

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

REGULAR MEETING OF OCTOBER 20, 2008
Recessed from regular meeting conducted on October 6, 2008

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on October 20, 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 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
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
Inventory Control Clerk and Payroll Director Loretta D. Phillips
E911 Director Butch Hammack

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor D. I. Smith opened the meeting with a prayer and Supervisor Paul Griffin led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

In re: Approval of 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 (1) through (8) 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 did request that Item (9) be added to the Consent Agenda, the same constituting acknowledgment of the county's credit card report for the month of September, 2008; and

President's Initials: _____

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Therefore, Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to take the following actions on the Consent Agenda:

1. **Authorize the Advertisement for Term Bids - Asphalt and Asphalt Related Services for the Period January 1, 2008 through June 30, 2008.**
2. **Acknowledge Legal Holiday - Tuesday, November 11, 2008, Armistice Day. All county offices and courthouses are authorized to close on said date.**
3. **Advertise for Repairs to Historic Courthouse as set forth in Phase One of the Antebellum Courthouse Renovation Project Previously Prepared by JH&H Architects and Acknowledged by the Board.**
4. **Advertise for the Purchase of Certain Road Equipment.**
(As set forth in that certain Memorandum to the Board dated October 8, 2008 from County Purchase Clerk Hardy Crunk, a true and correct copy of which is attached hereto as Exhibit A, spread hereupon and incorporated herein by reference.)
5. **Approve Restrictive Specifications and Advertise for Mainframe Computer – Madison County Sheriff's Department.**
(As set forth in that certain Memorandum to the Board dated October 7, 2008 from County Purchase Clerk Hardy Crunk, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
6. **Approve Personnel Appointments - Road Department.**
(As set forth in that Personnel Appointment from dated October 6, 2008, a true and correct copy of which is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
7. **Accept Resignations of Loyal Blackwood from the Board of Trustees of Holmes Community College; Thomas O. Logue from the Board of Trustees of the Madison County Nursing Home; and Lisa Walters from the Madison County Planning and Zoning Commission.**
8. **Acknowledge and Approve State Tax Commission's Approval of 2008 Assessment Rolls.**
(A true and correct copy of the Order of the Tax Commission executed on September 30, 2008 is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
9. **Acknowledge Credit Card Report for the Month of September, 2008.**
(A true and correct copy of that certain memorandum dated October 16, 2008 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit E, 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 each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 20th day of October, 2008.

President's Initials: _____

Date Signed: _____

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**In re: Approval of Variance to Front Setback Requirements
Anna Carol Jones**

WHEREAS, Ms. Anna Carol Jones appeared before the Board and explained that she had been informed by the Planning and Zoning Department that her mobile home located on property fronting State Highway 43 did not meet the 40 foot setback requirement of the Zoning Ordinance of Madison County, and

WHEREAS, Ms. Jones and a representative of the Zoning Department explained that the highway curves as it traverses her property such that the southeast corner is only 26 feet from the right of way of said highway,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to grant unto Ms. Anna Carol Jones a variance to allow her mobile home to remain at its present location and configuration on State Highway 43. 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 variance was and is hereby granted.

SO ORDERED this the 20th day of October, 2008.

**In re: Latasha Warfield – Request to Place Mobile
Home in R-1 Residential District**

WHEREAS, during the period of citizens concerns, Ms. Latasha Warfield appeared before the Board and requested permission to place a mobile home on certain property owned by her located at 645 Pisgah Bottom Road in an R-1 Residential District,

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. 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 the limitation aforesaid.

SO ORDERED this the 20th day of October, 2008.

**In re: Request to Temporarily Close a Portion of Sharpe
Road and Cherry Hill Drive – Pat and Berender Singh**

WHEREAS, Ms. Pat Singh appeared before the Board requested that the Board approve the closure of Sharpe Road and Cherry Hill Drive in the Cherry Hill Subdivision during a wedding ceremony on November 22, 2008 from 8:00 am until 10:00 am, and

WHEREAS, Ms. Singh represented that the Homeowners' Association in Cherry Hill had no objection to the request and County Administrator Donnie Caughman presented correspondence from said organization confirming its agreement thereto,

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Following discussion, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to close Sharpe Road and Cherry Hill Drive from 8:00 am until 10:00 am on November 22, 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 roads were and are hereby closed on said date and time.

SO ORDERED this the 20th day of October, 2008.

In re: Approval of Final Construction Drawings – Cedar Hill Road Reconstruction Project and Endris Road Bridge Improvements Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented construction drawings for the Cedar Hill Road Reconstruction Project and the Endris Road Bridge Improvements Project, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to acknowledge and approve said drawings, authorize the Board Attorney to prepare the necessary legal descriptions and authorize and direct the county's agent for right of way acquisition, Woody Sample, to begin right of way acquisition for said projects. 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 engineering drawings were and are hereby approved and acknowledged, and the Board Attorney and Mr. Sample were and are so authorized.

SO ORDERED this the 20th day of October, 2008.

In re: Approval of Claims Docket for October 20, 2008

WHEREAS, the Board reviewed the claims docket for October 20, 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

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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	183 to 292	110	376,710.60
012	18 to 21	4	2,763.52
013	2 to 2	1	36,689.50
051	3 to 4	2	78,181.29
097	25 to 33	9	8,540.59
105	4 to 4	1	158,143.63
115	6 to 7	2	308.23
116	3 to 5	3	463.84
120	6 to 8	3	215.31
121	3 to 5	3	449.91
150	42 to 87	46	104,874.93
160	19 to 21	3	9,116.90
190	12 to 16	5	4,968.12
291	1 to 1	1	2,500.00
302	4 to 4	1	250.00
305	2 to 2	1	4,940.00
401	2 to 2	1	11,388.64
TOTAL ALL FUNDS		196	800,505.01

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 F, 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 20th day of October, 2008.

In re: Authorization to Set Public Hearing, CAP Loan - South Madison County Fire Protection District Station No. 2

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) authorize the issuance of public notice concerning the design and construction of South Madison County Fire Protection District Station No. 2 using a Capital Improvements (CAP) Loan from the Mississippi Development Authority and (2) adopt that certain Resolution pertaining thereto, a true and correct copy of which is attached hereto as Exhibit G, 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

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the matter carried unanimously and said public notice was and is hereby authorized to be given and said Resolution was and is hereby adopted.

SO ORDERED this the 20th day of October, 2008.

In re: Appointment to Various Boards and Commissions

Mr. D. I. Smith did offer and Mr. Paul Griffin did second a motion to (1) appoint Ms. Vanessa Phipps Henderson to the Board of Trustees of the Madison County Nursing Home to fill the position vacated by the resignation of Dr. Thomas Logue; (2) reappoint Mr. Robert Martin to a new full term on the Board of Trustees of the Madison County Nursing Home; (3) appoint Dr. Thomas Logue to fill the unexpired term vacated by the resignation of Mr. Loyal Blackwood; and (4) appoint Mr. Ken Steer to fill the unexpired term on the Madison County Planning and Zoning Commission vacated by the resignation of Ms. Lisa Walters. 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 appointments were and are hereby made and established.

SO ORDERED this the 20th day of October, 2008.

In re: Authorization to Begin Improvements and Renovations to Former Axtell's Building and Former Fas Pack Location

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct County Administrator Donnie Caughman and the Buildings and Grounds Department to undertake such renovations and improvements to the former Axtell's Building located adjacent to the Chancery and Administrative Building on the Courthouse Square as may be necessary in order to house office space for the Madison County Citizen's Service Agency. 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 the Buildings and Grounds Department were and are hereby so authorized and directed.

SO ORDERED this the 20th day of October, 2008.

Thereafter, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct County Engineer Rudy Warnock to draw plans and specifications to build a public parking lot on the location of the former Fas Pak gas station at the corner of North West Street and Highway 51. 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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the matter carried unanimously and Mr Warnock was and is so authorized and directed.

SO ORDERED this the 20th day of October, 2008.

In re: Improvements to East Sowell Road – (1) Consideration of Resolution to Condemn Real Property of the Heirs at Law of Jim Taylor, Deceased and all Parties Claiming an Interest in the Property Described Therein; and (2) Approval of Letter Agreement with the Law Firm of McGlinchey Stafford, LLC and G. Dewey Hembree, III

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a Resolution concerning the condemnation of real property owned by the heirs at law of Jim Taylor relative to the East Sowell Road Improvements project, and

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

WHEREAS, Mr. Hamer recommended the Board’s adoption of the same, provided that the county’s right of way agent and attorneys are unable to secure the necessary right of way by other means,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adopt the aforementioned Resolution, provided that the county’s right of way agent and attorneys are unable to secure the necessary right of way by other means. 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 subject to the aforesaid proviso.

SO ORDERED this the 20th day of October, 2008.

Thereafter, Mr. Hamer presented the Board with that certain item of correspondence dated October 15, 2008 addressed to the Chancery Clerk and signed by him and reported that the same embodied the Board’s prior agreement with said firm relative to the matter set forth therein and requested the Board’s approval and ratification thereof. Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve and ratify said correspondence, the same constituting a letter agreement with said firm. 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 agreement was and is hereby approved and ratified.

SO ORDERED this the 20th day of October, 2008.

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In re: Renewal of Fire Protection Contracts

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and requested authority to begin the process of renewing the county’s fire protection contracts¹,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize and direct Mr. Pigg to begin the process of renewing the county’s fire protection contracts. 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. Pigg was and is so authorized.

SO ORDERED this the 20th day of October, 2008.

In re: Approve Tyler Lane Extension as Public Road in District 4

WHEREAS, the Board previously appointed a Committee comprised of Supervisors John Bell Crosby and Tim Johnson to inspect and review an extension of Tyler Lane and report to the Board its findings thereon, and

WHEREAS, said Committee presented its report which indicated that the proposed extension was two tenths of a mile in length and that said extension appeared to meet county specifications, and

WHEREAS, accordingly, the Committee recommended acceptance of said proposed extension as a public road,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to adopt and approve the proposed extension of Tyler Lane as a public road and amend the County Road Registry to reflect the same. The vote on the matter being as follows:

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

the matter carried unanimously and said extension was and is hereby accepted as a public road.

SO ORDERED this the 20th day of October, 2008.

In re: Inclusion of Certain Roads in the 2009 County Road Plan

WHEREAS, County Engineer Rudy Warnock appeared before the Board and reported that at the request of Supervisors Paul Griffin and Karl Banks, the following roads should be included in the County Road Plan for 2009, to-wit:

- (1) Martin Drive – for .85 miles of DBST overlay at a cost of \$25,000;
- (2) Walnut Road – for 1.85 miles of general overlay at a cost of \$50,000;

¹No contracts or other documents were presented to the Clerk of the Board for inclusion in these Minutes.

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(3) Old Jackson Road – for 2 miles of general overlay at a cost of \$200,000; and

WHEREAS, Mr. Warnock also requested authority to confer with Leake County officials and develop a Memorandum of Understanding with said county to perform the work on these roads,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to include said roads on Madison County’s 2009 Road Plan and authorize and direct the County Engineer accordingly. 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 included in the 2009 County Road Plan and the County Engineer was and is so directed.

SO ORDERED this the 20th day of October, 2008.

In re: Approval of General Services Contracts with Various Engineering Firms Upon the Review and Approval of the Board Attorney

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented general service contracts with (1) Post Buckley Shoe and Jernigan; (2) Michael Baker, Jr., Inc.; and (3) Warnock & Associates and requested that Board approve the same contingent upon review and approval thereof by the Board Attorney,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the aforesaid contracts² upon review and approval by the Board Attorney and to authorize and direct the Board President to execute the same upon such review and approval. 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 a majority vote (4-1) of the Board and said contracts were and are hereby approved subject to review and approval by the Board Attorney.

SO ORDERED this the 20th day of October, 2008.

In re: Appointment of Mr. Robert Winn as District 2 representative on Board of Directors of the Madison County Citizens Service Agency

Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to appoint Mr. Robert Winn to fill the unexpired term of Mr. Terry Hawkins as the representative of District 2 on the Board of Directors of the Madison County Citizens Service Agency. The vote on the matter being as follows:

²No contracts or other documents were presented to the Clerk of the Board for inclusion in these Minutes.

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

the matter carried unanimously and Mr. Winn was and is so appointed.

SO ORDERED this the 20th day of October, 2008.

In re: Acknowledgment of Receipt of Funds for Housing Prisoners, Correspondence From State Fire Marshall and Acceptance 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	\$ 294.00
City of Ridgeland	\$ 7,668.00

WHEREAS, Sheriff Toby Trowbridge did further request that the Board acknowledge the receipt by his office of correspondence dated October 1, 2008 from the State Fire Marshall’s Office, a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference, and

WHEREAS, Sheriff 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 J, spread hereupon and incorporated herein by reference, and

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks, the letter from the State Fire Marshall, and the donation of said ammunition. The vote on the matter being as follows:

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

the matter carried unanimously and the checks were and are hereby acknowledged, said correspondence acknowledged, as well as the donation of said ammunition.

SO ORDERED this the 20th 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 certain potential litigation and,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin did offer and Mr. John Bell Crosby 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 pending and threatened litigation, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of

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the Board, Chancery Clerk Arthur Johnston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, his assistant Tammy McDaniel, County Engineer Rudy Warnock, 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 20th 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 matters pertaining to pending and threatened litigation were properly the subject of executive session,

Following a discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to enter into Executive Session to discuss pending or threatened litigation as provided 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 Board President Tim 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 20th day of October, 2008.

In re: Authorization to Settle Certain Items of Pending and Threatened Litigation

WHEREAS, Board Attorney Eric Hamer appeared before the Board in Executive Session and reported on two items involving litigation or threatened litigation against the county, and

WHEREAS, Mr. Hamer reported that the claim of Bear Creek Water Association was entitled to remuneration from the county relative to the cost of moving certain water lines to accommodate the widening of Gluckstadt Road had not yet been resolved but that further negotiations had occurred and that as the result thereof, he was prepared to recommend that the Board make a new offer unto said utility in a sum certain

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and direct the Board Attorney to offer up to a sum certain unto Bear Creek Water Association in settlement of said claim, provided that said utility complete the relocation of said lines within 90 days from the acceptance thereof. 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. Hamer is so authorized.

SO ORDERED this the 20th day of October, 2008.

Thereafter, Mr. Hamer presented a Resolution pertaining to the matter of the appeal by Hinds County, Mississippi et al of the decision of the Mississippi Department of Environmental Quality relative to the Bilberry Landfill, a true and correct copy of which is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Hamer suggested the Board's adoption of the same may lead to a dismissal of said appeal and to an ultimate resolution of the entire matter,

Thereafter, and following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to adopted the same. The vote on the matter being as follows:

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

the matter carried unanimously and said Resolution was and is hereby adopted.

SO ORDERED this the 20th day of October, 2008.

In re: Adjournment of Executive Session

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to adjourn the Executive Session and direct the Chancery Clerk to 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 Chancery Clerk did announce to the public the action taken therein.

SO ORDERED this the 20th day of October, 2008.

In re: Master Plan of Lake Caroline Planned Unit Development (PUD)

WHEREAS, Supervisor Tim Johnson drew the Board's attention to the matter of the Master Plan for the Lake Caroline Planned Unit Development (PUD) and to the recent decision of the Mississippi Supreme Court directing, inter alia, that the Board "conduct a full hearing considering the existence vel non of the purported 1989 Master Plan and adoption or amendments to the Master Plan, and to confirm, amend, or adopt a Master Plan and take such other actions as it deems advisable, as provided by law," and

WHEREAS, in light of said ruling Board Attorney Eric Hamer stated that the Circuit

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Date Signed: _____

Court of Madison County had today entered an Order remanding the matter back to this Board, and that, consequently, the Board should set down the matter for hearing and adjudicate the existence and composition of said Master Plan at its earliest opportunity,

Following discussion, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion (1) to set the matter of the existence vel non of the purported 1989 Master Plan of Lake Caroline for public hearing on December 1, 2008 at 9:00 am in the Board Room of the new addition to the Chancery and Administrative Building located at 125 West North Street, Canton, Mississippi and to consider the possible adoption of amendments to the Master Plan, and to confirm, amend, or adopt a Master Plan and take such other actions as it deems advisable, as provided by law at and during the course of said hearing, (2) to authorize and direct County Zoning Administrator Brad Sellers to advertise said public hearing in the manner required by law, to post appropriate signage in and around the development and provide direct notice by mail to those individuals and firms owning unimproved lands within said development, and (3) to acknowledge receipt of both the Order of the Mississippi Supreme Court dated October 16, 2008, and the Order of the Circuit Court of Madison County, Mississippi dated October 20, 2008, a true and correct copies of which is attached hereto as Collective Exhibit L, 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	Recused
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-0-1) and said public hearing was and is hereby set, the Zoning Administrator was and is hereby so authorized and instructed, and said Orders were and are hereby acknowledged.

SO ORDERED this the 20th 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 John Bell Crosby and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the October term of the Board of Supervisors was adjourned.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

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