss. Code Ann. § 27-31-105 previously granted by this Board to its predecessor in interest, Mi-Tech Steel of Mississippi, Inc. on August 2, 2004 and August 22, 2005, and

WHEREAS, the Chancery Clerk and the MCEDA Board recommend granting the exemption as requested, excepting therefrom any taxes levied for fire protection services which may be applicable, and

WHEREAS, the Tax Assessor's position statement reflects no objection, and

WHEREAS, application of the formulae previously established by the Board reflect that each firm is eligible for 100% of the exemption requested, except for M-Tek, which is exempt from said formulae as set forth herein above, and

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

WHEREAS, the Board does desire, after due consideration, to finally approve each of the above referenced Applications for Ad Valorem Tax Exemption in accordance with statute, and authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to evidence such approval and to forward the same to the Mississippi State Tax Commission,

Following discussion, Mr. Paul Griffin offered and Mr. Karl M. Banks did second a motion to:

(1) grant unto Primos, Inc., Leavitt Tube Company, LLC, and M-Tek, Inc. ten (10) year *ad valorem* tax exemptions respectively under Miss. Code Ann. § 27-31-105 for addition/expansion and equipment replacement in the amounts reflected on said firms' Application **except ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire protection services where applicable**; and

(2) grant unto ComCast of Mississippi Call Center, LLC a ten (10) year *ad valorem* tax exemption for a new enterprise in the amount reflected on said firm's Application **except ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire**

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protection services where applicable; and

(3) transfer to Steel Technologies, Inc. all exemptions previously granted unto its predecessor in interest, Mi-Tek Steel Mississippi, LLC, by Madison County which are still in force and effect for the remainder of the term thereof **except as to ad valorem taxes levied for school district purposes and except ad valorem taxes levied for fire protection services where applicable; and**

(4) authorize the Board President and the Chancery Clerk to execute any and all documentation necessary to evidence such approval and to forward the same to the Mississippi State Tax Commission.

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 applications were and are hereby granted and approved.

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

Thereafter and following additional discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to deny the applications of Cellular South, Inc., Hederman Brothers, LLC, and Belk, Inc. for the reasons set forth herein above and on Exhibit G, hereto. 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 applications were and are hereby **denied**.

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

In re: Acknowledging Receipt of the 2008 Property Tax Rolls

WHEREAS, Tax Assessor Gerald Barber appeared before the Board of Supervisors and presented the 2008 Real and Personal Property Tax Rolls for Madison County, and

WHEREAS, the Board of Supervisors immediately began to equalize such tax rolls and determined that it would continue said equalization at every subsequent meeting of the Board as recessed from this meeting in July as provided for by law, and

WHEREAS, the Board of Supervisors also desired to authorize the Clerk to forward a copy of the recap sheet and affidavit of the Tax Assessor to the Mississippi State Tax Commission when necessary and required, as well as such other evidence of the Board's receipt of said rolls and this Board's action thereon, and

WHEREAS, the Board does desire to adopt that certain "Order of the Board of Supervisors" of even date herewith pertaining to said Rolls, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference,

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Following additional discussion of this matter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion (1) to acknowledge receipt of the Property Tax Rolls for 2008 for Madison County with the assumption that the industrial exemptions which have been previously approved by this Board but not yet approved by the Mississippi State Tax Commission will be so approved and with the understanding that such exemptions are taken into account within said Rolls; (2) to adopt and enter the July form Order, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference; (3) to further authorize the equalization process to be conducted at each and every Board meeting in July conducted hereafter; (4) to establish August 4, 2008 as the date the Board will entertain and consider objections to said Rolls, set said date as the deadline for the filing of written protests with the Clerk, and advertise the same in the *Madison County Herald* for August 4, 2008 and to post notice of said hearing in prominent places throughout the county courthouse, said rolls to be available for public inspection in the Board Room of the new addition to the Chancery and Administrative Building; (5) to accept the Assessor's Affidavit of the Personal Roll and the Assessor's Affidavit of the Real Roll, as well as the draft recapitulation sheet, true and correct copies of each of which are attached hereto as Exhibits I, J, and K, 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 the receipt of the Real and Personal Property Tax Rolls for 2008 was and is hereby acknowledged; the July form Order was and is hereby adopted and entered; the equalization process was and now is begun; August 4, 2008 was and is hereby established as the date the Board will take up protests to said Rolls and as the deadline for the filing of written protests; the Affidavits of the Tax Assessor were and are hereby accepted; and the Clerk was and is authorized to advertise the date for public protest.

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

In re: Renewal of Property and Casualty Insurance

WHEREAS, Mr. Woods Cavett of the Barksdale Bonding and Insurance did appear before the Board and reported that Zurich Insurance Company had submitted quotes for the placement of all lines of property and casualty insurance for the county, and

WHEREAS, Mr. Cavett recommended the Board renew all lines of insurance currently in force and effect with Zurich Insurance Company due to a lower price,

Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to approve the renewal of all lines of insurance coverage currently in force and effect with Zurich Insurance Company in accordance with those certain materials submitted by Barksdale in a certain brown bound booklet, a true and correct copy of all 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 County Administrator Donnie Caughman and the county's agent of record were and are hereby directed to place and renew such coverage forthwith.

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

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In re: Approval of Debris Management Plan for Madison County

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a proposed Debris management Plan, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock requested that the Board designate contractors to be used for debris removal purposes in the event of an emergency,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said plan and designate Eutaw Construction Company, W. S. "Red" Hancock, Utility Constructors, Yates Construction, Key Constructors, and Mr. Socrates Garrett as debris removal contractors under said plan. 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 plan was and is hereby approved and said firms so designated.

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

In re: Authorization to Advertise for Construction Bids - Gluckstadt Road Widening and Reconstruction Project

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize and direct the advertisement for bids for the Gluckstadt Road Widening and Reconstruction Project with bids to be opened by the standing committee of the Board previously appointed for such purpose at 10:00 am on August 20, 2008 in the office of the Chancery Clerk or such other location within the Chancery and Administrative Building as he may designate. 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 advertisement was and is hereby authorized and said date established.

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

In re: Revised Contract for Gluckstadt Elementary School/ Yandell Road Turn Lane Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented revised contract/bid amounts for the Gluckstadt Elementary School/Yandell Road Turn Lane Project as submitted by Southern Rock, LLC in its original low bid, said amounts now totaling \$369,589.35 as compared to the original bid amount of \$253,984.00, and

WHEREAS, Mr. Warnock reported that said firm was unwilling to perform the services set forth in its original bid due to the passage of time and due to the increases in costs in the economy, and

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WHEREAS, Mr. Warnock recommended that the Board approve the cost increases as requested,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the increased costs as set forth in the revised contract/bid amounts. 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 increased costs were and are hereby approved.

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

In re: Madison County Flood Control Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented an update on his efforts to develop a county-wide flood control project,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to (1) find, determine and declare that the flooding in and around Ashton Place in Annandale Subdivision is adversely affecting the county right of way and (2) authorize and direct Mr. Warnock and his firm to evaluate flooding in that area and develop a cost estimate to control flooding together with a construction plan. 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 findings were and are hereby made and the county engineer was and is so instructed.

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

In re: Acknowledgment of Revised Design and Engineering Estimate - Old Rice Road Reconstruction

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of revised design and engineering estimates for the Old Rice Road Construction Project, a true and correct copy of which is attached hereto as Exhibit M, 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 revised estimates were and are hereby acknowledged.

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

President's Initials: _____

Date Signed: _____

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In re: Approval of Final Plat of Kingston Place Part II E

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the final plat of Kingston Subdivision Part II E and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Warnock did also present a Letter of Credit and advised the Board that the streets listed on said plat are to be private roads and are not to be accepted as public roads

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion **(1)** approve said final plat, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future; and **(2)** direct the Clerk to accept and retain the aforesaid letter of credit. 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 final plat of Kingston Place Part II E was and is hereby approved with the aforesaid provisos.

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

In re: Approval of Highway 51 MDOT Permit - West Sowell Road Extension Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain "Application for Permit to Locate Certain Facilities on or to Perform Certain Work on State Highway Right of Way" and requested Board approval of same, a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock explained that the Board's approval thereof and the execution thereof by the Board President was necessary in order that acceleration and deceleration lanes might be added to U. S. Highway 51 to accommodate the West Sowell Road extension project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the submission of said Application 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 Application was and is hereby approved and the board President was and is so authorized.

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

President's Initials: _____

Date Signed: _____

In re: Acknowledgment of Receipt of Contracts - Stribling Road Extension Project

WHEREAS, County Engineer Rudy Warnock again appeared before the Board and presented certain contracts among Acadia Properties, LLC, Warren Excavation, LLC, and Catlett Road Properties, LLC pertaining to the Stribling Road Extension project, and

WHEREAS, Mr. Warnock indicated that the payment and performance bonds are to be held by the county, and

WHEREAS, true and correct copies of said contracts are attached hereto as Exhibits O and P hereto, spread hereupon and incorporated herein by reference, and

WHEREAS, a true and correct copy of said bond(s) is attached hereto as Collective Exhibit Q, spread hereupon and incorporated herein by reference.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of said contracts and bond(s). 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 contracts and bond(s) were and are hereby acknowledged received.

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

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

WHEREAS, the Board reviewed the claims docket for July 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	3686 to 3803	118	415,292.89
002	6 to 6	1	3,275.00
012	220 to 230	11	20,145.17
014	9 to 9	1	2,464.57
051	17 to 19	3	226,357.65
095	18 to 19	2	33,117.28
097	283 to 294	12	35,579.36
105	32 to 32	1	200.00
113	15 to 16	2	9,934.00
114	17 to 17	1	998.28
115	55 to 57	3	158.74
116	31 to 33	3	242.02
120	58 to 60	3	78.25
121	35 to 35	1	73.77
137	17 to 18	2	124,916.26

President's Initials: _____

Date Signed: _____

150	606 to 651	46	72,944.38
160	188 to 206	19	52,952.59
190	147 to 160	14	8,345.29
226	16 to 16	1	2,000.00
240	9 to 9	1	4,061.15
302	88 to 90	3	73,761.92
305	24 to 24	1	39,340.00
690	18 to 19	2	29,751.12
691	18 to 19	2	15,571.92
TOTAL ALL FUNDS		253	1,171,561.61

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the claims docket as presented. 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 R, 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 the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 7th day of July, 2008

In re: Request for Rural Impact Block Grant Match - Flora Water and Sewer Improvement Project

WHEREAS, County Administrator Donnie Caughman appeared before the Board and reported that he had received a request from the Madison County Economic Development Authority (MCEDA) asking that the county contribute the sum of \$85,000.00 toward a \$300,000.00 matching grant for water and sewer improvements in the Town of Flora associated with the hopeful location of the National Bio and Agro Defense Facility (NBAF), and

WHEREAS, Mr. Caughman reported that MCEDA has asked that if the Board approves the contribution of said funds, that said funds be paid to MCEDA as a pass through, with the understanding that MCEDA would submit said funds as well as others if necessary to the grant Administrator, Central Mississippi Planning & Development District (CMPDD),

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve said request; (2) amend the budget of Madison County so as to decrease fund 001-100-951 by the sum of \$85,000.00 and increase fund 001-100-701 by that same amount; and (3) authorize and direct the Chancery Clerk to issue a pay warrant drawn on the latter fund payable to the Madison County Economic Development Authority for such purpose. 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: _____

the matter carried unanimously and said request was and is hereby approved, the budget so amended, and the Chancery Clerk so authorized and directed.

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

In re: Approval of Interlocal Agreement Concerning the Collection of Special Assessments Associated with the Parkway East Public Improvement District

WHEREAS, Chancery Clerk Arthur Johnston did appear before the Board and presented a certain Interlocal Agreement providing for the assessment and collection by the Madison County Tax Assessor and Tax Collector of those certain special assessments issued by the Parkway East Public Improvement District, and

WHEREAS, a true and correct copy of said Interlocal Agreement is attached hereto as Exhibit S, 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 Interlocal Agreement. 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 Interlocal Agreement was and is hereby approved.

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

In re: Approval of Polling Location Change - Liberty Missionary Baptist Church to Greater Mt. Levy Full Gospel Baptist Church Fellowship Hall

WHEREAS, Supervisor Karl M. Banks did inform the Board that Liberty Missionary Baptist Church no longer desired to serve as a polling location in District 4, and that, consequently, it was necessary to establish a new polling location for voters in the Liberty Precinct (406), and

WHEREAS, Mr. Banks did announce that the Greater Mt. Levy Full Gospel Baptist Church was willing to serve as the polling place for said precinct, with the elders thereof specifically designating the Fellowship Hall as the actual polling location,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve and designate the Greater Mt. Levy Full Gospel Baptist Church as the polling location for the Liberty Precinct (406) in Madison County. 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 fellowship hall of the Greater Mt. Levy Full Gospel Baptist Church was and is so designated.

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

President's Initials: _____

Date Signed: _____

In re: Rescinding Approval of Memorandum of Understanding Among Madison County, Parkway South Public Improvement District, Richard A. Ambrosino and S. L. Sethi Adopted on June 23, 2008

Following discussion and at the recommendation of Board Attorney Eric Hamer, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to rescind the action of the Board taken on June 23, 2008 adopting and approving that certain Memorandum of Understanding (MOU) among Madison County, the Parkway South Public Improvement District, and Richard A. Ambrosino and S. L. Sethi, a true and correct copy of which was attached to the Minutes of said date as Exhibit T, spread thereupon and incorporated therein 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 the adoption and approval of said MOU was and is hereby rescinded.

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

In re: Adoption of Resolution to the Mississippi Supreme Court

Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to adopt and approve that certain "Resolution of the Board of Supervisors of Madison County to Request Expedited Consideration of Certain Legal Matters by the Mississippi Supreme Court," a true and correct copy of which is attached hereto as Exhibit U, 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 Resolution was and is hereby adopted.

SO ORDERED this the 7th day of July, 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.257 through 265 (with invoice no. 262 having been withdrawn) submitted by the Parkway East Public Improvement District and represented that he 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 \$171,462.55, representing charges incurred by W. G. Yates & Sons Construction Company and burns Cooley Dennis 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, provided, however, that Mr. Warnock advised the Board that said invoices included a fuel adjustment due to increased fuel costs which likely meant that the District would reach the limit or cap on the cost of said intersection set for in said agreement,

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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 257 through 265 (but with invoice no. 262 having been withdrawn) and authorize and direct the payment of that certain unnumbered invoice directed to Madison County in the amount of \$171,462.55, 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 \$171,462.55 was and is hereby ordered paid.

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

In re: Request of the Madison County Election Commission for Certain Expenditures and Related Purposes

WHEREAS, Hon Kakey Chaney and Hon Pat Truesdale, members of the Madison County Election Commission appeared before the Board and requested approval of certain expenditures associated with the Commission's undertaking a county-wide mail-out to all registered voters in an effort to begin to update and clear up the county's voter rolls, and

WHEREAS, said Commissioners specifically requested expenditures as set forth in that certain spreadsheet, a true and correct copy of which is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference and issue the necessary purchase orders and pay warrants,

Following a lengthy period of discussion, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to approve said expenditures, approve the issuance of the necessary purchase orders, and direct the Chancery Clerk to issue pay warrants for the same, all as set forth on said Exhibit W. 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	No
Supervisor Paul Griffin	No

the matter carried by a majority vote (3-2) of the Board and said expenditures were and are hereby approved, and the Chancery Clerk was and is hereby authorized to issue pay warrants accordingly.

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

Thereafter, and following further discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize and direct County Administrator Donnie Caughman and County Purchase Clerk Hardy Crunk to coordinate the necessary and proper public advertisements so as to better inform the citizenry about the mail-out being undertaken and its purposes and effects and (2) to authorize and direct the Election Commission to present a plan for staffing and implementation of the mail-out effort as soon as possible. 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 Mr. Caughman, Mr. Crunk, and the Election Commission were and are so authorized and directed.

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

In re: Approval of Claim Submitted by Tax Collector for Postage Expense

WHEREAS, Tax Collector Kay pace submitted a request in writing for the issuance of a pay warrant to purchase \$5,000 worth of postage from the U. S. Postal Service, her office having run low on postage due to the notification requirements of the upcoming tax sale,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and approve said claim and direct the Chancery Clerk to issue a pay warrant therefor. 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 claim was and is hereby approved and the Chancery Clerk was and is hereby directed to issue a pay warrant accordingly.

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

In re: Approval of Takeover Agreement Between Madison County and Travelers Casualty and Surety Company of America Pertaining to the Completion of Construction of the New Addition to the Chancery and Administrative Building

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a draft Takeover Agreement between Madison County and Travelers Casualty and Surety Company of America pertaining to the completion of construction of the New Addition to the Chancery and Administrative Building, and

WHEREAS, Mr. Hamer informed the Board that Travelers, as bond insurer on the project, had retained the services of Harrell Contracting Group, LLC to serve as completing contractor under the terms of said bond and that the Board's approval and execution of said Takeover Agreement was necessary in order that said firm could begin work, and

WHEREAS, a true and correct copy of said agreement is attached hereto as Exhibit X, 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 approve said Takeover Agreement and authorized and direct the Board President to execute the same subject to any modifications thereto which the Board Attorney may recommend. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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 Takeover Agreement was and is hereby approved.

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

In re: Acknowledgment of Receipt of Funds for Housing Prisoners and Acknowledgment of Donation to Sheriff’s Department

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks representing funds received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
City of Ridgeland	\$ 6,252.00
City of Madison	\$ 2,240.00
City of Canton	\$ 3,216.00
Evercom	\$ 15,332.99
Proceeds from April DUI grant	\$ 3,000.00

WHEREAS, Sheriff Toby Trowbridge did further request that the Board acknowledge the receipt by his office of certain items of ammunition donated by Wal Mart, a true and correct list thereof attached hereto as Exhibit Y, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said checks and the donation of said ammunition. 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 checks were and are hereby acknowledged as is the donation of said ammunition.

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

In re: Authorization for Chancery Clerk to Administer Estate of Willie Crockin at Request of the Sheriff of Madison County

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented a list of certain personal property belonging to one Willie Crockin, deceased, a resident of Madison County at the time of his death and requested that Chancery Clerk Arthur Johnston petition the Chancery Court to administer his estate and lawfully dispose of his property,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to request that the Chancery Clerk petition the Chancery Court for appointment as administrator of the Estate of Willie Crockin and dispose of said property as provided by law. The vote on the matter being as follows:

President’s Initials: _____

Date Signed: _____

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 Chancery Clerk was and is so requested.

SO ORDERED this the 7th day of July, 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 D. I. Smith and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, July 21, 2008 for the purpose of consideration of a claims docket and 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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