

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

REGULAR MEETING OF SEPTEMBER 2, 2008  
Being the first day of the September 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 September 2, 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, 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 Paul Griffin  
Supervisor Karl M. Banks  
Chancery Clerk Arthur Johnston  
Tax Assessor Gerald Barber  
Sheriff Toby Trowbridge

Absent:

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller and Deputy Chancery Clerk Mark Houston  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
Board Attorney Eric Hamer  
County Road Manager Lawrence Morris  
County Engineer Rudy Warnock  
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green  
County Purchase Clerk Hardy Crunk  
County Zoning Administrator Brad Sellers  
Deputy Tax Assessor Kent Hawkins  
Deputy Tax Assessor Diane Odom  
County Fire Coordinator Mack Pigg

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator Donnie Caughman opened the meeting with a prayer and Supervisor D. I. Smith 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 August 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 August 2008 term, said meetings having been conducted on August 4, and August 18, 2008,

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

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye

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Supervisor Karl M. Banks  
Supervisor Paul Griffin

Aye  
Aye

the matter carried unanimously and the Minutes for the August 2008 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Request to Employee Youth Court Administrator***

WHEREAS, County Court Judge William S. Agin appeared before the Board and requested the Board approve hiring Mrs. Cindy LeBlanc as the Youth Court Administrator effective September 1, 2008, and

WHEREAS, Judge Agin reported that the county is eligible for funding from the Supreme Court Administrative Office of Courts (AOC) to cover the salaries for a Youth Court Administrator and a deputy Youth Court Administrator, and

WHEREAS, Judge Agin also requested a budget amendment to increase the salary of Mrs. Debra Dickson to \$46,500 effective September 1, 2008, and

WHEREAS, a true and correct copy of and of Judge Agin's memorandum dated August 27, 2008 detailing same may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) approve the hiring of Mrs. Cindy LeBlanc as Youth Court Administrator at a salary of \$46,500 with county benefits effective September 1, 2008 and (2) approve a budget amendment to reflect the salary increase of Mrs. Debra Dickson effective September 1, 2008. 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 salary request was and is hereby approved and said budget amendment was and is hereby approved.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Hearing on Increases of the Personal Property Assessments Reflected in Tax Assessor's Audit of 2004, 2005 and 2006 Personal Property Taxes, Continued From August 2008 Term***

WHEREAS, on July 7, 2008 the Board set Monday, August 4, 2008 at 9:00 am as the date and time for a public hearing on whether to increase the personal property assessments for a number of taxpayers regarding personal property taxes for the years 2004, 2005 and 2006, and

WHEREAS, on said date (August 4, 2008) the Board approved increases for a number of parcels but continued, until August 18, 2008, the matter of the proposed increases as to L-3 Communications d/b/a Vertex Aerospace, Reunion Golf & Country Club, and Delta Equipment Company, and

WHEREAS, on said date (August 18, 2008) the Board adopted the proposed increases 2005 and 2006 for parcel 3471 (Reunion Golf & Country Club) and parcel 1683 (Delta

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Equipment Company) as set forth on those certain notices to Increase Assessment, a true and correct copy of which were attached to the Minutes of said meeting as Collective Exhibit A, spread hereupon and incorporated herein by reference, and

WHEREAS, on said date, the Board continued until September 2, 2008 at 9:00 am the public hearing on the proposed increases for 2005 and 2006 for parcel 579 (L-3 Communications d/b/a Vertex Aerospace),

WHEREAS, the date and time having arisen, the Board President declared the public hearing as to said parcel 579 to again be open, and

WHEREAS, Tax Assessor Gerald Barber appeared before the Board and requested that the Board reconsider and rescind its August 18, 2008 action concerning the increase as to parcel 3471 (Reunion Golf & Country Club) since notice was not timely delivered to said firm, and

WHEREAS, Mr. Barber reported that he and said firms had arrived at a resolution of the issues associated said proposed increases in accordance with the figures set forth on that certain memorandum dated September 2, 2008, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) reconsider and rescind the Board's action of August 18, 2008 with regard to parcel 3471 (Reunion Golf & Country Club) and (2) approve those certain increases in assessment in the amounts and for the tax years listed in the aforesaid Exhibit B and to direct the Tax Collector to issue revised tax bills inclusive of penalties and interest as 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 action was and is hereby reconsidered and rescinded and the assessment increases approved and the Tax Collector so directed.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Proposed Utility Right of Way Policy***

WHEREAS, on August 4, 2008 the Board set Monday, September 2, 2008 at 9:00 am as the date and time for a public hearing on Proposed Utility Right of Way Policy, and

WHEREAS, the Board authorized the publication of such notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, and

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

WHEREAS, County Engineer Rudy Warnock did present the "Policy for the Accommodation of Utility Facilities within the Right-of-Way of all Public County Road," a true and correct copy of said policy is attached hereto as Exhibit D, spread hereupon, and incorporated herein by reference, and

WHEREAS, said date and hour now having arisen, Board President Tim Johnson declared the public hearing open, and

WHEREAS, no one appeared on in opposition of the Proposed Utility Right of Way,

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Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) close the public hearing and (2) adopt the "Policy for the Accommodation of Utility Facilities within the Right-of-Way of all Public County Road" as presented by the County Engineer. 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 public hearing was and is closed and said Policy was and is hereby adopted.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Conducting a Public Hearing on the Adoption of a Budget for FY 2009 for Madison County, Mississippi and the Adoption of a Proposed Tax Levy(ies) for FY 2009 for Madison County, Mississippi and Authorizing the Publication of Said Budget***

WHEREAS, the Board of Supervisors previously advertised its intent to conduct a public hearing on September 2, 2008 at 9:00 a.m. concerning the adoption of a budget and proposed tax levy(ies) for FY 2009; and

WHEREAS, the notice of said hearings was published in the Madison County Herald, a newspaper of general circulation in the county, said publication having occurred on August 21, 2008 and August 28, 2008 as required by law and as reflected on the Proof of Publication thereof, a true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference, and

WHEREAS, said date and hour did arrive and the Board of Supervisors convened and opened the public hearing to consider the adoption of the budget and the setting of proposed tax levies for the upcoming 2008-2009 fiscal year (FY 2009); and

WHEREAS, President, Tim Johnson, declared open the public hearing on the matter of the adoption of said budget and levy, and

WHEREAS, the Board received comments and reviewed a proposed budget with County Administrator Donnie Caughman and also reviewed the proposed tax levies for adoption in connection with said budget, and

WHEREAS, Mr. Caughman pointed out that the proposed Tax Levy reflects an increase of 3.33 mills for property within the county, and

WHEREAS, several individuals appeared before the Board opposing the increase, including Mr. Charles Craig, Mr. James W. Rule, Mr. Stan Stewart, Mr. Mike Smith and Mr. Charles Warwick, all residents of Madison County, and

WHEREAS, a number of county residents have submitted emails and other items of correspondence in opposition to said proposed increase, a true and correct copy of which are attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference, and

Following additional discussion of this matter, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to close the public hearing on said budget and tax levy. The vote on the matter being as follows:

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**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 public hearing was and is hereby closed.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

WHEREAS, following the close of the public hearing, County Administrator Donnie Caughman appeared before the Board and presented a list of roads which the County Engineer had prepared in advance of the adoption of a County Road Plan for 2009, and

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

WHEREAS, Mr. Caughman reported that in order to raise funds to make bond obligation payments necessary to construct these roads and make the other improvements listed thereon, an additional 3 mills would be necessary,

Following additional discussion and deliberation, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to (1) approve the FY 2008–2009 Budget, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference, including an average of 3% raise to county employees effective October 1, 2008, (2) set and establish millage rates and tax levies as set forth in that certain tax levy sheet styled “Tax Levy for FY Ending September 30, 2009,” the same reflecting a 6.33 increase in mills in the county, a true and correct copy of which sheet is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and (3) authorize and direct the publication of the FY 2009 Budget thereof as required by law. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) of the Board and the FY 2008–2009 Budget was and is hereby adopted and approved and the same is ordered published in accordance with law by the Chancery Clerk and the millage rates and tax levies reflected in Exhibit I were and are hereby set and established.

SO ORDERED this the 2<sup>nd</sup> day of September, 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 (7) 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, County Purchase Clerk Hardy Crunk requested that two items be added to the Consent Agenda as (25) Ratify Emergency Fuel Purchase and (26) Authorize Purchase of Two Machete Mowers for the Road Department, and

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

**President’s Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**(7) Acknowledgment of August Monthly Road Department Report**

The August 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.

**(8) Acknowledgment of August Closed Call Analysis - Road Department**

The August 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.

**(9) Acknowledgment of September Service Call Schedule - Road Department**

The September 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.

**(10) Acknowledge Annual Budget for Fiscal Year - Lakes of Grandview Public Improvement District**

The Board does hereby acknowledge receipt of "Lakes at Grandview Public Improvement District Annual Budget for Fiscal Year 2009," a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes.

**(11) Acknowledge Certification Status of Certain Tax Assessor Personnel and Authorize Associated Financial Qualifications**

The Board does hereby acknowledge the certification status of Assessment Evaluator I (AEI) to those certain Tax Assessor personnel who attended the Mississippi Education and Certification Program and acknowledge and authorize the payment of the \$1,000 financial bonus allowed by law. A true and correct copy of each Tax Assessor personnel information may be found in the Miscellaneous Appendix to these minutes.

**(12) Acknowledge 2008 Public Utility Roll**

The Board does hereby acknowledge receipt of and adopt the 2008 Public Utility Roll as provided by the Mississippi State Tax Commission.

**(13) Acknowledge Parkway East Public Improvement District Invoices**

Those certain Parkway East Public Improvement District Pay Request Invoice nos. 266 – 271 were and are hereby acknowledged, and true and correct copies of each of which may be found in the Miscellaneous Appendix to these Minutes.

**(14) Authorize Attendance for 2008 County Government Workshop - October 20-22, 2008, Vicksburg, MS**

The payment of travel, lodging and food expenses of any Board member, the Chancery Clerk, the County Administrator, the Comptroller, and the Board Attorney to attend the 2008 County Government Workshop in Vicksburg, MS October 20 - 22, 2008 was and is hereby approved.

**(15) Acknowledge Monthly Credit Card Reports**

The Board does hereby acknowledge that certain memorandum dated August 26, 2008 from County Purchase Clerk Hardy Crunk containing, per statutory requirements, the general county credit card report for the billing period July 16, 2008 through August 15, 2008, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes.

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**Date Signed:** \_\_\_\_\_

**(16) Authorize Void Tax Sale - Irvin Eugene Huffman - Parcel No. 072D-19D-050/00.00**

At the request of Tax Assessor Gerald Barber in that certain memorandum dated August 18, 2008, the Board does hereby declare void the 2006 tax sale of parcel number 072D-19D-050/00.00 owned by Irvin Eugene Huffman because such property is owned by a church and should be and is exempt from taxation. Said memorandum is attached hereto as Collective Exhibit J, spread hereupon, and incorporated herein by reference.

**(17) 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 \$39,245.00, which petition, together with its spreadsheet attachment is attached hereto as Exhibit K, spread hereupon, and incorporated herein by reference, was and is hereby approved.

**(18) Approval of Petition to Decrease Personal Property Assessments - 2007 Tax Year**

The petition for the reduction of assessment of personal property taxes in the amount of \$1,934,658.00, with regard to Tower Automotive bearing parcel no. 3463, which petition, together with its spreadsheet attachment is attached hereto as Exhibit L, spread hereupon, and incorporated herein by reference, was and is hereby approved.

**(19) Approve Refund for Overpayment of Taxes - Irvin Eugene Huffman**

At the request of Deputy Tax Assessor James "Irby" Ford, and for the reasons set forth in that certain memorandum dated August 25, 2008, a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, the Tax Collector was and is hereby authorized and directed to issue a refund to Mr. Irvin Eugene Huffman in the amount of \$376.62 as it pertains to parcel number 072D-19D-050/00.00 due to the overpayment of taxes for the years 2003, 2004 and 2005.

**(20) Approve Zoning Matter - TowerCo, LLC Petition for Special Exemption to Construct Communication Tower/North Railroad Street**

The action of the Madison County Planning and Zoning Commission of August 14, 2008, granting a Special Exception to TowerCo, LLC to erect and operate a communication tower as a public/quasi-public facility in an R-1 District located on North Railroad Street, Canton, Mississippi was and is hereby acknowledged and approved.

**(21) Approve Site Plan - PolyCon for Industrial Building/Industrial Drive, Gluckstadt**

The action of the Madison County Planning and Zoning Commission of August 14, 2008, granting the request of PolyCon Manufacturing seeking approval of a site plan for the construction of a storage facility located at Industrial Drive South, Madison County, Mississippi, was and is hereby acknowledged and approved. The site plan thereof may be found in the Miscellaneous Appendix to these Minutes.

**(22) Approve Site Plan - Smith Chapel M.B. Church for New Fellowship Hall on Livingston-Vernon Road**

The action of the Madison County Planning and Zoning Commission of August 14, 2008, granting the request of Smith Chapel M.B. Church seeking approval of a site plan for construction of a fellowship hall adjacent to the church located at Livingston-Vernon Road was and is hereby acknowledged and approved. The site plan thereof may be found in the Miscellaneous Appendix to these Minutes.

**(23) Authorize 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

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

on private property at the following locations:

<u>Date</u>	<u>Work Order</u>	<u>Address</u>
7/30/2008	8645	138 French Branch
8/8/2008	8706	2335 Sharon Road
8/12/2008	8725	Cotton Blossom Road
8/13/2008	8743	1727 Old Highway 51
8/18/2008	8764	1248 Old Yazoo City Road
8/21/2008	8800	Kearney Park 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.

**(24) Approval of Utility Permit**

The following permit 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 N, spread hereupon, and incorporated herein by reference:

- (1) Canton Municipal Utilities - seeking to extend casing for sanitary sewer line 16'; encase gas line a total of 55'; relocate a section of the existing 4" water main at Old Yazoo City Road and Virililia Road.

**(25) Ratification of Emergency Fuel Purchase**

At the request of Purchase Clerk Hardy Crunk in that certain memorandum dated August 29, 2008, the Board does hereby ratify the emergency purchase declaration issued by Chancery Clerk Arthur Johnston for the purchase of bulk fuel. A true and correct copy of said memorandum is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.

**(26) Approve Purchase of Machete Mowers - Road Department**

At the request of Purchase Clerk Hardy Crunk in that certain memorandum dated August 28, 2008, the Board does hereby authorize the purchase of two machete mowers on state contract for the Road Department at a cost of \$34,099.00 each to be purchased from Tubb Equipment. A true and correct copy of said memorandum is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference.

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 (7) through (26) 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 approved, adopted and authorized.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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**In re: Authorize Public Hearing on North Livingston Road**

WHEREAS, Chancery Clerk Arthur Johnston on behalf of County Zoning Administrator Brad Sellers requested permission to set October 6, 2008 for public hearing on the request of Sides Properties, LLC, seeking a special exception to conduct surface mining on North Livingston Road, and

WHEREAS, Mr. Johnston informed the Board that Mr. S. Kent Dear of Sides Properties, LLC was appealing the decision of the Planning and Zoning Board with regard thereto,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to authorize the advertising of a public hearing to be set for October 6, 2008 at 9:00 a.m. for the purpose of Sides Properties, LLC petition for special exception to conduct surface mining. 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 public hearing was and is hereby set for October 6, 2008.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

**In re: Approve Lease for Adolescent Offenders Program**

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented a commercial lease between Madison County and Victoria Station, Phase II Partnership for office space for the Adolescent Offenders Program, and

WHEREAS, Mr. Caughman requested the Board approve the same and authorize the Board President to execute said lease, a true and correct copy of said which is attached hereto as Exhibit Q, 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 lease and 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 lease was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

**In re: Authorize Building Permit - Nissan North America, Inc.**

WHEREAS, Ms. Leah Walters of Nissan North America appeared before the Board and requested the Board approve a building permit for Nissan North America for the addition of a paint and body shop,

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**Date Signed:** \_\_\_\_\_

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Zoning Administrator to issue a building permit to Nissan North America for the purpose of constructing a paint and body shop. 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 building permit was and is hereby approved.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Request for Reduction in Square Footage  
Magnolia Pointe Subdivision***

WHEREAS, Mr. Kerry Howell appeared before the Board and requested permission to reduce the square footage of homes being constructed in Magnolia Pointe Subdivision on Yandell Road, and

WHEREAS, Mr. Howell requested the square footage of homes be reduced from 1800 square feet to 1600 square feet,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the reduction of square footage from 1800 square feet to 1600 square feet in Magnolia Pointe Subdivision. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) of the Board and the square footage is hereby reduced.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Request for Mobile Home in R-1 District  
Anna Carroll***

WHEREAS, Ms. Anna Carroll appeared before the Board and requested permission to place a mobile home on certain property owned by her in an R-1 Residential District located on Sharon Road, and

WHEREAS, Ms. Carroll also informed the Board she was going to tear down an old building on property in order to place the mobile home,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to grant the request subject to a three (3) year limitation from today's date and direct Ms. Carroll to demolish the old building on property. 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

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**Date Signed:** \_\_\_\_\_

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

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Request of Denbury On Shore, LLC  
Seeking a Special Exception to Allow a Dehydrator  
Facility to be Located in Sections 13  
Township 8 North, Range 3 East***

WHEREAS, the Board Attorney reported that he had reviewed the written request of Denbury Onshore, LLC seeking a special exception to construct and operate a dehydration facility on Old Natchez Trace Road, and

WHEREAS, the Board was informed that the purpose of constructing this facility was to service wells drilled by Denbury Onshore in the area, and

WHEREAS, the Board on September 17, 2004 approved a resolution granting unto Denbury Onshore, LLC permission to allow a dehydrator facility in another location in the county,

Following discussion, and at the recommendation of the Board Attorney, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to adopt the following Resolution:

**RESOLUTION**

WHEREAS, Denbury previously brought a Petition before the Board for an exception for a parcel of land not within the CO2 unit that was zoned "residential"; and

WHEREAS, Denbury represented that it has received a valid permit to drill, complete, and operate this well from the Mississippi State Oil & Gas Board and the dehydration equipment is located next to the Well on a tract of land zoned "agricultural"; and

WHEREAS, Denbury believes that it does not need a special exception to Zoning Ordinance to operate the equipment associated with that well since the equipment will be located on the unit with the well and is simply part of the facilities necessary to produce the Well under the valid Oil & Gas Board permit; and

WHEREAS, neither the Board nor Denbury agrees with the position of the other party regarding the need, or lack thereof, of a zoning exception; and

WHEREAS, the Board and Denbury, being advised of each of their respective positions have agreed to enter this resolution as hereinafter set forth; and

IT IS THEREFORE RESOLVED as follows:

1.

The parties acknowledge that the purpose of the Zoning Ordinance is to protect the safety, well being, and peaceful use of property subject only to those restrictions reasonably necessary to protect the integrity of each developed and undeveloped land area according to the plans of the zoning ordinance.

2.

In compliance with the spirit of the Zoning Ordinance, Denbury does hereby agree to the following terms and conditions regarding its drilling, production, and operation activities on the lands in question:

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

- A. Denbury agrees to use the ANSI Standard to do a sound survey after the dehydration equipment is constructed and fully operational;
- B. Record db levels at a minimum of one every year at a total of 18 locations within 100 and 300 yards of the dehydration equipment and report said findings to the Board of Supervisors.
- C. Denbury will attempt to maintain background sound readings under normal operating conditions of 65 db or less at the perimeter of the dehydration site.
- D. Denbury agrees to install muffler type equipment to reduce noise levels at the equipment and at the perimeter. Although this equipment is not normally installed in such equipment, Denbury agrees to install such equipment to minimize noise.
- E. Denbury acknowledges that it will occasionally need to release pressure at the equipment so that repairs can be made which cannot be made while the equipment is operational. This procedure requires a release of pressure through a pressure release valve. Denbury will use its best efforts to notify the Board 30 days prior to a planned pressure release. To the extent possible, it will also contact the Board as soon as it learns that an emergency release may be necessary.
- F. Denbury will place and maintain a 8 foot high cyclone fence around the perimeter of the equipment in order to further buffer any sound it produces. This fence will be installed prior to operations of the dehydration equipment.
- G. Denbury will landscape and maintain the area outside the fenced perimeter area, trees natural to the are designed to further to absorb sound levels produced by the equipment.
- H. Denbury will repair or cause to be repaired at its expense any road damage occasioned by this facility.

3.

All parties agree that the entry of this Resolution does not affect the ability of the Board to review future dehydration equipment sites and make independent determinations.

The vote on the matter being as follows:

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

the matter carried unanimously and said request was and is hereby granted subject to certain stipulations and the Board Attorney was and is hereby directed.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Acknowledge Letter of Credit - Annandale Park Subdivision***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the Letter of Credit he had received pertaining to Annandale Park Subdivision,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of that certain letter of credit dated August 29, 2008 for Annandale Park Subdivision and direct the Chancery Clerk to retain the same. The vote on the

**President's Initials:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

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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 letter of credit was acknowledged.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Awarding of Bid to Southern Rock, LLC for the  
Gluckstadt Road Reconstruction Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that he and the standing committee of the Board appointed for such purposes had received and tabulated bids for the Gluckstadt Road Reconstruction Project, and

WHEREAS, in his estimation, the lowest and best bidder for said project was Southern Rock, LLC who submitted a bid in the total amount of \$5,372,993.50, and

WHEREAS, Mr. Warnock recommended that the Board award the contract for said project to Southern Rock, LLC in accordance with its bid,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) accept the bid of Southern Rock, LLC as the lowest and best bid received for the Gluckstadt Road Reconstruction, (2) award the contract for such work to said firm, and (3) direct the County Engineer to issue a notice to proceed forthwith. 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 bid was and is hereby accepted, the contract awarded and the County Engineer so instructed.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Discussion of Northshore Way  
of Lake Caroline Drainage and Flooding Issues***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented that certain memorandum dated August 27, 2008 outlining the drainage and flooding problem at Northshore Way of Lake Caroline Subdivision, a true and correct of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) authorize County Engineer Rudy Warnock to study the flooding situation and implement temporary measures to rectify flooding into the homes of property owners, (2) prepare plans and specifications to undercut Northshore Way to repair drainage issues, and (3) add this project to the FY 2009 Road Plan. 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 the County Engineer was and is hereby instructed.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Approve Amendment of Parkway East  
Memorandum of Understanding***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented an email received containing a spreadsheet outlining the costs for traffic striping at the intersection of Reunion Parkway and Parkway East, a true and correct of which is attached hereto as Exhibit S, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock recommended the Board amend the previously approved Memorandum of Understanding (MOU) with the Parkway East Public Improvement District so as to reflect the increase of \$24,335.00 for the traffic striping and loop assemblies at Reunion Intersection<sup>1</sup>,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to approve the payment of additional cost of \$24,335.00 for traffic striping and loop assemblies at Reunion Intersection, upon the submission of appropriate invoices therefor and to amend the previously approved Memorandum of Understanding and the Addendum thereto with said District so as to increase the limit of the county contribution set forth therein by said amount. 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 MOU and the Addendum thereto are hereby amended.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Discussion of King Ranch Road Box Culvert Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a description of the King Ranch Road Box Culvert Project, a true and correct of which is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock recommended the Board authorize Mr. Woody Sample of Sample & Associates to secure right of way for said project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize Mr. Sample to secure right of way and temporary easements needed for said project and (2) direct the County Administrator to request updated plans and specifications for said project from Williford, Gearhart & Knight. The vote on the matter being as follows:

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<sup>1</sup>The Clerk of the Board was not presented with any documentation in the form of an Amendment to the aforesaid Memorandum of Understanding other than the spreadsheet which is Exhibit S, hereto.

**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 Mr. Sample was and is hereby authorized and Mr. Caughman was and is directed.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Discussion of Calhoun Station Phase II  
Right of Way Commitment Letter***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented correspondence dated August 25, 2008, from Martin Meadowlands, LLC pertaining to Calhoun Station North, a true and correct of which is attached hereto as Exhibit U, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock informed the Board that Martin Meadowlands, LLC was donating right of way for Calhoun Station North Parkway based upon certain factors outlined in said correspondence and contingent thereupon,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) authorize the County Engineer to realign said road as depicted on a map<sup>2</sup> and prepare a new environmental study and (2) acknowledge receipt of said letter from Martin Meadowlands, LLC and accept the donation of right of way on the terms set forth therein. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Warnock was and is hereby so authorized and said letter was and is hereby acknowledged and the donation accepted.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Approve Cost Estimate to Bear Creek Water Association -  
Reunion Parkway at Highway 463***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a cost estimate from Bear Creek Water Association in the amount of \$55,879.68 for the relocation of water line at the intersection of Reunion Parkway and Highway 463, a true and correct of which is attached hereto as Exhibit V, 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 the payment contingent upon the Board Attorney reviewing three (3) competitive bids obtained by Bear Creek. The vote on the matter being as follows:

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<sup>2</sup>The Clerk of the Board was not presented with any map or other documentation actually depicting the realignment though reference thereto is contained in the aforesaid correspondence.

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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 payment was and is hereby approved and the Board Attorney was and is hereby directed to review said bids.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Consideration of Claims Docket for September 2, 2008***

WHEREAS, the Board reviewed the claims docket for September 2, 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	4202 to 4346	145	478,817.10
002	9 to 10	2	116,407.75
012	263 to 276	14	22,056.32
013	54 to 55	2	12,161.48
014	11 to 11	1	2,464.57
051	26 to 30	5	48,363.99
095	22 to 23	2	32,817.29
097	340 to 354	15	45,296.53
105	37 to 38	2	9,305.95
114	19 to 19	1	998.28
115	71 to 73	3	242.49
116	41 to 42	2	199.64
120	69 to 71	3	75.90
121	43 to 44	2	341.00
137	20 to 20	1	76.88
150	783 to 814	32	218,404.17
160	230 to 259	30	302,439.68
190	192 to 199	8	3,917.57
210	2 to 2	1	35,881.03
240	11 to 11	1	4,061.15
302	95 to 95	1	61,205.76
305	27 to 27	1	98,350.00
401	43 to 43	1	23,092.19
690	22 to 23	2	29,516.92
691	22 to 23	2	15,346.25
TOTAL ALL FUNDS		279	1,561,839.89

**HELD CLAIMS**

Fund	Claim Nos.	Payee	Amount
150	810(partial hold)	W. S. Red Hancock	\$18,700.00
160	255(partial hold)	W. S. Red Hancock	\$35,800.00

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the claims docket as presented, less and except the above noted held claims. Said motion directed that invoice numbers should be attached to each claim on the claims docket

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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 W, 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 2<sup>nd</sup> day of September, 2008.

***In re: Appointment of County Patrol Officer***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and reported the county was in need of a County Patrol Officer after the resignation of Ms. Jodi Wilson, and

WHEREAS, Mr. Caughman did recommend the Board appoint Marion “Butch” Hammack and Albert Jones, III as County Patrol Officers,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to appoint Marion “Butch” Hammack and Albert Jones, III as County Patrol Officers and to allow Mr. Jones to attend Law Enforcement Academy to be certified. 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. Hammack and Mr. Jones were and are hereby appointed and Mr. Jones was and is hereby authorized.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Consideration of Resolution Pertaining to State Highway 22***

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to rescind the Board’s Resolution of August 18, 2008, pertaining to the use of federal funds designated for the study of a re-routing of State Highway 22 and adopt the following Resolution in its place, to-wit:

RESOLUTION

WHEREAS, on January 7, 2008, the Board of Supervisors adopted a Resolution supporting the Town of Flora’s request that the Mississippi Department of Transportation cease and desist its efforts to re-route State Highway 22 between Canton and Edwards; and

WHEREAS, on said date the Board of Supervisors also authorized and directed the Board President to sign and send correspondence to the members of Mississippi’s Congressional

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delegation whose districts include Madison County requesting that “Congress authorize the transfer of the approximately \$2 million in federal funds previously earmarked for environmental studies for proposed alternate routes for Highway 22 to (1) the Gluckstadt Interchange with Interstate 55 project and (2) a study of economic development in northeast Madison County and setting forth the Board’s belief that while continued state improvements to Highway 22 are warranted, its wholesale re-routing is not;” and

WHEREAS, the Board has received a copy of a Resolution recently adopted by the Mayor and Board of Aldermen of the Town of Flora which further addresses the issue and requests that the funds set aside for said study be transferred to the Reunion Interchange with Interstate 55 project, and

WHEREAS, this Board expressly desires that federal funds previously earmarked for the Mississippi Department of Transportation study of improvements to State Highway 22 from Edwards to Canton (as allocated in 2004) and from Vicksburg to Canton (as allocated in 2005) be re-directed for use toward the improvement and betterment of Highway 22 in general but not for use to re-routing said project, and

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

1. The Board express its desire that all federal funds previously earmarked for the Mississippi Department of Transportation study or studies of improvements to State Highway 22 from Edwards to Canton (as allocated in 2004) and from Vicksburg to Canton (as allocated in 2005) be re-directed to the actual improvement or betterment of Highway 22 along its present route.
2. The Clerk of this Board forward this Resolution (a) to representatives of the Mississippi Department of Transportation, including Central District Transportation Commissioner Dick Hall, Southern District Commissioner Wayne Brown and Northern District Commissioner Bill Minor; Executive Director Butch Brown, and the Department’s Chief Engineer; (b) to U. S. Senators Thad Cochran and Roger Wicker and U. S. Representatives Bennie Thompson and Charles W. “Chip” Pickering; (c) to the Chief Executive Officer of the Central Mississippi Planning & Development District; and (d) to the Metropolitan Planning Organization with the request that such officials take all steps necessary to effectuate the intent and purposes hereof.

The vote on the matter being as follows:

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

the matter carried unanimously and said Resolution was and is hereby adopted and the Board’s prior Resolution rescinded.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Authorize Final Change Order -  
Reconstruction of Kearney Park Community Center***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented the Final Change Order pertaining to the Reconstruction of Kearney Park Community Center for the reasons set forth in that certain change order dated August 14, 2008, a true and correct copy of which is attached hereto as Exhibit X, spread hereupon and incorporated herein by reference,

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**Date Signed:** \_\_\_\_\_

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Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said Final Change Order. 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 Final Change Order was and is hereby approved and the Chancery Clerk was and is authorized to issue a pay warrant accordingly.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Establishment of Just Compensation for the Acquisition of Right-of-Way Associated with the Sowell Road Project***

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented the request and recommendation of the county's right of way agent, Mr. Woody Sample, with respect to the acquisition of right-of-way associated with the Sowell Road Project, and

WHEREAS, Mr. Sample's request was presented in that certain memorandum, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and requested that the Board establish just compensation on Parcel numbers 1 through 6 as set forth thereon,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to establish just compensation and authorize the Board President the authority to establish just compensation on the parcels referenced in said memorandum. 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 just compensation was and is hereby established and the Board President was and is so authorized.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Approve Refund to Tax Purchaser for Reunion Special Assessment***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and reported that the purchaser of parcel # 081E-22-010/00.00 at the April 2006 special tax sale, ProTax, LLC had requested a refund of the amount of the taxes paid by it in light of the prior action of this Board declaring said sale void due to the erroneous action of his office in mistakenly marking said parcel void on the certified list of lands sold for taxes, and

WHEREAS, said tax amount due unto said firm is \$55.54, said sum representing a special assessment for the Reunion Public Improvement District as opposed to county ad valorem taxes, and

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WHEREAS, Mr. Johnston represented that a refund to be issued from the general fund was necessary due to the special assessment nature of the sale,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct the Chancery Clerk to issue a pay warrant in the amount of \$55.54 unto ProTax, LLC as reimbursement of amounts paid by said firm at said tax sale. 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 Chancery Clerk was and is so authorized.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Approve Void Tax Sale – Gina Michelle Shackelford  
Parcel # 072I-30D-273 Homestead Chargeback***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented the request of Michelle Shackelford seeking a refund upon redemption due to her having acquired the property on which the chargeback was assessed prior to this Board's re-assessment of said chargeback, and

WHEREAS, Mr. Johnston reported that on March 11, 2005 the property was foreclosed and a trustee's deed issued to Union Planters Bank, on May 5, 2005, Union Planters conveyed the property to JLD Properties, then on July 7, 2005 the chargeback was recorded and the property reassessed, then on September 9, 2005, JLD sold the property to Ms. Shackelford, and

WHEREAS, because Ms. Shackelford's predecessor in interest, Union Planters, obtained title as a bona fide purchaser for value without notice of the chargeback (since it had not been recorded as of the date of the foreclosure), Ms. Shackelford took the property clear of the chargeback, and the same does not run with the land, and

WHEREAS, Mr. Johnston reported that Ms. Shackelford's mortgage company redeemed the delinquent chargeback after the August 2007 tax sale, the same having been struck off to the state, and

WHEREAS, because the taxes were struck off to the state, when Ms. Shackelford's mortgage company redeemed, it was required to also tender payment for 2007 ad valorem taxes, which it did, and

WHEREAS, the tender of payment of said 2007 taxes was valid and proper, the same constituting the regular, due and owing taxes assessed to the parcel for 2007, and

WHEREAS, therefore, Mr. Johnston reported that the taxpayer was due a refund only in the amount of \$300 representing the amount of the homestead chargeback erroneously assessed to her and paid by her,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize and direct the Tax Collector to issue a refund in the amount of \$300 unto Ms. Gina Michelle Shackelford in the manner provided for by law. The vote on the matter being as follows:

**President's Initials:** \_\_\_\_\_

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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 Tax Collector was and is so authorized.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Approve Payment of Reunion Parkway Intersection Invoices***

WHEREAS, Chancery Clerk Arthur Johnston and County Engineer Rudy Warnock appeared before the Board and reported that certain unnumbered invoice directed unto Madison County in the amount of \$489,242.00, representing charges incurred by W. G. Yates & Sons Construction Company and the Parkway East Public Improvement District itself (for certain borrow dirt) with respect to the construction of the intersection of Reunion Parkway with Parkway East had been submitted by said District pursuant to the county's MOU with said entity and the addendum thereto, and

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

WHEREAS, Mr. Warnock and Mr. Johnston reported that said invoice exceeded the amount of the MOU by \$167,992.06 and that, consequently, only \$321,249.94 was payable by the county,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve said invoice for payment authorize and direct the Chancery Clerk to issue a pay warrant in the amount of \$321,249.94 unto said PID and direct the clerk to prepare explanatory correspondence to the PID Board. 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 invoice and payment was and is hereby approved in the amount of \$321,249.94.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Approve Thomas Johnson Road as Public***

WHEREAS, on July 21, 2008, EMA Director Butch Hammack, and acting upon the petition filed by Madison County Economic Development Authority (MCEDA) requested that Thomas Johnson Road be declared a public road, and

WHEREAS, on said date the Board appointed a committee comprised of Supervisor Tim Johnson and Supervisor John Bell Crosby to review the road and report back to the Board their findings, and

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

WHEREAS, Mr. Johnson and Mr. Crosby reported that they had conducted their inspection of said road and had determined that the same did meet with county standards,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to approve said road as a public road as it does appear to meet county standards. 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 road was and is hereby accepted as a public road.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Acceptance and Awarding of Bid on  
Gluckstadt Elementary Turn Lane Project***

WHEREAS, on July 21, 2008, the Board authorized County Engineer Rudy Warnock to re-bid the Gluckstadt Elementary Turn Lane Project, and

WHEREAS, bids were received and opened by the standing Committee of this Board appointed for such purposes on August 29, 2008, and

WHEREAS, true and correct copies of said bids may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Warnock reported in his estimation, the lowest and best bidder for said project was Dirtworks, Inc. of Vicksburg, Mississippi, who submitted a bid in the total amount of \$363,572.90, and

WHEREAS, Mr. Warnock recommended that the Board award the contract for the construction of said project to Dirtworks, Inc. in accordance with its bid,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to award the contract for the Gluckstadt Elementary Turn Lane Project to Dirtworks, 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 bid was and is hereby awarded to Dirtworks, Inc.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

Thereafter, Mr. Warnock recommended the Board reject the bids of W. S. "Red" Hancock and Bulldog Construction, said bids having failed to conform to bid requirements established by law and by his office and put forth in the bid packets,

Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to reject the bids of W. S. "Red" Hancock and Bulldog Construction. 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 said bids were and are hereby rejected.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Approve Realignment of Stribling Road Extension Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a map depicting the realignment of Stribling Road Extension Project, and

WHEREAS, Mr. Warnock reported that changing the alignment of said road would take less of the Bouldin property by moving 40 feet to the North,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the County Engineer to redesign the eastern end of Stribling Road Extension as reflected on said map and to amend environmental documents. 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 authorized and directed.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Approve Dover Lane and Dewese Road and Normandy Circle for FY 2009 Road Plan***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested that Dover Lane, Dewese Road, and Normandy Circle be added to the FY 2009 Road Plan to be improved and funded from the FY 2009 annual budget of the Madison County Road Department,

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to add Dover Lane, Dewese Road and Normandy Circle to the FY 2009 Road Plan as requested by the County Engineer. 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 roads were and are hereby approved to be added to the FY 2009 Road Plan.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

***In re: Acknowledge Terminations and New Hires  
at the Madison County Sheriff's Office; Acknowledge  
Receipt of Funds for Feeding and Housing Prisoners;  
Authorize Board Attorney Review Document***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented the employee terminations and new hires at the Sheriff's Department for the months of June, July and August, 2008, a true and correct listings of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Sheriff Trowbridge also presented checks for feeding and housing of prisoners as follows:

<u>Entity</u>	<u>Amount</u>
City of Flora	\$ 576.00
City of Ridgeland	\$ 6,636.00
Mississippi Department of Corrections	\$ 59,360.00
Mississippi Department of Corrections	\$ 33,477.10
Hinds County, MS	\$ 600.00
State of Mississippi (reimbursement DUI grant)	\$ 12,930.23
State of Mississippi (reimbursement Law Enforcement Class)	\$ 3,000.00
U. S. Marshall Service	\$214,880.00, and

WHEREAS, Sheriff Trowbridge requested the Board authorize the Board Attorney to review a proposed contract with the National Park Service for joint law enforcement along the Natchez Trace Parkway,

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to (1) acknowledge the terminations and new hires at the Madison County Sheriff's Office for the months of June, July and August, 2008, (2) acknowledge receipt of aforementioned checks; and (3) authorize the Board Attorney to review 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 terminations and new hires were and are hereby acknowledged, said checks were and are hereby acknowledged and the Board Attorney was and is hereby authorized.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Acknowledgment of Additional Invoices Submitted by the Parkway East  
Public Improvement District***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented invoice nos.272 through 275 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

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of Parkway East PID invoice numbers 272 through 275, true and correct

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

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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.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session***

WHEREAS, the Board of Supervisors after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed with regard to potential litigation, and

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing litigation involving the county, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Eric Hamer, Esq., County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, and Sheriff Toby Trowbridge. 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 took up the matter of entering into Executive Session.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

***In re: Entering into Executive Session***

WHEREAS, a discussion of the nature of the matters requiring Executive Session ensued and Board Attorney Eric Hamer informed the Board that he had information and requested direction of the Board concerning the matter of the condemnation by eminent domain of certain real property in the Lake Caroline Planned Unit Development for the purpose of erecting a fire station to serve the Lake Caroline areas, and

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to enter into Executive Session to discuss litigation involving the county. 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 President Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

During the executive session, Supervisor Karl M. Banks announced that he was recusing himself from consideration of the following matter and would take no part therein.

Thereafter and following a lengthy period of discussion, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to authorize and direct the County Administrator to acquire a second appraisal for the property in question. 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	Recused
Supervisor Paul Griffin	Aye

the matter carried unanimously and the County Administrator was and is hereby so authorized and directed.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

Thereafter, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and direct the Chancery Clerk to announce to the public the nature of the action taken therein. The vote on the matter being as follows:

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

the matter carried unanimously and the Executive Session was and is hereby adjourned and the Chancery Clerk announced to the public the nature of the action taken therein.

SO ORDERED this the 2<sup>nd</sup> day of September, 2008.

**President's Initials:** \_\_\_\_\_  
**Date Signed:** \_\_\_\_\_

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, September 15, 2008 for the purpose of adopting a budget for the Fiscal Year 2008-2009 Budget and setting tax levies 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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