

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

REGULAR MEETING OF OCTOBER 6, 2008

Being the first day of the October 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 October 6, 2008, in the Board Room on the first floor of the new addition to the Chancery/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 Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Chancery Clerk Arthur Johnston

Absent:

None

Also in attendance:

County Administrator Donnie Caughman
County Comptroller and Deputy Chancery Clerk Mark Houston
Zoning Administrator Brad Sellers
Board Attorney Eric Hamer
Board Secretary and Deputy Chancery Clerk Cynthia Parker
County Road Manager Lawrence Morris
Assistant Comptroller and Deputy Chancery Clerk Quandice Green
State Aid & LSBP Engineer Keith O'Keefe
County Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk
Chief Deputy Tax Assessor Kent Hawkins
County Engineer Rudy Warnock

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Rev. Jerry Dillon opened the meeting with a prayer and Chancery Clerk Arthur Johnston 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 September 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 September 2008 term, said meetings having been conducted on September 2, September 15, and September 29, 2008,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve the Minutes as presented with certain amendments which were read in open session, and to authorize the President to sign said Minutes after said corrections have been made. The vote on the matter being as follows:

President's Initials: _____

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

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

SO ORDERED this the 6th day of October, 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 as to potential litigation matters and real property acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Karl M. Banks 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 potential litigation and real property acquisition, 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, Board Attorney Eric Hamer, County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, Mr. Edmund L. Brunini, Jr., Esq., Right of Way Agent Mr. Woody Sample, 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 6th day of October, 2008.

In re: Entering into Executive Session

WHEREAS, a discussion of the nature of the matters requiring Executive Session was had and the Board Attorney informed the Board that there were certain matters concerning potential litigation and real property acquisition that required discussion in executive session, and

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

President’s Initials: _____

Date Signed: _____

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss potential litigation and real property acquisition. 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 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 6th day of October, 2008.

Following discussion and upon information provided by Mr. Edmund Brunini, Jr., Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve a counter offer be made to Mr. Barry Gilmer in an sum certain for damage associated with a wastewater line on Mr. Gilmer's property and direct the Chancery Clerk to issue a pay warrant in said amount upon acceptance by Mr. Gilmer. 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. Brunini was and is so authorized and the Chancery Clerk was and is hereby authorized and directed to issue pay warrant accordingly.

SO ORDERED this the 6th day of October, 2008.

Thereafter, and following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) establish just compensation in the amount of \$125,650.00 on the Bouldin Estate property being Parcel 3 for right of way for the implementation of the Stribling Road Improvement Project, (2) authorize Mr. Sample to extend an offer to said family in said amount, and (3) direct the Chancery clerk to issue a pay warrant in 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 the Mr. Sample and the Chancery Clerk were and are hereby so authorized and directed.

SO ORDERED this the 6th day of October, 2008.

Thereafter, and at the recommendation of Board Attorney Eric Hamer, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to retain the services of Mr. Dewey Hembree, Esq. and the law firm of McGlinchey, Stafford, LLC as Special Counsel to acquire property owned by a number of heirs of the Jim Taylor Estate for right of way purposes for the East Sowell Road Extension Project. The vote on the matter being as follows:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye

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Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and Mr. Hembree was and is hereby retained.

SO ORDERED this the 6th day of October, 2008.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to include as a part of just compensation the cost of the installation of an additional septic system on property owned by Mr. Clark Taylor associated with the East Sowell Road Improvements Project due to the fact that the county's taking necessary property for right of way purposes would not leave enough acreage for a single septic system under health department regulations. 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 approved.

SO ORDERED this the 6th day of October, 2008.

Thereafter, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and announce to the public 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 President declared Executive Session declared adjourned, and the Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 6th day of October, 2008.

In re: Petition of Sides Properties, LLC for Special Exception (Conditional Use) to Conduct Surface Mining in R-1 Residential District

WHEREAS, the Board of Supervisors had previously advertised its intent to conduct a public hearing concerning the request of Side Properties for a Special Exception (Conditional Use) to Conduct a Surface Mining Operation on property zoned R-1 Residential District on certain property situated in Section 10, T7N, R1E and more particularly described as a four (4) acre tract in Madison County, MS, and

WHEREAS, the Board authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, the same having been accomplished on September 18, 2008, and

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

WHEREAS, the date and hour as advertised did arrive and the Board President declared

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open the public hearing to consider the request of Sides Properties, LLC for a Special Exception (Conditional Use) to conduct surface mining in an R-1 Residential District, and

WHEREAS, the Planning Commission had denied the request of Sides Properties, LLC for Special Exception to mine four acres, more or less, and

WHEREAS, a true and correct copy of the Petition of Sides Properties, LLC may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Tom Starling, Esq. representing Sides Properties, LLC appeared before the Board and explained that the special exception was being sought to cut timber and remove a hill on the interior of the property in order to mine the property for purposes of excavating dirt to construct a lake for future development of residential lots, and

WHEREAS, Rev. Jerry Dillon did appear before the Board and spoke in favor of the special exception and requested the Board approve same, and

WHEREAS, numerous citizens and residents of the area did appear before the Board and argued against the petitioners' request, stating that the proposed mining operation would tremendously increase the traffic flow and create safety concerns in and around the various subdivisions and would damage the newly constructed North Livingston Road,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to close the public hearing and acknowledge receipt of the various emails received in opposition of said petition and the letter received from the City of Madison opposing same, a true and correct copy of each 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 the public hearing was and is hereby closed and various emails and correspondence received from the City of Madison was and is hereby acknowledged.

SO ORDERED this the 6th day of October, 2008.

Thereafter and following a lengthy discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve the special exception and grant the conditional use, subject to the following conditions and restrictions:

- (1) that the petitioner maintain a 750' buffer zone of hardwood timber for the protection of surrounding neighborhoods,
- (2) that the petitioner install an electronic traffic warning device at a location designated by the Road Department,
- (3) that the petition restrict hours of operation such that trucks are not in service during peak travel times and school bus travel times
- (4) that the petition maintain adequate erosion control,
- (5) that the County Engineer and Road Manager oversee the project for the preservation of road and cleanliness of road,
- (6) that the petitioner post a bond in an amount established by the County Engineer equal to one and one-half (1 ½) times cost of surface of North Livingston Road, and
- (7) that the petitioner mark and flag the boundaries of operation for county to use to identify area.

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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 the majority vote (3-2) and the petitioners request was and is hereby approved with the aforesaid provisions.

SO ORDERED this the 6th day of October, 2008.

In re: Approval of Consent Agenda Items

WHEREAS, President Johnson did announce that he and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (3) through (27) on the Agenda appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and could be taken up as Consent Items, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any of the aforesaid Items be removed from the Consent Agenda, and

WHEREAS, County Administrator Donnie Caughman requested that Item (25) be removed from the Consent Agenda as it had been considered separately during executive session, and

WHEREAS, Supervisor D. I. Smith requested that Item (28) be added to the Consent Agenda as a "Request from St. Andrew's Episcopal School to Use Old Voting Booths for Mock Election," and

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

3. **Acknowledge October Service Call Schedule Report - Road Department**
(A true and correct copy of the October Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
4. **Acknowledge September Closed Call Analysis - Road Department**
(A true and correct copy of the September 2008 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge September Monthly Report - Road Department**
(A true and correct copy of the September 2008 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Approve Location of Culvert Placements**
(A true and correct copy of a spreadsheet containing dates and locations of the placement of culverts for protection of county right of way is attached hereto as Collective Exhibit B, spread hereupon and incorporated herein by reference.)
7. **Acknowledge Madison County Nursing Home Budget - Fiscal Year 2009**
(A true and correct copy of the Madison County Nursing Home Fiscal Year 2009 Budget may be found in the Miscellaneous Appendix to these Minutes.)

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8. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2008 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit C, spread hereupon and incorporated herein by reference.)
9. **Approve *En Masse* Petition for Decreases of Assessments of Real Property for the 2007 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit D, spread hereupon and incorporated herein by reference.)
10. **Approve *En Masse* Petition for Decreases of Assessments of Personal Property for the 2008 Tax Year.**
(A true and correct copy of said Petition and its spreadsheet attachment is attached hereto as Collective Exhibit E, spread hereupon and incorporated herein by reference.)
11. **Approve Amended Homestead Applications - 2008 Tax Year.**
(A true and correct copy of said Applications are attached hereto as Collective Exhibit F, spread hereupon and incorporated herein by reference.)
12. **Approve Tax Adjustment 2007 Tax Year - Parcel #071H-27-009/00.00**
(A true and correct copy of explanatory correspondence dated September 10, 2008, provided by Chief Deputy Appraiser Norman Cannady is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)
13. **Adopt Internal Revenue Service Mileage Rate Change - 58.5 cents per Mile**
(A true and correct copy of explanatory correspondence dated June 23, 2008, provided by Internal Revenue Service is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
14. **Approve Zoning Matter - Kudzu Motors Conditional Use to Sell Used Automobiles in C-2 District**
(A true and correct copy of the Petition for Special Exception for Conditional Use to operate a facility for used automobile sales as presented to the Madison County Planning and Zoning Commission and approved by this Board may be found in the Miscellaneous Appendix to these Minutes.)
15. **Approve Zoning Matter - New Beginning House of Prayer Conditional Use to Establish and Operate a Church in A-1 District**
(A true and correct copy of Petition for Special Exception for Conditional Use for placement of a mobile home to be used as church as presented to the Madison County Planning and Zoning Commission and approved by this Board may be found in the Miscellaneous Appendix to these Minutes.)
16. **Approve Zoning Matter -Imports Unlimited Conditional Use to Sell Fireworks in C-2 District**
(A true and correct copy of Petition for Special Exception for Conditional Use for seasonal fireworks stand in C-2 District as presented to the Madison County Planning and Zoning Commission and approved by this Board may be found in the Miscellaneous Appendix to these Minutes.)
17. **Acknowledge and Approve Chancery Court Order Closing Chancery/Administrative Building for Canton Flea Market - October 9, 2008**
(A true and correct copy of said Order is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference.)
18. **Authorize Advertisement of Final Settlement of Contract - State Aid Project No. 45(52)**
(A true and correct copy of the legal notice for publication of the final settlement of contract for work performed by Dickerson & Bower, Inc. is attached hereto as Exhibit J,

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spread hereupon and incorporated herein by reference.)

19. **Acknowledge Authorization from State Tax Commission to Expend One Mill Levy as Set Forth in §27-39-329(2)(b), Miss. Code of 1972, annotated**
(A true and correct copy of correspondence dated September 29, 2008, from Mississippi State Tax Commission authorizing the county to expend the avails of the one mill levy is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)
20. **Approve Final Order of Certain Ad Valorem Taxation Exemptions** being Comcast of Mississippi Call Center, LLC, Leavitt Tube Company, LLC, Primos, Inc. and M-Tek, Inc.
(A true and correct copy of said final orders are attached hereto as Collective Exhibit L, spread hereupon and incorporated herein by reference.)
21. **Acknowledge Progress Report and Financial Summary of Geographic Information System (GIS)**
(A true and correct copy of said report is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference.)
22. **Acknowledge Approval of Certain County State Aid Projects** being Moss Road bridge replacement (LSBP 45(10), Dobson Avenue bridge replacement (LSBP 45(9), Dry Creek Road bridge replacement (LSBP 45(8), and Hart Road bridge replacement (LSBP 45(7).
(A true and correct copy of which is attached hereto as Collective Exhibit N, spread hereupon and incorporated herein by reference.)
23. **Authorize Upgrade of WeatherSentry Service Agreement - Emergency Management Agency and authorize Board President to execute same.**
(A true and correct copy of said agreement is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference.)
24. **Establish Just Compensation - Right of Way/Old Rice Road being Parcel 1 owned by Mr. Mac Charles Lauderdale and Parcel 2 owned by Graham and Sybil Shaw.**
(A true and correct copy of documentation supporting said findings is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference.)
26. **Approve and Accept Warranty Deed for Right of Way from Landstock, LLC for Sowell Road Project and Authorize Recording along with Partial Release**
(A true and correct copy of said warranty deed is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference.)
27. **Authorize and Approve Use of Voting Booths for Mock Election - East Flora Elementary School**
(A true and correct copy of correspondence dated September 22, 2008 from Ms. Sharon Ross of East Flora Elementary School requesting permission to use old voting booths for mock election is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference.)
28. **Authorize and Approve Use of Voting Booths for Mock Election - St Andrew's School**
(A true and correct copy of email correspondence dated October 6, 2008 from Ms. Julia B. Chadwick with St. Andrew's Episcopal School requesting permission to use old voting booths for a mock election is attached hereto as Exhibit S, 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

President's Initials: _____

Date Signed: _____

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***In re: Request for Road Department Assist
Town of Flora***

WHEREAS, County Road Manager Lawrence Morris appeared before the Board and requested permission to assist the Town of Flora with cleaning a ditch between First Street and Old Highway 49,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Road Department to assist the Town of Flora with the cleaning of that certain ditch located between First Street and Old Highway 49. 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 Road Department was and is hereby authorized.

SO ORDERED this the 6th day of October, 2008.

***In re: Request for Reduction in Square Footage
Hampton Hills Subdivision, 2A and 2B***

WHEREAS, Mr. Tim Weaver appeared before the Board and requested permission to reduce the square footage of homes being constructed in Hampton Hills Subdivision, 2A and 2B on Yandell Road, and

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

WHEREAS, Mr. Weaver reported that the minimum of 1600 square feet would be on lots 39 thru 42, 47, 51, 65, 67 thru 69, 71 thru 74, 76, 83 and 85 thru 87 to also include a 200 square foot unfinished bonus room and lots 52 thru 64 and 77 thru 82 lowered from 1800 square feet to 1600 square feet, and

WHEREAS, a true and correct copy of Mr. Weaver's explanatory correspondence dated September 24, 2008 is attached hereto as Exhibit T, 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 the reduction of square footage from 1800 square feet to 1600 square feet in Hampton Hills Subdivision, 2A and 2B . 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 was and is hereby reduced.

SO ORDERED this the 6th day of October, 2008.

President's Initials: _____

Date Signed: _____

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In re: Discussion of Land Swap

WHEREAS, Mr. Gary Hawkins appeared before the Board and requested the Board consider a land swap between CantonOne Park and Madison County, and

WHEREAS, Mr. Hawkins reported that CantonOne Park was in need of additional ingress/egress to the property behind the Sheriff’s complex, and

WHEREAS, Mr. Hawkins is proposing the creation of an easement area for the construction of a new road north of the Madison County Justice Court building, and

WHEREAS, the proposed “swap” property as referenced on that certain Master Plan dated March 26, 2007, may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) approve a Memorandum of Understanding (MOU) between Madison County and CantonOne Park, (2) authorize the Board Attorney to prepare necessary easement documents, and (3) authorize the County Engineer to perform a survey of 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	Aye
Supervisor Paul Griffin	Aye

the matter carried unanimously and the Board Attorney and County Engineer were and are hereby directed.

SO ORDERED this the 6th day of October, 2008.

In re: Discussion of Madison County Bridge Program

WHEREAS, State Aid Engineer Keith O’Keefe appeared before the Board and presented a spreadsheet titled “Draft Bridge Priorities Per Funding Source,” and

WHEREAS, Mr. O’Keefe reported the spreadsheet reflected bridge replacement and rehabilitation programs for SAP funding and LSBP funding, and

WHEREAS, Mr. O’Keefe recommended the Board approve the replacement of Petrified Forest Road Bridge, Cane Creek Road Bridge, and Gus Green Road Bridge as presented on said spreadsheet, a true and correct of which is attached hereto as Collective Exhibit U, 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 add Petrified Forest Road Bridge, Cane Creek Road Bridge, and Gus Green Road Bridge for replacement to the LSBP funding program for FY 2008-2009. 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 said bridges were and are hereby added.

SO ORDERED this the 6th day of October, 2008.

President’s Initials: _____

Date Signed: _____

In re: Approval of Claims Docket for October 6, 2008

WHEREAS, the Board reviewed the claims docket for October 6, 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	2 to 167	166	614,338.56
012	1 to 17	17	17,150.49
013	1 to 1	1	17,268.10
014	1 to 1	1	2,464.57
051	1 to 2	2	141,708.96
095	1 to 2	2	46,685.08
096	1 to 1	1	5,000.00
097	2 to 21	20	44,749.76
105	1 to 3	3	166,820.82
113	1 to 2	2	4,307.00
114	1 to 1	1	998.28
115	1 to 5	5	1,784.46
116	1 to 2	2	253.96
119	1 to 1	1	75.00
120	1 to 5	5	381.84
121	1 to 2	2	144.38
137	1 to 2	2	125,077.12
150	1 to 40	40	62,663.23
160	1 to 17	17	31,722.80
190	1 to 11	11	8,553.86
226	1 to 2	2	612,453.15
240	1 to 1	1	4,061.15
302	1 to 3	3	222,568.76
305	1 to 1	1	19,670.00
401	1 to 1	1	11,116.02
690	1 to 2	2	42,014.47
691	1 to 2	2	21,867.02
TOTAL ALL FUNDS		313	2,225,898.84

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks 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 V, 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 6th day of October, 2008.

President's Initials: _____

Date Signed: _____

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In re: Recommendation for Audit Services Contract

At the recommendation of Chancery Clerk Arthur Johnston, County Administrator Donnie Caughman, County Comptroller Mark Houston and Assistant County Comptroller Quandice Green, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to accept the proposal of Windham and Lacey to perform the FY 2008-2009 for Madison County, a true and correct copy of the recommendation 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 the proposal of Windham and Lacey was and is hereby accepted.

SO ORDERED this the 6th day of October, 2008.

In re: Acknowledge Inventory Report

WHEREAS, County Comptroller Mark Houston appeared before the Board and presented the 2008 Madison County Annual Asset and Inventory Report and requested the Board acknowledge receipt of same,

Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to acknowledge the 2008 Madison County Annual Asset and Inventory Report, a true and correct copy 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 Inventory Report was and is hereby acknowledged.

SO ORDERED this the 6th day of October, 2008.

In re: Discussion on District Attorney’s Need for Office Space

Following discussion and at the recommendation of County Administrator Donnie Caughamn, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to ask Madison County Economic Development Authority (MCEDA) to relocate and vacate the Historical Courthouse and allow the District Attorney’s office to use the first and second floor of the Historic Courthouse for office space. 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 recommendation was and is hereby approved.

SO ORDERED this the 6th day of October, 2008.

President’s Initials: _____

Date Signed: _____

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

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented invoice nos. 276 through 281 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. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of Parkway East PID invoice numbers 276 through 281, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes. The vote on the matter being as follows:

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

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

SO ORDERED this the 6th day of October, 2008.

In re: Authorize Board President and Chancery Clerk to Execute Agreement

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented six (6) original agreements between Madison County and Southern Rock, LLC for the reconstruction of the Gluckstadt Road Reconstruction Project, and

WHEREAS, Mr. Warnock reported the Board had previously authorized the County Administrator and County Comptroller to execute said agreements, and

WHEREAS, after further discussion, Mr. Warnock recommended the Board authorize the Board President to execute the agreements and authorize the Chancery Clerk to attest to same, true and correct copies of which are attached hereto as Collective Exhibit X, spread hereupon and incorporated herein by reference.

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the Board President to execute said agreement and authorize the Chancery Clerk 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 the Board President and the Chancery Clerk were and are hereby authorized.

SO ORDERED this the 6th day of October, 2008.

In re: Approval of Increase in Fee Schedule Burns Cooley Dennis, Inc.

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented

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the 2008 fee schedule for geotechnical and pavement engineering services provided by Burns, Cooley and Dennis, Inc., and

WHEREAS, Mr. Warnock did recommend the Board acknowledge and approve the updated fee schedule as presented,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve to amend the Professional Service Agreement with Burns, Cooley and Dennis, Inc. dated June 28, 2005 to include the 2008 fee schedule, a true and correct copy of which are attached hereto as Exhibit Y, spread hereupon and incorporated herein by reference. The vote on the matter being as follows:

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

the matter carried unanimously and the fee schedule of Burns Cooley and Dennis, Inc. was and is hereby approved.

SO ORDERED this the 6th day of October, 2008.

***In re: Adoption of Resolution of Support for
the Four-Laning of State Highway 16 East of Canton***

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to adopt the following Resolution, to-wit:

RESOLUTION

WHEREAS, Madison County, Mississippi is one of the fastest growing counties in the State of Mississippi, and

WHEREAS, northeastern Madison County has experienced a portion of this growth and has developed traffic congestion on and along State Highway 16 east of Canton, and

WHEREAS, as a result of this growth and the increased traffic occasioned thereby and by the regular travel between Canton and points east of Canton to both the Nissan plant and its development corridor on Interstate 55 and the cities of Carthage and Philadelphia, Mississippi, there is a substantial need for the widening and four-laning of State Highway 16 east of Canton to Philadelphia, Mississippi, and

WHEREAS, State Highway 16 as it presently exists presents certain safety concerns in that it contains no shoulders despite its being frequently and well-traveled, and

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

1. The Mississippi Department of Transportation should immediately accelerate the aforesaid four-laning of State Highway 16 from Canton to Philadelphia to the earliest possible commencement date in light of this Board's prior determination.
2. The Clerk of this Board also forward this Resolution to representatives of the Mississippi Department of Transportation, including Central District Transportation Commissioner Dick Hall, Executive Director Butch Brown, and Chief Engineer Harry Lee James.

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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 by the unanimous vote of the Board and said Resolution was and is hereby adopted.

SO ORDERED this the 6th day of October, 2008.

In re: Approval of Budget Amendment for Canton Multi-Purpose Equine Center

WHEREAS, County Administrator Donnie Caughman appeared before the Board and recommended the Board authorize a budget amendment for the completion of the Canton Multi-Purpose Equine Center in the amount of \$40,000.00, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize the budget amendment in the amount of \$40,000 being line item no. 001-707-701 for the completion of the Canton Multi-Purpose Equine Center. 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 amendment was and is hereby approved.

SO ORDERED this the 6th day of October, 2008.

In re: Approve Appointments to Madison County Citizen Services Agency

Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to add two (2) At-Large positions to the board of directors of the Madison County Citizen Services Agency and appoint Dr. Nelson Cauthen and Mr. Floyd Chambers to said positions for a five (5) year staggered term. 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	No
Supervisor Paul Griffin	Aye

the matter carried by the majority vote (3-2) and Dr. Cauthen and Mr. Chambers were and are hereby appointed.

SO ORDERED this the 6th day of October, 2008.

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Date Signed: _____

In re: Acknowledge Receipt of Funds; Acknowledge Hires and Resignations; and Approve Budget Amendment

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks as follows:

<u>Entity</u>	<u>Amount</u>
Evercom	\$14,739.11
Department of Public Safety	\$64,421.81 (Wireless Communications Fund)

WHEREAS, the Sheriff did further request that the Board acknowledge two (2) new hires and three (3) resignations for the month of September, 2008 at the Sheriff's Department, a true and correct copy of memorandum to that effect may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, the Sheriff also requested the Board approve a budget amendment in the amount of \$65,000.00 for line item no. 001-200-919 for the purchase of laptop computers in various patrol cars, and

WHEREAS, the Sheriff reported that the budget amendment would be reimbursed through the wireless communication fund with the Mississippi Department of Public Safety,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to (1) acknowledge receipt of said checks, (2) acknowledge the aforesaid hires and resignations, and (3) approve the budget amendment to line item no. 001-200-919. 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 checks were and are hereby acknowledged, said hires and resignations were and are hereby acknowledged and said budget amendment was and is hereby approved.

SO ORDERED this the 6th day of October, 2008.

In re: Consideration of Sole Source Items for the Sheriff's Department

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and presented sole source items and requested approval to purchase same, and

WHEREAS, Mr. Crunk presented that certain memorandum dated October 3, 2008, supporting the sole source item from Diversified Computer Systems (DCS) for the purchase of NCIC Gateway software at a cost of \$31,481.25 and Netmotion VPN Client software from NNETMOTION Wireless at a cost of \$9,218.75 for the Sheriff's Department, a true and correct of which is attached hereto as Exhibit Z, spread hereupon, and incorporated herein by reference,

WHEREAS, the Board does find and determine that (1) Diversified Computer Systems (DCS) was and is a sole source provider of NCIC Gateway software and NNETMOTION Wireless was and is a sole source provider of Netmotion VPN Client software for the reasons set forth in said memorandum, and (2) that the sole source purchase of software from Diversified Computer Systems (DCS) in the amount of \$31,481.25 and the sole source purchase of software from NNETMOTION Wireless in the amount of \$9,218.75 should be approved,

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Following discussion, Mr. Tim Johnson did offer and Mr. John Bell Crosby did second a motion to (1) designate Diversified Computer Systems (DCS) and NNETMOTION Wireless as sole source vendors for the purchase of the aforementioned software at the Sheriff's Department, and (2) to authorize the purchase of 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 sole source items were and are hereby approved.

SO ORDERED this the 6th day of October, 2008.

In re: Authorization of All County Employees to Undergo Flu Vaccinations at County Expense

WHEREAS, County Administrator Donnie Caughman recommended the Board consider authorizing payment of vaccination charges incurred by all county employees desiring to undergo a flu vaccination, and

WHEREAS, the Board does find that such expenditures serve the public good in that preventive health measures such as flu vaccinations help to insure a productive and healthy governmental workforce, and would decrease absenteeism during the fall and winter months,

Following discussion, Mr. Paul Griffin did move and Mr. Tim Johnson did second a motion to authorize and approve payment of vaccination charges incurred by all county employees desiring to undergo a flu vaccination, provided such vaccinations are administered by the County Health Department. 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 expenditures were and are hereby authorized.

SO ORDERED this the 6th day of October, 2008.

In re: Authorize Chancery Clerk to Issue Pay Warrant to Bear Creek Water Association

WHEREAS, the Board previously approved the payment to Bear Creek Water Association contingent upon the Board Attorney's review of three (3) competitive bids for the relocation of water line at the intersection of Reunion Parkway and Highway 463,

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Following discussion, and upon the recommendation of the Board Attorney, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize Chancery Clerk Arthur Johnston to issue pay warrant to Bear Creek Water Association in the amount of \$47,296.00. The vote on the matter being as follows:

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

the matter carried unanimously and the Chancery Clerk was and is hereby authorized.

SO ORDERED this the 6th day of October, 2008.

In re: Authorize Pneumonia Shot to Elected Officials, Road Department and Sheriff’s Department

Mr. Paul Griffin did offer and Mr. Tim Johnson did second a motion to authorize and approve payment of vaccination charges incurred by all Elected Officials, Road Department employees and Sheriff Department employees desiring to undergo the pneumonia vaccination, provided such vaccinations are administered by the County Health Department. 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 expenditures were and are hereby authorized.

SO ORDERED this the 6th day of October, 2008.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Tim Johnson 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, October 20, 2008, for the purpose of consideration of a Claims Docket and any other business which may properly come before the Board.

 Tim Johnson, President
 Madison County Board of Supervisors

Date signed: _____

ATTEST:

 Arthur Johnston, Chancery Clerk

President’s Initials: _____

Date Signed: _____