

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

REGULAR MEETING OF DECEMBER 1, 2008
Being the first day of the December 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 December 1, 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:

Absent:

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

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
Assistant Comptroller and Deputy Chancery Clerk Quandice Green
County Purchase Clerk Hardy Crunk
County Engineer Rudy Warnock

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. County Administrator Donnie Caughman opened the meeting with a prayer and Sheriff Toby Trowbridge 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 November 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 November 2008 term, said meetings having been conducted on November 3, and November 17, 2008,

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

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	Aye
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Aye

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 15 (12/1/08)

the matter carried by the unanimous vote of those present and the Minutes for the November 2008 term of the Board of Supervisors of Madison County were and are hereby approved as amended.

SO ORDERED this the 1st day of December, 2008.

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

WHEREAS, in its meeting of October 20, 2008, the Madison County Board of Supervisors was informed of 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 decision, Board Attorney Eric Hamer informed the Board that the Circuit Court of Madison County had that same date entered an Order remanding the matter back to this Board, and

WHEREAS, on October 20, 2008, the Board directed the advertisement of its intent to conduct a public hearing to consider and act upon a Master Development Plan for the Lake Caroline Planned Unit Development in accordance with said ruling, and authorized the publication of notice in the *Madison County Herald*, a newspaper of general circulation in Madison County, and directed that the Zoning Administrator publish notice in said paper, the same having been accomplished on November 6, 2008 and November 13, 2008, and

WHEREAS, the Board further authorized and directed County Zoning Administrator Brad Sellers to further advertise said public hearing by posting appropriate signage in and around the development and by direct notice by mail to those individuals and firms owning unimproved lands within said development, such now having also been accomplished, 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 open the public hearing to consider and act upon a Master Development Plan for the Lake Caroline Planned Unit Development, and

WHEREAS, Board Attorney Eric Hamer appeared before the Board and gave an overview of the legal circumstances surrounding today’s hearing and reported that Supervisor Karl M. Banks had received an Opinion from the Mississippi Ethics Commission stating that he had a conflict of interest with regard to the matter in question due to the fact that he was a dues paying member of the Lake Caroline Homeowners Association, a party in interest herein, as well as an owner of property in the PUD and that, consequently, it would be a conflict of interest for him to vote or participate in any way in the deliberations of this matter, and

WHEREAS, Mr. Hamer reported that he had instructed Mr. Banks to not appear in the Board room at all during the pendency of this matter, and

WHEREAS, County Zoning Administrator Brad Sellers appeared before the Board and presented what his office believed to have been the Master Development Plan for Lake Caroline as adopted by the Board of Supervisors in the years 1989, 1998, 2001 and 2003, and the same were marked as *County Exhibits 1 through 4*, respectively and may be found in the Miscellaneous Appendix to these Minutes, and

President’s Initials: _____

Date Signed: _____

For Searching Reference Only: Page 2 of 15 (12/1/08)

WHEREAS, Glenn G. Taylor, Esq. of the law firm of Copeland Cook Taylor & Bush, P. A. Appeared before the Board on behalf of Lake Caroline, Inc. (LCI) and argued, inter alia, that the 2003 Master Plan of Lake Caroline was in force and effect and that no change in the character of the neighborhood had occurred, nor had there been a public need for a change in the PUD zoning in the Lake Caroline area which would support changes to the 2003 Master Plan, and

WHEREAS, Mr. Chris Watson, a city planner, testified to the same effect, noting that construction in the Lake Caroline area had dramatically slowed and consequently, in his opinion there could be no possibility that a public need for additional residential lots in the PUD existed, and

WHEREAS, Steve Smith, Esq. appeared on behalf of the Lake Caroline Home Owners Association (LCHOA) and argued that technical deficiencies associated with prior meetings and actions of the Board of Supervisors should not be determinative of the outcome of today's proceedings and that because the 1998 Master Plan has been recognized and followed by the developers, the homeowners and the government, it should be found to exist and the owner of the golf course should not be entitled to alter the plan, and

WHEREAS, G. Todd Burwell, Esq. appeared on behalf of A & F Properties, LLC (A&F) and Craig Foshee, the owner of the golf course lands, and argued that today's hearing and the entire controversy associated with the Lake Caroline golf course is not a matter of zoning or re-zoning but is, in actuality and in law, a matter of whether the owner of that property has the right, after a certain period of time set forth as a deed condition has expired, to change the use of the property he owns that otherwise meets the county's PUD zoning requirements, and

WHEREAS, Mr. Burwell requested that the record of all prior proceedings associated with this matter be made a part of the record herein and Mr. Burwell shall be required to present a copy of said record to the Clerk for inclusion in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Al Sage, Mr. Ray Lyle, Mr. Greg Logan, Ms. Jamie Rogers, Ms. Diane Lovelady, Mr. Ruben Rodriguez, Mr. John Deem, Mr. Marvin Vernon, Mr. Steve Hendricks, Ms. Paula O'Meyer, Mr. Frank Fortner, Mr. Kevin Brumfield, Mr. John Williams, and Ms. Irene Donelson all appeared before the Board either as or on behalf of residents of Lake Caroline, and

WHEREAS, Lake Caroline, Inc. submitted a total of forty (40) exhibits, true and correct copies of which may be found in the Miscellaneous Appendix to these Minutes, as detailed on that certain Comprehensive Exhibit List, a true and correct copy of which is attached to these Minutes as Exhibit B, spread hereupon and incorporated herein by reference, and

WHEREAS, the Lake Caroline Homeowners Association submitted a total of eleven (11) exhibits, the last one of which contains numerous protest/objection letters, true and correct copies of all of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, A & F Properties, LLC submitted a total of fourteen (14) exhibits, as detailed on that certain Exhibits Index, a true and correct copy of which is attached to these Minutes as Exhibit C, spread hereupon and incorporated herein by reference, and

WHEREAS, the Board acknowledged receipt of a Resolution from the Federation of Madison County Homeowners Associations, the written statements of many of those appearing before the Board, as well as a myriad of written petitions, letters and protestations, true and correct copies of all of which may be found in the Miscellaneous Appendix to these Minutes,

Following additional discussion and after entertaining closing arguments by counsel for LCI, LCHOA and A&F, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to close the public hearing. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 3 of 15 (12/1/08)

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 the public hearing on the matter of the consideration of a Master Development Plan for the Lake Caroline Planned Unit Development District was and is hereby closed.

SO ORDERED this the 1st day of December, 2008.

Thereafter, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to find, determine, and declare that the purported 1989 Master Plan of Lake Caroline does not exist. 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 said finding was and is hereby made and entered of record.

SO ORDERED this the 1st day of December, 2008.

After further discussion, and questions and statements from Board members, and after due consideration of the testimony and evidence adduced at the hearing, and having heard and considered arguments of counsel, Mr. Tim Johnson did offer and Mr. Paul Griffin did second a motion to adopt the 2003 Master Plan of Lake Caroline, the same being County Exhibit 4 described herein above, as the 2008 Master Plan of the Lake Caroline PUD District, provided, however, that the 154 acre tract owned by A & F Properties designated thereon as a golf course now be designated for residential development.

Prior to the call of the question on the motion, Mr. D. I. Smith offered an amendment thereto to require that all residential developments within the Lake Caroline PUD be a part of the Lake Caroline Home Owners Association and abide by its covenants. The amendment failed for lack of a second.

The Board President then called the question on the previous motion with the following result:

Supervisor John Bell Crosby	Aye
Supervisor Tim Johnson	Aye
Supervisor D. I. Smith	No
Supervisor Karl M. Banks	Not Present and Not Voting
Supervisor Paul Griffin	Abstained

the matter carried by a majority (2-1-1) vote of the Board, and the 2008 Master Plan of Lake Caroline PUD District was and is hereby adopted as set forth above.

SO ORDERED this the 1st day of December, 2008.

President's Initials: _____
Date Signed: _____

***In re: Public Hearing Regarding Capital Improvements (CAP)
Loan for Design, Construction and Equipping of South Madison
County Fire District Station No. 2, Lake Caroline***

WHEREAS, pursuant to Miss Code Ann. § 65-7-121, the Board of Supervisors previously advertised a notice for a public hearing for the purpose of authorizing and approving a capital improvements (CAP) loan through the Mississippi Development Authority in order to design, construct and equip the South Madison County Fire Station No. 2 to be located at Lake Caroline, and

WHEREAS, a true and correct copy of the proof of publication of said notice is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference, and

WHEREAS, the date and hour for said public hearing did arrive and the Board of Supervisors declared the public hearing open for comment and testimony concerning the intent to enter into a loan agreement with the Mississippi Development Authority for the purposes of completing the aforesaid capital improvements, and

WHEREAS, no one appeared and objected to the resolution declaring the county's intent to enter into a loan agreement with Mississippi Development Authority in the principal amount not to exceed seven hundred fifty thousand (\$775,000) for the purpose of completing the capital improvements identified above,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to close the public hearing and approve said loan agreement with the Mississippi Development Authority for the purposes of completing capital improvements as set forth above. The vote on the matter being as follows:

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

the matter carried unanimously, and public hearing was and is hereby closed and said loan agreement was and is hereby approved.

SO ORDERED this the 1st day of December, 2008.

In re: Approval of Consent Agenda Items

WHEREAS, Board President Tim Johnson did announce that the Board President and County Administrator Donnie Caughman had conferred in advance of the meeting and did recommend that Items (4) through (14) 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, Board President Tim Johnson requested that Item (15) be added to the Consent Agenda as a "Approve Zoning Matter - Petition for Variance to M&F Bank," Item (16) "Approve Zoning Matter - Request for Special Exception to Billingsley Horse Farm, LLC," and Item (17) "Approve Zoning Matter - Site Plan to Logistic Center," and

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 5 of 15 (12/1/08)

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

4. **Acknowledge November Monthly Report - Road Department**
(A true and correct copy of the November 2008 Monthly Road Department Report submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
5. **Acknowledge November Closed Call Analysis - Road Department**
(A true and correct copy of the November 2008 Closed Call Analysis submitted by the County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
6. **Acknowledge December Service Call Schedule Report - Road Department**
(A true and correct copy of the December Road Department Service Call Schedule submitted by County Road Manager Lawrence Morris may be found in the Miscellaneous Appendix to these Minutes.)
7. **Approve Request for Postage to the Tax Collector**
(A true and correct copy of memorandum dated November 6, 2008 from Tax Collector Kay Pace is attached hereto as Exhibit E, spread hereupon and incorporated herein by reference.)
8. **Authorize All Supervisors, County Administrator, Comptroller, Board Attorney, Road Manager, County Engineer and Chancery Clerk to Attend the Mississippi Association of Supervisors Mid-Winter Conference January 12-14, 2009 at the Jackson Hilton, Jackson, Mississippi and Approve Travel and Registration Expenses Related Thereto.**
9. **Approve Purchase of Laptops for Constables Bill Wiesenberger and Johnny Sims**
(A true and correct copy of that certain memorandum dated November 25, 2008 from Purchase Clerk Hardy Crunk is attached hereto as Exhibit F, spread hereupon and incorporated herein by reference.)
10. **Approve *En Masse* Petition for Reduction 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 G, spread hereupon and incorporated herein by reference.)
11. **Approve Petition for Increases of Assessments of Personal Property for the 2008 Tax Year**
(A true and correct copy of Petition, as accepted by taxpayer, is attached hereto as Collective Exhibit H, spread hereupon and incorporated herein by reference.)
12. **Approve *En Masse* Petition for Reduction 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 I, spread hereupon and incorporated herein by reference.)
13. **Approve Amended Homestead Applications - 2008 Tax Year**
(A true and correct copy of said Applications are attached hereto as Collective Exhibit J, spread hereupon and incorporated herein by reference.)
14. **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 K, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

15. **Approve Zoning Matter - M&F Bank**
(A true and correct copy of the Petition for variance to front setback in the C-2 District, Distribution Drive 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 - Billingsley Horse Farm, LLC**
(A true and correct copy of Petition for variance to side setback in the R-1 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. **Approve Zoning Matter -Logistics Center**
(A true and correct copy of site plan for the Nissan supplier 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.)

The vote on the matter being as follows:

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

the matter carried unanimously and each item was and is approved, adopted and authorized.

SO ORDERED this the 1st day of December, 2008.

In re: Discussion Regarding Purchase of Dump Trucks - Road Department

WHEREAS, County Purchase Clerk Hardy Crunk appeared before the Board and requested the Board accept the low bid of Old River Trucks Sales for the purchase of two single axle dump trucks, approve certain budget amendments, and reject all bids for the purchase of new, tandem axle dump trucks, all as set forth in that certain memorandum dated November 24, 2008, and

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

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to (a) accept the low bid of Old River Truck Sales for the purchase of two GMC single-axle dump truck at a total price of \$138,467.26, and approve the purchase of same; (b) approve the following transfers/budget amendments:

- (1) transfer \$9,500 from fund 150-300-919 to fund 160-300-919;
- (2) transfer \$5,000 from fund 150-300-645 to fund 160-300-919;
- (3) transfer \$6,000 from fund 160-300-636 to fund 160-300-919;
- (4) transfer \$5,000 from fund 160-300-646 to fund 160-300-919;
- (5) transfer \$100,000 from fund 160-300-805 to fund 160-300-919;

and (c) reject all bids on new tandem-axle dump and tractor trucks and keep current fleet for at least two additional years. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 7 of 15 (12/1/08)

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 actions were and are hereby taken as requested in said memorandum.

SO ORDERED this the 1st day of December, 2008.

In re: Approval of Claims Docket for December 1, 2008

WHEREAS, the Board reviewed the claims docket for December 1, 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	1026 to 1187	162	445,388.06
012	40 to 52	13	15,411.72
013	8 to 9	2	12,770.79
014	3 to 3	1	2,464.57
095	5 to 6	2	17,380.48
097	68 to 76	9	28,265.59
105	8 to 10	3	14,377.17
113	4 to 5	2	3,567.38
114	3 to 4	2	41,840.28
115	19 to 21	3	140,160.05
116	10 to 10	1	106.73
120	17 to 19	3	124.21
121	8 to 8	1	184.98
137	4 to 4	1	77.12
150	173 to 206	34	121,342.93
160	29 to 29	1	55,273.00
190	33 to 41	9	4,823.18
240	3 to 3	1	4,061.15
302	12 to 13	2	55,684.90
305	3 to 3	1	96,930.92
401	4 to 5	2	25,914.64
690	5 to 6	2	25,611.92
691	5 to 6	2	14,128.82
TOTAL ALL FUNDS		259	1,125,890.59

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 M, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

the matter carried unanimously and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 1st day of December, 2008.

In re: Approve Assignment of Host Fee Agreement with IESI MS and Madison County, Mississippi unto the NCL Waste, LLC at the Request of and with the Written Consent of the Bilberry Family Partnership

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented that certain Letter of Agreement assigning the Host Fee Agreement from IESI MS to NCL Waste, LLC, together with related materials, a true and correct copy of which is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Caughman did further explain that the Board had previously approved a Host Fee Agreement with IESI MS on January 17, 2003, which, by its terms, provided that it would be assigned to the Bilberry Family Partnership at such time as requested by Bilberry, and

WHEREAS, by correspondence dated November 20, 2008, from B. R. Fox & Associates, PLLC, the Bilberry Family Partnership has requested that said assignment occur but that said agreement be assigned unto NCL Waste, LLC, and

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve the assignment as requested and approve that certain Letter of Agreement assigning the Host Fee Agreement from IESI MS to NCL Waste, LLC as contained in Exhibit N and authorize the Board President to execute same. The vote on the matter being as follows:

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

the matter carried unanimously and said assignment and the attendant Letter of Agreement were and are hereby approved and the Board President was and is hereby authorized to execute the same.

SO ORDERED this the 1st day of December, 2008.

In re: Approve Lease Agreement - Edward Johnson

WHEREAS, County Administrator Donnie Caughman appeared before the Board and presented that certain lease agreement between Madison County and Mr. Edward Johnson for a solid waste transfer station situated on a certain tract of land owned by Mr. Johnson containing four (4) acres, more or less, located in the west one-half of the Northwest Quarter of Section 26, Township 11 North, Range 4 East, Madison County, Mississippi, and

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

President's Initials: _____

Date Signed: _____

WHEREAS, Mr. Caughman reported that Mr. Johnson was willing to extend the term of the lease agreement from “one year” to “three year term,” thus making the agreement expire on December 31, 2011, provided that the county agree to make lease payments in the amount of \$500.00 per month unto Mr. Johnson,

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to approve said lease agreement changing the term from “one year” to “three year term,” thus making the agreement expire on December 31, 2011 and approve paying Mr. Johnson a monthly lease payment in the amount of \$500.00 and to authorize the Board President to execute the aforesaid lease agreement as amended. The vote on the matter being as follows:

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

the matter carried unanimously and said lease agreement was and is hereby approved and the Board President was and is hereby authorized.

SO ORDERED this the 1st day of December, 2008.

***In re: Approval of Interlocal Agreement
Between Madison County and Leake County***

WHEREAS, Board Attorney Eric Hamer appeared before the Board and presented an Interlocal Agreement Between Madison County and Leake County, Mississippi for improvements and maintenance of certain roads in Madison County, and

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

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to (1) approve said interlocal agreement, (2) authorize the Board President to execute the aforesaid interlocal agreement, and (3) direct the Board Attorney to forward same to the Attorney General’s office once approved by Leake County. The vote on the matter being as follows:

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

the matter carried unanimously and said interlocal agreement was and is hereby approved and the Board President was and is hereby authorized and the Board Attorney was and is hereby directed.

SO ORDERED this the 1st day of December, 2008.

***In re: Authorization of Warnock & Associates to Perform
Work of Canton One Property Exchange***

WHEREAS, County Engineer Rudy Warnock appeared before the Board and requested the Board specify in that certain Memorandum of Understanding with CantonOne Park, LLC that Warnock & Associates would perform the necessary survey for the donation of that certain tract of land being 1.5 acres and being located immediately adjacent to and south of the Justice

President’s Initials: _____

Date Signed: _____

For Searching Reference Only: Page 10 of 15 (12/1/08)

Complex and also immediately adjacent to and west of Highway 51, and

WHEREAS, a true and correct copy of said Memorandum of Understanding may be found as Exhibit Q to the Minutes of November 17, 2008,

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to specify that Warnock & Associates in the Memorandum of Understanding with CantonOne Park, LLC would perform the work set forth therein. The vote on the matter being as follows:

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

the matter carried unanimously and Warnock & Associates was and is hereby approved.

SO ORDERED this the 1st day of December, 2008.

In re: Acknowledge Construction Drawings and Spreadsheet on Twin Harbors Drainage Improvements

WHEREAS, County Engineer Rudy Warnock appeared before the Board and presented construction drawings and spreadsheet for drainage improvements in the Twin Harbors Subdivision, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin acknowledge receipt of said drawings and spreadsheet. 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 drawings and spreadsheet were and are hereby acknowledged.

SO ORDERED this the 1st day of December, 2008.

In re: Approval of Surveying and Marking of Ditch along Pisgah Bottom and Way Roads and Authorization of Board Attorney to Prepare Necessary Legal Descriptions and Conveyance Documents Needed in Order to Acquire Right of Way Associated Therewith

Following discussion, and at the request of County Engineer Rudy Warnock, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize and direct the County Engineer and his firm, Warnock & Associates, pursuant to his firm's general services contract with Madison County, to survey and mark a ditch along Pisgah Bottom and Way Roads and authorize and direct the Board Attorney to prepare all necessary legal descriptions and conveyance documents in order to acquire right of way associated therewith. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

the matter carried unanimously and the County Engineer and Board Attorney were and are so authorized.

SO ORDERED this the 1st day of December, 2008.

In re: Acknowledge Receipt of Funds by the Madison County Sheriff

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks received by his office as follows:

<u>Entity</u>	<u>Amount</u>
Hinds County	\$ 600.00
City of Madison	\$ 2,580.00
City of Madison	\$ 2,448.00
City of Ridgeland	\$ 8,364.00
City of Flora	\$ 414.00
Brevard Extradition	\$ 125.00
Visional State, Inc.	\$ 90.00
Valley Foods	\$ 2,172.46

Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to acknowledge receipt of said checks. 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 checks were and are hereby acknowledged.

SO ORDERED this the 1st day of December, 2008.

In re: Declaration of Certain Assets Surplus or Junk and Authorization to Delete from Inventory

WHEREAS, by memorandum dated November 24, 2008, a true and correct copy of which is attached hereto as Exhibit R, spread hereupon and incorporated herein by reference, County Inventory Control Clerk Loretta Phillips requested that certain items listed therein be declared junk and surplus property and requested that the same be deleted from county inventory, and

WHEREAS, the Board finds that said items have been replaced or disposed of and are of no further use to Madison County,

Therefore, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to find, determine and declare that those items listed in that certain memorandum dated November 24, 2008 are hereby declared junk and are directed to be deleted from county inventory and properly disposed of. The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

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

the matter carried unanimously and said items were and are so declared and authorized to be deleted from inventory and properly disposed of.

SO ORDERED this the 1st day of December, 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 real property acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. John Bell Crosby 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 certain pending or 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, County Administrator Donnie Caughman, County Comptroller and Deputy Chancery Clerk Mark Houston, Assistant County Comptroller and Deputy Chancery Clerk Quandice Green, Mr. Hamer’s assistant, Ms. Tammy McDaniel, Election Commissioner Sue Sautermiester, Mike Allred, Esq., 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 1st day of December, 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 certain pending or threatened litigation against the county that required discussion in executive session, and

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

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss certain items of pending or threatened litigation. The vote on the matter being as follows:

President’s Initials: _____

Date Signed: _____

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

the matter carried unanimously and 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 1st day of December, 2008.

Following discussion and upon information provided by Supervisor D. I. Smith and County Administrator Donnie Caughman, Mr. Tim Johnson did offer and Mr. D. I. Smith did second a motion to (1) pay the total bills of Red River Service Corporation associated with the collection of garbage in the areas of the county recently annexed by the City of Madison until such time as the sum of \$194,000 is reached as set forth in the Memorandum of Understanding entered into between the county and the City of Madison, a true and correct copy of which is attached to the Minutes of this Board of September 28, 2008 as Exhibit K, and thereafter begin billing the City of Madison for Red River's charges, and (2) authorize and direct Board Attorney Eric Hamer to prepare an amended and revised MOU with the City of Madison 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	No
Supervisor Paul Griffin	Aye

the matter carried by a majority vote (4-1) of the Board and said bills are ordered paid as received and the Board Attorney was and is so directed.

SO ORDERED this the 1st day of December, 2008.

Thereafter, Mr. D. I. Smith 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 1st day of December, 2008.

President's Initials: _____

Date Signed: _____

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor D. I. Smith and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Monday, December 15, 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: _____