

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

REGULAR MEETING OF NOVEMBER 17, 2008
Recessed from regular meeting conducted on November 3, 2008

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on November 17, 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
County Fire Coordinator Mack Pigg
County Zoning Administrator Brad Sellers
Chief Deputy Tax Assessor Kent Hawkins

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and 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 Increase of Assessments of 2008 Real Property
Pursuant to Miss. Code Ann. § 27-35-147 et seq.***

WHEREAS, on November 3, 2008, the Board determined that November 17, 2008 would be an appropriate date for a public hearing on the matter of increasing real property assessments for 2008 on certain parcels in the county and did set said date for said hearing to begin at the hour of 9:00 am, and

WHEREAS, the Chancery Clerk did prepare and serve the appropriate notice thereof by registered mail to the affected property owners, and the Board does find that said notice was sufficient, and

WHEREAS, the petition listing the property owner, the parcel number, and amount of the proposed assessment increase is attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference, and

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WHEREAS, the hour of 9:00 am did arise and the Board President did declare the public hearing on said proposed increase to be open, and

WHEREAS, no one did appear to contest or protest said assessment increase,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to close the public hearing and approve the assessment increase for those individuals and parcel number as set forth in the aforesaid petitions. 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 assessment of the parcels reflected thereon was and is hereby approved and adopted.

SO ORDERED this the 17th day of November, 2008.

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Donnie Caughman had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (10) 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

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

- 2. Acknowledge Clerk of the Board Report for Month of October, 2008.**
(A true and correct copy of said Report is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference.)
- 3. Acknowledge Countywide Cleanup Campaign and Authorize Advertising Thereof.**
(A true and correct copy of a Notice setting forth the details thereof is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
- 4. Approve 16th Section Lease with Horace B. Lester, Jr. Pertaining to 5 +/- Acres in the E 1/4 of the SW 1/4 of Section 16, Township 7 North, Range 2 East, Bearing Tax Parcel No. 072E-16C-002/04.00.**
(A true and correct copy of the subject Renegotiated Lease may be found in the Miscellaneous Appendix to these Minutes.)
- 5. Declare November 27 and 28, 2008; December 25 and 26, 2008; and January 1 and 2, 2009 Legal Holidays and Direct that County Courthouses and all County Offices be Closed on Said Dates and Acknowledge Proclamation to Such Effect by the Governor.**
(A true and correct copy of said Proclamation is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
- 6. Authorize All Election Commissioners to Attend Annual Election Commissioner's Association of Mississippi Training Seminar January 28 and 29, 2008 and Approve Travel and Registration Expenses Related Thereto.**

President's Initials: _____

Date Signed: _____

7. **Approve Utility Permits.** The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and the applications for which are attached *en masse* hereto as Collective Exhibit E, spread hereupon, and incorporated herein by reference:
- (1) CenterPoint Energy - seeking to extend a 2 inch plastic main 1100 feet north on the east side of Bellevue Drive and Caroline Boulevard.
 - (2) AT&T - seeking to place 1800 feet of 200 pair copper cable and a 24 fiber cable from the east side of Calhoun Station Parkway to the west side.
 - (3) ComCast- seeking to place underground cable by means of trenching and boring under Lexington Drive.
8. **Approve Contract with Central Building Consultants LLC to Oversee and Inspect Repair Work on Historic Courthouse Roof and Authorize Board President to Execute.**
(A true and correct copy of said Contract (in the form of a Proposal) together with an explanatory memorandum from County Purchase Clerk Hardy Crunk dated November 12, 2008 are attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
9. **Accept and Award Bids for Certain Road Department Equipment, Take Other Bids Under Advisement and Take Term Bids for Asphalt and Asphalt Related Services Under Advisement.** The actions recommended by County Purchase Clerk Hardy Crunk as set forth on that certain memorandum dated November 12, 2008 regarding Road Department equipment bids and asphalt bids were and are hereby taken and Mr. Crunk was and is authorized accordingly.
10. **Acknowledge Credit Card Report for the Month of October, 2008.**
(A true and correct copy of that certain memorandum dated November 12, 2008 from County Purchase Clerk Hardy Crunk 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 |

the matter carried unanimously, and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 17th day of November, 2008.

***In re:* Budget Amendment to Fund Improvement to Various Roads During FY 2009**

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a list of nine (9) roads in Madison County which he considered to be in need of significant repair or overlay, a true and correct copy of which is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that additional funds were needed to complete said projects in light of substantial increased construction and material costs, particularly asphalt prices, and

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WHEREAS, Mr. Warnock recommended a budget amendment in the amount of up to \$184,060.00 as reflected on said list to fund said projects, the same to include the winterization of Dewese Road via the application of 4 inches of crushed limestone, and

WHEREAS, County Administrator Donnie Caughman reported that the funds for such amendment must come from the asphalt budget of the road fund, as follows:

| | <u>Old Budget Amount</u> | <u>Amount of Adjustment</u> | <u>New Budget Amount</u> |
|-------------|--------------------------|-----------------------------|--------------------------|
| 150-300-918 | 204,392.00 | 60,000.00 | 264,392.00 |
| 150-300-923 | 230,144.00 | 80,000.00 | 310,144.00 |
| 150-300-974 | 195,000.00 | (140,000.00) | 55,000.00 |

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and approve the projects set forth on said list and authorize and approve the above and foregoing budget amendments to fund 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 projects and budget amendments were and are hereby approved.

SO ORDERED this the 17th day of November, 2008.

In re: Comprehensive Plan for Madison County

WHEREAS, Clarke Holmes, Chief Executive Officer, Central Mississippi Planning & Development District appeared before the Board and presented documentation reflecting the growth of Madison County in accordance with various comprehensive plans adopted and approved by the Board at various times, and

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

WHEREAS, Mr. Holmes suggested that the Board may desire to continue the planning and development process with his agency in the future and presented the Board with that certain "Resolution Requesting Central Mississippi Planning and Development District to Submit Proposal to Update Comprehensive Plan for Madison County," a true and correct copy of which is attached hereto as Exhibit I, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said Report and approve and adopt said Resolution. 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 Report was and is hereby acknowledged and said Resolution was and is hereby adopted.

SO ORDERED this the 17th day of November, 2008.

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In re: Appointments to West Madison Utility District Board of Directors

WHEREAS, Supervisor Karl M. Banks reported that in light of the recent resignations of two members of the West Madison Utility District Board of Directors, he was nominating Tony Grant and Lawrence Morris to fill said positions,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to appoint Mr. Tony Grant and Mr. Lawrence Morris to fill vacancies on the West Madison Utility District Board of Directors. 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 individuals were and are hereby so appointed.

SO ORDERED this the 17th day of November, 2008.

In re: Appointments to Farmhaven Fire Protection District Board of Directors

WHEREAS, Supervisor Paul Griffin reported that the term of Mr. Charles Rice on the Farmhaven Fire Protection District Board of Directors was set to expire shortly and he was desirous of re-appointed Mr. Rice thereto, and

WHEREAS, Mr. Griffin also reported that a vacancy on said Board had occurred due to the death of Mr. Gene Buckley and that he was desirous of nominating Mr. Robert Bilbrew as his replacement,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to re-appoint Mr. Charles Rice to the Farmhaven Fire Protection District Board of Directors and to appoint Mr. Robert Bilbrew to fill the unexpired term of Mr. Gene Buckley on said Board. The vote on the matter being as follows:

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

the matter carried unanimously and Mr. Rice was and is hereby reappointed to the Farmhaven Fire Protection District Board of Directors and Mr. Bilbrew was and is hereby appointed to said Board to fill the unexpired term of Mr. Gene Buckley.

SO ORDERED this the 17th day of November, 2008.

In re: Re-submission of Site Plan for Lake Caroline Storage Facility by Mr. Greg Popping

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented the written request of Mr. Greg Popping to renew and re-submit his site plan for a storage facility at Lake Caroline, the same having been approved on November 5, 2007, and

WHEREAS, Mr. Sellers advised that said approval was for a period of one year only and he had no authority to extend the period, and

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WHEREAS, Mr. Popping has not yet built a facility in accordance with said plans but desires to do so in the future,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to re-approve said site plans for an additional calendar year. 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 site plans were and are hereby re-approved for an additional calendar year.

SO ORDERED this the 17th day of November, 2008.

In re: Request for Refund on Building Permit by Mr. Larry Bailey

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented the written request of Mr. Larry Bailey seeking a refund of a permit fee in the amount of \$380.00 previously paid by him in order to add a boathouse on his property at 18 Bridgewater Drive, and

WHEREAS, Mr. Bailey has indicated that he does not plan to go forward with the project,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to grant a refund in the amount of \$380.00 unto Mr. Larry Bailey and to direct the Chancery Clerk to issue a pay warrant in said amount forthwith. The vote on the matter being as follows:

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

the matter carried unanimously and said refund was and is hereby approved and the Chancery Clerk was and is so authorized.

SO ORDERED this the 17th day of November, 2008.

In re: Tisdale Road Reconstruction Project

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented a report on the progress of the reconstruction of Tisdale Road and also presented quotes from Key, LLC and Bulldog Construction Company for the construction of a headwall inlet/outlet structure, and

WHEREAS, a true and correct copies of said quotes are attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Warnock reported that the quote from Bulldog Construction Company was lowest,

Following discussion, Mr. John Bell Crosby did offer and Mr. Tim Johnson did second a motion to accept the low quote of \$22,125.00 from Bulldog Construction Company and direct the

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issuance of a purchase order in said amount unto said firm for the installation of said headwall.
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 quote of Bulldog Construction Company was and is hereby accepted as the lowest and a purchase order was and is hereby directed to be issued unto said firm in the amount of \$22,125.00.

SO ORDERED this the 17th day of November, 2008.

In re: Request for Budget Amendments

WHEREAS, County Comptroller Mark Houston appeared before the Board and requested the Board's consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments November 17, 2008, 2008," a true and correct copy of which is attached hereto as Exhibit K, 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. 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 were and are hereby approved and adopted.

SO ORDERED this the 17th day of November, 2008.

***In re: Approval of Claims Docket
for November 17, 2008***

WHEREAS, the Board reviewed the claims docket for November 17, 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 | 454 to 1015 | 561 | 419,996.59 |
| 002 | 1 to 1 | 1 | 260.00 |
| 012 | 35 to 37 | 3 | 2,586.85 |
| 013 | 3 to 7 | 5 | 5,108.34 |
| 051 | 6 to 10 | 5 | 274,389.66 |
| 097 | 57 to 65 | 9 | 4,248.39 |
| 105 | 7 to 7 | 1 | 8,931.60 |
| 115 | 16 to 17 | 2 | 156.11 |

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| | | | |
|-----------------|------------|-----|--------------|
| 116 | 8 to 9 | 2 | 248.17 |
| 120 | 14 to 16 | 3 | 271.35 |
| 150 | 120 to 170 | 51 | 202,569.95 |
| 160 | 27 to 27 | 1 | 33,275.80 |
| 190 | 31 to 31 | 1 | 44.70 |
| 302 | 7 to 10 | 4 | 310,096.34 |
| TOTAL ALL FUNDS | | 649 | 1,262,183.85 |

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby 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 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 | 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 17th day of November, 2008.

In re: Approval of Certificate of the Board Authorizing Transactions with Trustmark National Bank

WHEREAS, County Comptroller Mark Houston appeared before the board and presented that certain document entitled “Certificate of the Board Authorizing Transactions with Trustmark National Bank,” a true and correct copy of which is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference and requested the Board approve the same so that the county’s direct deposit and other automated transactions might be continued with said Bank,

Following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to adopt and approve said document. 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 of the Board Authorizing Transactions with Trustmark National Bank” was and is hereby approved.

SO ORDERED this the 17th day of November, 2008.

In re: Authorization to Settle Claim of McGraw “Gotta Go” for the Destruction of a Certain Mobile Toilet at Rogers Park

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented the matter of the tragic and unfortunate destruction of *yet another* mobile toilet unit at Rogers Park – again by fire, and

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WHEREAS, Mr. Caughman reported that the owner of said mobile toilet (also known as a “potty,” or more specifically, a “porta potty”) has submitted documentation reflecting that the entire unit had been burned completely to the ground with nothing whatsoever salvageable therefrom, and

WHEREAS, such facts were verified by County Road Manager Lawrence Morris, and

WHEREAS, even though Board members again decried this horrendous and unspeakable loss to the county, Mr. Caughman suggested that in order to avoid litigation with the owner thereof, McGraw “Gotta Go,” a settlement was in order to compensate said firm for its burning, stinking loss, and

WHEREAS, according to an invoice submitted by said firm, the sum of \$480.00 would be necessary to replace said potty unit,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to settle the claim of McGraw “Gotta Go” by the payment of the sum of \$480.00 unto 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 the Chancery Clerk was and is authorized to issue a pay warrant in said amount unto said firm.

SO ORDERED this the 17th day of November, 2008.

In re: Approval of \$1,500.00 Per Year Raise unto Albert Jones

WHEREAS, County Administrator Donnie Caughman appeared before the board and reported that because County Patrolman Albert Jones had been certified by the Mississippi Law Enforcement Officers’ Training Academy, he was eligible to receive a pay raise of up to \$1,500 per year as County Patrolman,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said raise, effective immediately. 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 raise was and is hereby approved.

SO ORDERED this the 17th day of November, 2008.

In re: Request of Holmes Community College Ridgeland Campus to Clear Property

WHEREAS, County Administrator Donnie Caughman appeared before the Board and reported that Holmes Community College was requesting that the county clear trees and brush and other debris from a certain three (3) acre tract on its Ridgeland campus in order to create additional parking areas,

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Following discussion, Mr. Karl M. Banks did offer and Mr. Tim Johnson did second a motion to authorize and direct the Road Manager to perform such services on behalf of Holmes Community College using county forces contingent upon the school making such a request in writing. 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 approved, and the Road Manager was and is so authorized.

SO ORDERED this the 17th day of November, 2008.

In re: Consideration of Claim for Reimbursement - Bear Creek Water Association, Inc. Regarding the Gluckstadt Road Widening Project

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and presented the written request of Bear Creek Water Association, Inc., seeking reimbursement for its costs in the amount of \$42,570.60 associated with the relocation of its water and sewer lines along and as a part of the Gluckstadt Road Widening Project in accordance with the letter agreement with said firm dated November 20, 2008, and

WHEREAS, a true and correct copy of said written request together with the letter agreement are attached hereto as Exhibit N, 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 payment, noting that the county's responsibility for such relocation shall not exceed a total of \$300,000.00. 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 and directed to issue a pay warrant in the amount of \$42,570.60 unto Bear Creek Water Association, Inc.

SO ORDERED this the 17th day of November, 2008.

In re: Authority to Advertise for Bank Depositories

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and reported that the county's bid for county depositories for the year 2008 was set to expire in January, 2009, and that it was necessary to again advertise for the same, and

WHEREAS, Mr. Johnston requested authority to publish an invitation to bid and to correspond with as many potential bidders as possible to encourage a wide range of participation,

Following discussion, Mr. Paul Griffin did offer and Mr. D. I. Smith to authorize and direct the Chancery Clerk to publish an Invitation for Bids for county depositories for both a one year and a two year term, said bids to be received by 10:00 am Tuesday, December 16, 2008 in the Office of the Chancery Clerk, Rooms 225-228, located on the second floor of the Chancery/Administrative

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Building, 125 W. North St., Canton, Madison County, Mississippi, said bids include the rate of interest on checking accounts and all other services provided as the financial institutions may make for the privilege of keeping the County funds, or any part thereof and shall designate the kind of security as authorized by law which financial institutions propose to give as security for funds. The vote on the matter being as follows:

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

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

SO ORDERED this the 17th day of November, 2008.

In re: Correction, Nunc Pro Tunc, of the Minutes of the Madison County Board of Supervisors of April 16, 2007 Concerning the Tax Increment Financing Plan for the Neu Markt Project

WHEREAS, Chancery Clerk Arthur Johnston appeared before the Board and reported that he had been informed that the minutes of the Board of April 16, 2007 contained an error with regard to that certain “Resolution Approving the Adoption and Implementation of the “Tax Increment Financing Plan, Neu Markt Project, Madison County, Mississippi, April, 2007” found at Book 2007, Page 361 in that SECTION TWO thereof reflected that the county was “participating jointly with the City of *Jackson (the ‘County’)* to issue . . . Bonds . . .” when said SECTION TWO should have reflected that the county was “participating jointly with the City of *Canton (the ‘City’)* to issue . . . Bonds . . .”, and

WHEREAS, Mr. Johnston requested that the Board correct said Resolution and the minutes of said meeting as set forth above,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to correct the Minutes of the April term of the Board, namely the minutes of April 16, 2007 so as to reflect that the City of Canton and not the City of Jackson constituted the joint participant in the Neu Markt Tax Increment Financing 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 said minutes were and are hereby corrected, *nunc pro tunc*.

SO ORDERED this the 17th day of November, 2008.

In re: Approval of Memorandum of Understanding and Appraisal Documents Concerning a Land Swap with Canton One Park LLC

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented two proposed Memoranda of Understanding (MOU) between the county and Canton One Park LLC which would result in the county receiving slightly more property at the jail on Highway 51 and would further result in a “squaring up” of the property in question for the benefit of both the county and Canton One Park LLC, and

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WHEREAS, true and correct copies of said MOUs are attached hereto as Collective Exhibit O, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adopt and approve said MOUs. 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 MOUs with Canton One Park LLC were and are hereby adopted and approved.

SO ORDERED this the 17th day of November, 2008.

***In re: Approval of Memorandum of Understanding with Martin Meadowlands
Concerning the Donation of Right of Way for Calhoun Station Phase III Project***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented a proposed Memorandum of Understanding (MOU) between the county and Martin Meadowlands, LLC in which the county would receive the donation of certain rights of way on and along the proposed route of the proposed Calhoun Station Phase III project, and

WHEREAS, true and correct copies of said MOU is attached hereto as Exhibit P, spread hereupon and incorporated herein by reference,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to adopt and approve said MOU. The vote on the matter being as follows:

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

the matter carried unanimously and said MOU with Martin Meadowlands LLC was and is hereby adopted and approved.

SO ORDERED this the 17th day of November, 2008.

In re: Approval of Additional Utility Permits

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented the following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way and recommended their approval:

- (1) Bear Creek Water Association - seeking to install a 12 inch PVC water line across Old Jackson Road
- (2) Bear Creek Water Association - seeking to install a 12 inch PVC water line under Catlett Road, and

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

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Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said permits. 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 utility permits were and are hereby approved.

SO ORDERED this the 17th day of November, 2008.

In re: The Need for Cellular Telephone Service in North Madison County

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct County Administrator Donnie Caughman to prepare and send correspondence to Cellular South, AT&T and Verizon requesting that said firms erect a cell tower or towers in north Madison County in order to serve the citizens of the area, with a copy thereof to the Madison County School District seeking its support as well. 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 was and is so directed.

SO ORDERED this the 17th day of November, 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. D. I. Smith 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 the Board, Chancery Clerk Arthur Johnston, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, his assistant Tammy McDaniel, Right of Way Agent Woody Sample, 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 | Not Present and Not Voting |
| Supervisor Paul Griffin | Not Present and Not Voting |

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the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 17th day of November, 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, and, further that the matter of acquisition of real property was also properly the subject of executive session,

Following a discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss pending or threatened litigation and the acquisition of real property 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 | Not Present and Not Voting |
| Supervisor Paul Griffin | Aye |

the matter carried by the unanimous vote of those present 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 17th day of November, 2008.

In re: Certain Items of Pending and Threatened Litigation

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

WHEREAS, Mr. Hamer reported that Tower Automotive, LLC, AT&T and Nissan North America, Inc. have each perfected appeals against the county based upon the Board's assessment of their real and personal property for the year 2008, and

WHEREAS, Mr. Hamer requested that the Board allow him to associate legal counsel to assist him in the defense thereof, such appeals being a specialized area of law,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to authorize and approve Board Attorney Eric Hamer to associated special counsel of his own choosing to assist him and the county in the defense of said appeals. 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. Hamer was and is so authorized.

SO ORDERED this the 17th day of November, 2008.

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Thereafter, Mr. Hamer drew the Board's attention to that certain Settlement Agreement and Release pertaining to the claims of Tower Automotive, LLC relative to its appeal of its 2008 real and personal property assessments, and

WHEREAS, Mr. Hamer reported that the Tower appeal included claims for a refund of certain double assessments for the years 2005 and 2006 as set forth in said Settlement Agreement and Release, and that, in his estimation, those claims were viable and were matters on which Tower was likely to prevail should the matter proceed through litigation, and

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

WHEREAS, Mr. Hamer reported that the Settlement Agreement and Release required the county to refund Tower \$197,473 on or before December 15, 2009 and on or before December 15, 2010, the majority of which refunds constituted school levy revenues which would necessarily result in a shorting of the Tax Collector's settlement to the Madison County School District for those two months, and

WHEREAS, the execution of said Settlement Agreement and Release would result in the dismissal of the appeal filed by Tower Automotive, LLC, and

WHEREAS, Mr. Hamer recommended the Board approve said Settlement Agreement and Release subject to the approval of Madison County Superintendent of Schools, Mike Kent,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to approve said Settlement Agreement and Release subject to the approval of Madison County Superintendent of Schools, Mike Kent. 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 Settlement Agreement and Release was and is hereby approved.

SO ORDERED this the 17th day of November, 2008.

Thereafter, County Administrator Donnie Caughman advised the Board that he had recently discovered that ad valorem tax notices issued to taxpayers in the areas recently annexed by the City of Madison contained the solid waste tax levy.

WHEREAS, Mr Caughman reported that these same taxpayers were also being assessed a fee for an additional day of garbage collection by the City on the assumption that the solid waste levy would not be assessed to them, and

WHEREAS, Mr. Caughman reported that Tax Assessor Gerald Barber assured him that in making up the 2008 assessment rolls, he (Barber) had consulted with representatives of the City on several occasions, and all were in agreement that the levy should remain, given the short length of time between the finalization of the annexation appeal and the presentation of the tax rolls to the Board, and

WHEREAS, Mr. Caughman reported, however, that the agreement between the City and the County concerning garbage collection previously approved by the Board assumed that no county solid waste taxes would be collected; accordingly, and in order to rectify the situation, Mr. Caughman proposed that the Board approve a refund of those taxes to those taxpayers after the first of the year, the same to be calculated by his office in conjunction with the Tax Collector.

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However, following discussion, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion (1) to allow the solid waste levy to remain and to continue to provide residents of the annexation area with garbage collection once a week through September, 2009 (which is the anniversary date of the county's contract with Red River Service Corporation) at county expense as required by statute given the county's contract with Red River, and (2) to direct Red River to provide an additional day per week of garbage collection at the expense of the City of Madison in the newly annexed area and to charge the City of Madison for the cost of the one additional day per week through September, 2009, and (3) direct Board Attorney Eric Hamer to correspond with the attorney for the City of Madison in order to advise the City of this development. The vote on the matter being as follows:

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

the matter carried by a majority vote (3-2) of the Board and said levy shall remain and such garbage service shall continue at the expense of the county.

SO ORDERED this the 17th day of November, 2008.

In re: Acquisition of Real Property in Connection with the Stribling Road Improvements Project and the Old Rice Road Reconstruction Project

WHEREAS, Mr. Woody Sample appeared before the Board and presented a counter-offer received from the attorney representing the Bouldin Family in connection with the county's efforts at the acquisition of permanent right of way and temporary easements for the Stribling Road Improvements Project, and

WHEREAS, the Board has previously established just compensation for the property at \$125,650.00; however, said counter-offer is in the amount of \$155,539.00,

Thereafter, and following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) accept said counter-offer, (2) establish just compensation in the amount of \$155,539.00 on the Bouldin Estate property being Parcel 3 for right of way and a temporary easement for the implementation of the Stribling Road Improvements Project, (3) authorize Mr. Sample to extend an offer to said family in said amount, and (4) direct the Chancery clerk to issue a pay warrant in said amount upon the execution by the family of all necessary documentation. 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 counter offer was and is hereby accepted, just compensation established, and Mr. Sample and the Chancery Clerk were and are hereby so authorized and directed.

SO ORDERED this the 17th day of November, 2008.

Thereafter, Mr. Sample reported on his efforts to negotiate the acquisition of right of way for the removal of the dangerous hill on Old Rice Road, known as the Old Rice Road Reconstruction Project.

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WHEREAS, Mr. Sample indicated that members of the Lauderdale family continued to list concerns and objections to the project despite the responses of the County Engineer to said concerns,

Following discussion, and in an effort to move the project forward, Mr. Tim Johnson did offer and Mr. Karl M. Banks did second a motion to authorize and direct Board Attorney Eric Hamer to begin condemnation proceedings against said property by means of the "quick take" statute, 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. Hamer was and is so authorized and directed.

SO ORDERED this the 17th day of November, 2008.

In re: Adjournment of Executive Session

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin 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 17th day of November, 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 John Bell Crosby and approved by the unanimous vote of those present, the November 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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