

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

REGULAR MEETING OF SEPTEMBER 15, 2008  
Recessed from regular meeting conducted on September 2, 2008

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on September 15, 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  
Sheriff Toby Trowbridge  
Chancery Clerk Arthur Johnston

Absent:

Also in attendance:

County Administrator Donnie Caughman  
County Comptroller and Deputy Chancery Clerk Mark Houston  
Board Attorney Eric Hamer  
Board Secretary and Deputy Chancery Clerk Cynthia Parker  
County Road Manager Lawrence Morris  
County Engineer Rudy Warnock  
Assistant County Comptroller and Deputy Chancery Clerk Quandice Green  
County Purchase Clerk Hardy Crunk  
E911 Director Butch Hammack

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 County Comptroller and Deputy Chancery Clerk Mark Houston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

***In re: Rescinding Action of September 2, 2008 Establishing  
Millage Rate for FY 2008-2009 for Madison County and  
Adopting a New Millage Rate and Tax Levy***

WHEREAS, Board President Tim Johnson announced that due to overwhelming taxpayer sentiment, he had determined that a motion to rescind this Board's action of September 2, 2008 increasing the county's millage rate by 6.33 mills would be in order, and

Following discussion and a presentation by the Board President, the Board President did offer and Mr. Karl M. Banks did second a motion (1) to rescind the vote by which the Board approved a 6.33 mill increase to the county millage rate, said vote having occurred on September 2, 2008, and (2) to set the county millage rates as reflected in that certain levy sheet, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference, said rate to reflect an increase of only 3.33 mills.

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

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

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Thereafter, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to amend the original motion in the nature of a substitute to reduce the millage rate by the full 6.33 mills adopted on September 2, 2008 and adopt the same millage rates as were adopted for FY 2007-2008. Upon call of the question, the vote on the matter being as follows:

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

the matter failed by a vote of two (2) in favor and three (3) against.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

Thereafter, the Board President called the question on the original motion, with the vote on the matter being as follows:

Supervisor John Bell Crosby	Abstained <sup>1</sup>
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by a majority (3-1-1) vote of the Board, and the millage rates established on September 2, 2008 were and are hereby rescinded and the millage rates set forth on Exhibit A were and are hereby adopted as the millage rates for Madison County for FY 2008-2009.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Acknowledgment of Receipt of Petitions  
Requesting Rescinding of 6.33 Millage Rate Increase***

WHEREAS, Chancery Clerk Arthur Johnston presented the Board with in excess of 5,000 petitions which had been filed in his office seeking the rescinding of the Board's action of September 2, 2008 adopting a 6.33 mill increase in the county millage rate for FY 2008 – 2009,

Following discussion, Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to acknowledge receipt of said petitions, 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 Petitions were and are hereby acknowledged received.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

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<sup>1</sup>In announcing his abstention, Mr. Crosby asked that the record reflect that he will not vote for any tax increase.

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

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

***For Searching Reference Only: Page 2 of 21 (9/15/08)***

***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 (9) 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, Chancery Clerk Arthur Johnston did request that Item (10) be added to the Consent Agenda, the same constituting acknowledgment and ratification of his action of September 12, 2008 declaring an emergency due to potential fuel shortages in advance of the landfall of Hurricane Ike; and

WHEREAS, Supervisor D. I. Smith requested that Item (7) be removed from the Consent Agenda and considered separately;

Therefore, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to take the following actions on the Consent Agenda:

2. **Acknowledge and Ratify Authority to Enter Property – Davis Crossing Road**  
(A true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
3. **Authorize Refund - Courtney Johnson** as set forth on that certain Memorandum dated September 5, 2008 from Ms. Gloria Nichols, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.
4. **Approve Services Proposal - Central Building Consultants LLC/Historic Courthouse** and authorize Board President to execute same.  
(A true and correct copy of which is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
5. **Acknowledge Clerk of the Board Report** through the month of August, 2008  
(A true and correct copy of which is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
6. **Approve Resolution Adopting Proclamation for Family Day** as the fourth Monday of September  
(A true and correct copy of Resolution is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
8. **Acknowledge Receipt of Proposed Amendment to Hinds County Local Solid Waste Management Plan**  
(A true and correct copy of Resolution is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
9. **Authorization to Declare Certain Property as Surplus/Delete from Inventory and Properly Dispose**  
(As requested in that certain memorandum dated September 10, 2008 from Inventory Clerk Loretta D. Phillips, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
10. **Acknowledge and Ratify Emergency Purchase - Purchasing Fuel in Advance of Hurricane Ike**  
(A true and correct copy of that certain memorandum dated September 15, 2008 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)

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

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

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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 as described herein above.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Approval of Amendments to Engineering Agreement  
Regarding Stribling Road Extension Project and Calhoun Station  
Parkway Phase III***

WHEREAS, Supervisor D. I. Smith had requested that the Amendments to the Engineering Agreements for the Stribling Road Extension Project and Calhoun Station Parkway Phase III be removed from Consent Items to be considered separately,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the amendments to Engineering Agreement on the Stribling Road Extension Project and Calhoun Station Parkway Phase III, a true and correct copy of which is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference 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	No
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried by majority vote (4-1) and said engineering amendments were and are hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Approve Horseshoe Lane as Public Road***

WHEREAS, during Citizens Concerns Period, Mr. Gary Massey appeared before the Board and requested that Horseshoe Lane be declared a public road, and

WHEREAS, on June 9, 2008, County Administrator Donnie Caughman presented a petition filed by various land owners requesting same, 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

WHEREAS, said committee determined that additional information was needed,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize County Engineer Rudy Warnock to prepare a cost analysis associated with accepting said road as public and a feasibility study of the area around the road in order to ascertain whether the public interest would be served by accepting the road as public and present the same to the Board at his earliest opportunity. The vote on the matter being as follows:

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

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

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

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

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Approve Building Permit for Proposed Restaurant at Lake Caroline***

WHEREAS, Mr. Ron Farris, Esq. appeared before the Board and requested the Board authorize County Zoning Administrator Brad Sellers to issue a building permit for construction of a restaurant within the Lake Caroline Planned Unit Development to his client, Nick Apostle, and

WHEREAS, Mr. Farris and the Board Attorney reported that the Circuit Court of Madison County, Mississippi, had entered an Order finding that such action would not violate the Court's previously issued injunction against the county pertaining to said development,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the request and authorize County Zoning Administrator Brad Sellers to issue a building permit to for construction of a restaurant within the Lake Caroline Planned Unit Development unto Nick Apostle. The vote on the matter being as follows:

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

the matter carried a vote of four in favor, none opposed, and one abstention and the County Zoning Administrator was and is hereby so authorized.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Awarding of Bid to APAC, Mississippi for the Virililia Road and Old Yazoo City Road Project***

WHEREAS, Mr. Dan Tolar, State Aid District Engineer appeared before the Board and reported that he and the standing committee of the Board appointed for such purposes had received and opened bids for the construction of 0.413 miles of reconstruction on Virililia Road and Old Yazoo City Road being State Aid Project No. SAP-45(56), and

WHEREAS, in his estimation, the lowest and best bidder for said project was APAC, Mississippi who submitted a bid in the total amount of \$517,532.75, and

WHEREAS, Mr. Tolar recommended that the Board award the contract for the construction of said project to APAC, Mississippi in accordance with its bid, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) accept the bid of APAC, Mississippi as the lowest and best bid received for the reconstruction of Virililia Road and Old Yazoo City Road being State Aid Project No. SAP-45(56) and (2) award the contract for such work to said firm. 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 bid was and is hereby accepted and the contract was and is hereby awarded.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Approve Execution of Contract for Gluckstadt Road Reconstruction Project***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a contract between Madison County and Southern Rock, LLC for the reconstruction of the Gluckstadt Road Project, and

WHEREAS, on September 2, 2008, the Board awarded said contract to Southern Rock as the lowest and best bidder for said project, and

WHEREAS, a true and correct copy of contract documents and specifications for the Gluckstadt Road Reconstruction Project may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize County Administrator Donnie Caughman to execute said contract and authorize County Comptroller Mark Houston to attest to 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 Mr. Caughman and Mr. Houston were and are hereby authorized.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Request to Appoint Committee to Inspect Tyler Lane Extension in District 4***

WHEREAS, County Road Manager Lawrence Morris appeared before the Board and presented a petition received from land owners along Tyler Lane Extension in District 4, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, requesting the Board accept Tyler Lane Extension as a public road,

Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to appoint a committee comprised of Mr. Tim Johnson and Mr. John Bell Crosby to inspect Tyler Lane Extension and report to the Board at their earliest opportunity their assessment of its suitability to become a public road. The vote on the matter being as follows:

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 committee was and is hereby appointed.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

**In re: Request for Budget Amendments and Interfund Transfers**

WHEREAS, County Comptroller Mark Houston appeared before the Board and requested the Board’s consideration of certain amendments and interfund transfers to the current year budget of the county as set forth in that certain document entitled “Madison County Budget Amendments September 15, 2008,” a true and correct copy of which is attached hereto as Exhibit L, 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 budget amendments and interfund transfers. 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 budget amendments and interfund transfers were and are hereby approved and adopted.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

**In re: Approval of Claims Docket for September 15, 2008**

WHEREAS, the Board reviewed the claims docket for September 15, 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	4354 to 4466	113	627,033.73
002	11 to 11	1	13,000.00
012	278 to 282	5	6,504.11
013	56 to 56	1	3,815.14
051	31 to 31	1	11,676.00
097	357 to 369	13	9,324.47
113	19 to 19	1	13,804.00
115	74 to 76	3	2,483.31
116	43 to 44	2	568.15
119	6 to 6	1	140.00
120	72 to 75	4	683.75
121	45 to 46	2	721.23
150	818 to 850	33	170,066.33
160	262 to 289	28	155,485.48
190	200 to 204	5	3,596.71
302	97 to 97	1	4,112.60
401	44 to 44	1	9,800.59
	TOTAL ALL FUNDS	215	1,032,815.60

**President’s Initials:** \_\_\_\_\_

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

Following discussion, Mr. Paul Griffin 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 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 Claims Docket was and is hereby approved and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Authorize Board Members and Other Officials to Travel to Washington, D.C. for Congressional Delegation***

WHEREAS, County Administrator Donnie Caughman informed the Board that the Madison County Foundation was planning a trip to Washington, D.C. to confer with members of the Mississippi Congressional Delegation for September 23 - 25, 2008, in an effort to secure federal funding for certain road projects in Madison County, and

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

Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to authorize the payment of travel, lodging and food expenses of any Board member, the Board Attorney, the County Engineer, the County Administrator, the County Comptroller, the Chancery Clerk, Lobbyist Steve Seale to attend said conference. The vote on the matter being as follows:

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

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

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Authorize Board Attorney to Implement Eminent Domain on Certain Parcels for Sowell Road Extension Project***

WHEREAS, County Administrator Donnie Caughman on behalf of Woody Sample of Sample & Associates presented that certain memorandum dated September 9, 2008, a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference, requesting the Board authorize the Board Attorney to institute eminent domain proceedings on certain parcels for the Sowell Road Extension Project,

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

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

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Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Board Attorney Eric Hamer to proceed with filing eminent domain against the owners of property set forth in said Exhibit O, in order to secure right of way for the Sowell Road Extension Project. The vote on the matter being as follows:

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

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

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Certification of Candidates for the Position  
of Election Commissioner of Madison County***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented the following certificate and requested the Board's adoption and ratification thereof, and

WHEREAS, Mr. Johnston requested that the Board find and determine that each of the candidates listed therein were qualified to stand for election as Election Commissioners, to wit:

**CERTIFICATE**

Pursuant to Miss. Code Ann § 23-15-213, I hereby certify that the following individuals have and are qualified for election to the position of Election Commissioner of Madison County. I further certify that they are each residents of the respective supervisors' districts as indicated herein below, to-wit:

**Supervisor District 1**

Sue Sautermeister (Republican)  
Timothy N. Jenkins (Republican)

**Supervisor District 2**

Kekey Chaney (None Listed)

**Supervisor District 3**

Pat Truesdale (Republican)

**Supervisor District 4**

David M. Buchanan (Republican)  
"Dr. Daisy" LaCour-Greene (None Listed)  
Azzie L. Jackson (None Listed)

**Supervisor District 5**

Leroy Lacey (Democrat)

SO CERTIFIED BY ME, this the \_\_\_\_ day of September, 2008.

\_\_\_\_\_  
TIM JOHNSON, President  
Madison County Board of Supervisors

ATTEST:

\_\_\_\_\_  
ARTHUR JOHNSTON  
Chancery Clerk

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

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

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Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge, adopt and ratify the foregoing certificate of candidates for the position of Election Commissioner of 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 said certificate was and is hereby acknowledged.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Authorization to Pay Remainder of Claims -  
Parkway East Intersection with Reunion Parkway***

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and reported that following the Board's action of September 2, 2008, approving the payment of only \$321,249.94 of the invoice received from Parkway East Public Improvement District concerning the construction of the intersection of Parkway East with Reunion Parkway (in the total amount of \$489,242.00), he and Board Attorney Eric Hamer had determined that the Memorandum of Understanding which originally set a limit of \$1,980,000.00 had been amended by an Addendum subsequently adopted by this Board such that the maximum amount for which the county had agreed to be responsible for was \$2,162,467.71, and

WHEREAS, in light of said determination, it would appear that payment of the entire invoice amount of \$489,242.00 was properly payable by the county and said sum did not exceed the limit set by said MOU and the Addendum thereto, and

WHEREAS, the difference between \$489,242.00 and \$321,249.94 was \$167,992.06, which sum should now be paid unto said District, and

WHEREAS, documentation supporting this determination, including copies of said MOU and the Addendum thereto, may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the invoice upon which said payment is based may be found as Exhibit Y to the Minutes of September 2, 2008, and

WHEREAS, the monetary limit of \$2,162,467.71 does not take into account and does not include the additional \$24,335.00 increase approved by the Board at the request of the County Engineer on September 2, 2008 as set forth in Exhibit S to the minutes of said date,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Chancery Clerk to issue pay warrant for the remaining amount due under and pursuant to said MOU and the Addendum thereto arising out of that certain invoice attached to the Minutes of September 2, 2008 as Exhibit Y, said amount being \$167,992.06. 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 hereby directed to issue pay warrant accordingly.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

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

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

***For Searching Reference Only: Page 10 of 21 (9/15/08)***

**In re: Approve Annual Maintenance Agreement with Open Text**

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented a support agreement with Open Text, a true and correct copy of which is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Johnston reported that said agreement was for the annual software maintenance for the ImageCapture software being used for scanning and viewing the land records of his office,

Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to approve the payment of invoice for the annual maintenance agreement with Open Text to be funded through the I.T. Department budget. 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 support agreement was and is hereby approved and the Chancery Clerk was and is hereby directed to issue pay warrant accordingly.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

**In re: Authorization for Lobbyist to Prepare Correspondence to Mississippi's Congressional Delegation Articulating Projects for Which Federal Funding is Sought**

Supervisor Tim Johnson did offer and Mr. Paul Griffin did second a motion to direct County Administrator Donnie Caughman, Board Attorney Eric Hamer, and the county's Lobbyist, Steve Seale, Esq. to prepare correspondence to the members of Mississippi's Congressional Delegation specifying the road improvement and construction project for which Madison County seeks and desires federal funding. 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 Administrator, the Board Attorney and Mr. Seale were and are hereby so directed.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

**In re: Acknowledgment of Letter of Credit From Gideon Gluckstadt, LLC**

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented that certain Letter of Credit drawn on BankFirst dated July 28, 2008 in the amount of \$39,399.00 pertaining to the streets in a development by Gideon Gluckstadt, LLC, and

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

WHEREAS, Mr. Hamer requested the Board acknowledge receipt of said Letter of Credit,

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

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge receipt of said 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 said Letter of Credit was and is hereby acknowledged received.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Adoption and Re-Affirmation of Ordinance Establishing  
Default Speed Limit on Roads and Streets in Madison County***

Following discussion, and at the recommendation of the Board Attorney, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to adopt the following Ordinance, to-wit:

**ORDINANCE**

WHEREAS, the Madison County Board of Supervisors has previously established and imposed a speed limit of 45 miles per hour on roads which are not otherwise posted as to speed, and

WHEREAS, the Board desires to re-affirm and again adopt such a default speed limit for the safety and protection of the motoring public,

IT IS THEREFORE ORDAINED AND ESTABLISHED THAT all road in Madison County which are not otherwise posted as to speed hereby have a speed limit of 45 miles per hour, and the Madison County Sheriff and all other law enforcement officers of the county are authorized and directed to enforce the same in the manner or manners 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 Ordinance was and is hereby adopted.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

***In re: Approval of Conveyance of Parcel of Land to the  
Madison County Wastewater Authority***

**RESOLUTION**

WHEREAS the Madison County Wastewater Authority requested that Madison County utilize its power of eminent domain to acquire a certain parcel of land, as described in Exhibit "A" attached hereto (which is Exhibit R to these Minutes), necessary for completion of the "Green Oak Force Main Project" of the Madison County Wastewater Authority; and

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

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

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WHEREAS the Special Court of Eminent Domain in Madison County has granted title to the subject parcel of land to Madison County; and

WHEREAS the Madison County Wastewater Authority seeks to acquire title to the subject parcel of land from Madison County; and

WHEREAS the parcel of land that Madison County Wastewater Authority seeks to acquire from Madison County is surplus property that is no longer needed for County or related purposes and is not to be used in the operation of the County; and

WHEREAS a sale of the parcel of land through a public competitive bid process is not necessary or desirable for the financial welfare of the County; and

WHEREAS the use of the subject parcel of land by the Madison County Wastewater Authority for the purpose for which it is sold will promote and foster development and improvement of the community in which it is located and will promote economic and industrial welfare; and

WHEREAS the fair market value of the parcel of land, as determined by the independent appraiser appointed by the Special Court of Eminent Domain for Madison County is \$20,300; and

WHEREAS the Madison County Wastewater Authority in consideration for the parcel of land (1) has paid to the Clerk of Court for the Special Court of Eminent Domain in Madison County the sum of \$20,300, (2) has committed to pay any other costs and attorneys' fees that the County has incurred and will incur to acquire and convey the subject parcel of land and (3) has committed to pay costs, attorneys fees and any settlement amounts that the County incurs in the ongoing litigation pertaining to the County's acquisition of the subject parcel of land or the County's conveyance of the parcel of land to the Madison County Wastewater Authority.

NOW THEREFORE BE IT RESOLVED BY THE SUPERVISORS OF MADISON COUNTY that the Chancery Clerk is hereby authorized to take whatever actions necessary and appropriate to transfer title of the subject parcel of land to the Madison County Wastewater Authority. The deed of conveyance, attached hereto as Exhibit B (which is Exhibit S to these Minutes), shall be executed in the name of the County by the President of the Board of Supervisors.

This Resolution constitutes approval of that portion of the minutes of the September 10, 2008 meeting of the Board of Supervisors of Madison County wherein aforesaid conveyance of the subject parcel of land was approved and the President of the Board of Supervisors was authorized and ordered to execute the deed of conveyance of the parcel of land.

After discussion of the matter, Supervisor Karl M. Banks did offered and moved for the adoption of the above and foregoing Resolution, which was seconded by Supervisor Paul Griffin. 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 motion, having received affirmative vote of the Board members present, was declared by Mr. Tim Johnson, President of the Board of Supervisors, as being duly carried on this the 10th day of September 2008.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

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

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

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**In re: Acquisition of Real Property for Construction of Fire Station for Farmhaven Fire District**

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and announced that he had secured the agreement of Ms Mary Pitchford to accept the appraised value of \$4,100 for the county to acquire a certain .83 acre tract of land owner by her on Ratliff Ferry Road in order to construct a fire station thereon, and

WHEREAS, a legal description of said property is attached hereto as Exhibit T, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct the Board Attorney to prepare the necessary instruments to effectuate the acquisition and authorize and direct the Fire Coordinator to otherwise proceed with the project. The vote on the matter being as follows:

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

the matter carried unanimously and the Board Attorney and the Fire Coordinator were and are hereby so directed.

SO ORDERED this the 15<sup>th</sup> day of September, 2008.

**In re: Appointment of Ms. Brenda Fuselier to the Board of the South Madison County Fire District**

Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to appoint Ms. Brenda Fuselier of 290 Quail Hollow to the Board of the South Madison County Fire District to serve the remainder of the term which has been vacated by Marion W. "Butch" Hammack, which term expires April, 2009. 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 Ms. Fuselier was and is hereby so appointed.

SO ORDERED this the 15<sup>th</sup> day of September, 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 received from various agencies for housing of prisoners and other services as follows:

<u>Entity</u>	<u>Amount</u>
City of Flora	\$ 462.00
City of Canton	\$ 6,000.00
Evercom	\$ 15,265.48
Proceeds from Overtime Grant	\$ 297.96

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

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

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 U, spread hereupon and incorporated herein by reference, and

WHEREAS, the Sheriff reported that certain vehicles had been seized by his office through the proper court proceedings and were eligible to be sold at auction, with the proceeds benefitting his office, and

WHEREAS, a true and correct copy of a memorandum from Captain Randall Tucker listing these vehicles by VIN number is attached hereto as Exhibit V, spread hereupon and incorporated herein by reference, and

WHEREAS, the Sheriff requested that the Board President be authorized to execute the July and August 2008 invoices to the Mississippi Department of Corrections for the feeding and housing of prisoners,

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, authorize the Sheriff to sell the aforesaid vehicles at auction and authorize and direct the Board President to execute the July and August 2008 invoices to the Mississippi Department of Corrections for the feeding and housing of prisoners. 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 15<sup>th</sup> day of September, 2008.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Karl M. Banks and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, September 29, 2008 for the purpose of approving a final claims docket for Fiscal Year 2007-2008 and adopting a final adjusted budget for the Fiscal Year 2007-2008 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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